



## Eastern Area Planning Committee

**Date:** Wednesday, 3 May 2023  
**Time:** 10.00 am  
**Venue:** The Allendale Centre, Hanham Road, Wimborne, Dorset, BH21 1AS

### Members (Quorum 6)

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

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

For more information about this agenda please contact Democratic Services  
Meeting Contact [megan.r.rochester@dorsetcouncil.gov.uk](mailto:megan.r.rochester@dorsetcouncil.gov.uk)

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

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### Agenda

Item		Pages
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence	
2.	<b>DECLARATIONS OF INTEREST</b>	
	To disclose any pecuniary, other registrable or personal interest as set out in the adopted Code of Conduct. In making their decision councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.	
	If required, further advice should be sought from the Monitoring Officer in advance of the meeting.	
3.	<b>MINUTES</b>	5 - 12

To confirm the minutes of the meeting held on Wednesday 5<sup>th</sup> April.

#### 4. **REGISTRATION FOR PUBLIC SPEAKING AND STATEMENTS**

Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting. Please refer to the Guide to Public Speaking at Planning Committee.

[GuidanceforspeakingatPlanningCommittee.doc.pdf](https://www.dorsetcouncil.gov.uk/GuidanceforspeakingatPlanningCommittee.doc.pdf)  
([dorsetcouncil.gov.uk](https://www.dorsetcouncil.gov.uk)).

The deadline for notifying a request to speak is 8.30am on Thursday 27<sup>th</sup> April.

#### 5. **PLANNING APPLICATIONS**

To consider the applications listed below for planning permission

#### 6. **P/OUT/2021/05751- LAND AT MATCHAMS STADIUM MATCHAMS LANE ST LEONARDS BH24 2BU** 13 - 84

Demolition of existing buildings and structures and erection of a continuing care retirement community with up to 330 extra care units (Use Class C2) and up to 60 bed care home (Use Class C2), associated communal and care facilities, landscaping and open space, Alternative Natural Greenspace (ANG), parking and infrastructure, means of access and internal access roads. Use of land as nature conservation area, to include ecological enhancements and restoration (outline application to determine access only with all other matters reserved).

#### 7. **P/VOC/2022/07839- LAND AT LEIGH ROAD COLEHILL WIMBORNE BH21 2BZ** 85 - 110

Application to Vary Condition 1 of Approved P/A 3/17/0848/FUL  
(*Hybrid planning application comprising*

*1) Full application for 44 dwellings with associated roads, footways, amenity areas, parking, open space, a drainage pumping station and a sustainable urban drainage system with surface water attenuation ponds in the eastern sector of the site as well as the provision of a principal access road from Leigh Road as per the scheme approved under ref 3/14/1097/FUL other than the amended surface water drainage arrangements and*

*2) Outline planning application for a First School of 1.2 hectares in extent with means of access via the road and footway system incorporated in the accompanying full application and other matters reserved:- all as part of the*

*development provided for under Policy WWMC8 of the Christchurch and East Dorset Local Plan Part 1 - Core Strategy (2014).)*

To vary the extent of the site access further to detailed discussions with Dorset Highways.

8. **P/RES/2022/08401- LAND EAST OF NEW ROAD WEST PARLEY** 111 -  
144
- Reserved Matters submission comprising layout, scale, appearance and landscaping pursuant to condition 1 of outline permission ref. 3/17/3609/OUT for Phase 2 comprising 148 dwellings (Use Class C3) with public open space and landscaping. Vehicular access off Christchurch Road and Church Lane as approved in the outline planning permission.
9. **P/FUL/2022/07443- WARLANDS, 71 BURNBAKE ROAD, VERWOOD BH31 6ES** 145 -  
160
- Erect 3 dwellings (amended scheme).
10. **P/FUL/2023/01030- KNOLL BEACH FERRY ROAD SWANAGE BH19 3AQ** 161 -  
176
- Disabled persons WC and changing building.
11. **URGENT ITEMS**
- To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972  
The reason for the urgency shall be recorded in the minutes.
12. **EXEMPT BUSINESS**
- To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended)  
The public and the press will be asked to leave the meeting whilst the item of business is considered.

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## EASTERN AREA PLANNING COMMITTEE

### MINUTES OF MEETING HELD ON WEDNESDAY 5 APRIL 2023

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

**Present remotely:** Cllrs

**Apologies:** Cllrs Mike Barron, Barry Goringe, Julie Robinson and John Worth

**Also present:**

**Also present remotely:**

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

Philip Crowther (Legal Business Partner - Regulatory), Kim Cowell (Development Management Team Leader), Elizabeth Adams (The Development Management Team Leader), Cari Wooldridge (Planning Officer), Diana Mezzogori-Curran and Steve Savage (Transport Development Manager)

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

344. **Agenda**

345. **Apologies**

Apologies for absence were received from Cllrs John Worth, Barry Goringe, Julie Robinson, Mike Barron.

346. **Declarations of Interest**

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

347. **Minutes**

The minutes of the meeting held on Wednesday 8<sup>th</sup> March were confirmed and signed.

348. **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.

349. **Planning Applications**

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

350. **P-FUL-2022-03050 - Change of use of agricultural buildings at Battle Farm to use Class B8 (storage or distribution) Battle Farm Throop**

An update from the Case Officer was provided as follows:

Cllr Wharf submitted a statement regarding the application after the officer report had been published and agreed for his statement to be relayed to members of the committee.

Cllr Wharf worked with the parish council in respect of this application and had expressed concerns that insufficient information had been received to enable proper consideration of the proposal. He supported the Parish Council's position on the application and requested the submission of revised baseline traffic figures that are independently verifiable prior to determination of the application.

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site in relation to settlement boundaries and explained the proposal and relevant planning policies to members. Photographs of the existing agricultural buildings were included in the officer presentation together with details of their scale and floorspace. Details regarding parking provision, job opportunities and the proposed parking bay and site access signage were provided. Members viewed short videos outlining routes to and from the site and informal passing places. The Case Officer outlined the history of the site as a poultry farm, noting the lawful agricultural use could include heavy goods vehicle movements.

The Case Officer informed members that concerns had been raised by the parish council and residents, particularly regarding the impacts on the area arising from an anticipated increase in traffic movement. However, members were informed that on balance no significant adverse impact has been identified and the benefits outweighed the potential harm. The Officer's recommendation was to approve, subject to conditions set out in the officer's report.

**Public Participation**

Residents, the Parish Council and Local Ward Member spoke in objection to the planning application. They raised their concerns regarding an anticipated increase in traffic movement, especially by HGV's, which they consider would be unsuitable travelling on narrow country roads and they believed would be detrimental to residents' way of life. They informed members that the road leading to the site access was used by a range of pedestrians and horse riders. If members were to approve the proposal, safety for local road users and residents would be impacted. Objectors also raised their concerns regarding the impacts on biodiversity and protected wildlife species. Residents were concerned about the lack of specific details as what would be stored or distributed at the site. They did not believe that the location was sustainable for the scale of the development. They found it

difficult to see any benefits and believed the proposed application was flawed due to reliance on unrealistic agricultural traffic movement data and additional traffic on highways including Yearlings Drove which is signed as being unsuitable for HGVs. Members were informed of the number of objectors due to the scale and increase in traffic movement. All objectors felt the site would result in harm and did not believe the benefits outweighed the harm.

The Parish Council explained their concern that tourist spending would be impacted as a result of harm to the environment and did not believe that economic benefits would result nor that environmental and public harm had been properly considered. The Local Ward member felt that the site did not meet the requirements of the area and considered that more engagement was necessary with the Parish Council. He recommended deferral to allow for more collaboration or refusal as they do not believe the proposed development was acceptable.

Mr Tregay and Mr Culhane spoke in favour of the proposed application. They believed that the site would have several benefits, including the creation of both part time and full-time jobs. They reiterated to members that the current building was no longer fit for purpose and the proposal would attract new businesses and would promote development. Mr Culhane explained that the transport statement was informed both by data from the previous operator and nationally accepted TRICs data which identified limited traffic movements would arise. He noted that no objections were raised by highways authority. They believed that there were no impacts on wildlife and hoped members would support the officer recommendation.

The Agent discussed how the development would create job opportunities. Mr Whittaker informed members that the visual impacts were small and believed that the site access was safe and suitable. The Agent assured members that a lot of time and planning had gone into the proposal and all areas had been considered. He hoped members would have confidence in the officer's recommendation and support.

Steve Savage, Dorset Council's Transport Development Manager, confirmed to members that no objections had been raised by the Highways team. Mr Savage accepted that issues had been raised regarding traffic movement, however, he reminded members that the site had a baseline unfettered agricultural use. He assured members that the appropriate measurements had been carried out and the predictions indicated that the traffic would not result in highway capacity or safety issues. The Transport Development Manager highlighted to members that the road network was typical of Dorset roads. He informed members that there were no highways safety reasons to refuse.

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

- Members felt that they needed more information on environmental impacts.
- Questions regarding when the previous site stopped operating.
- Point of clarification as to what would be stored on site.
- Comments regarding large number of parking spaces on site at one time.
- Queries about the storage of hazardous materials on site
- Members commented on the road being constructed for horses and carts and now being widely used by pedestrians.

- Comments about the limited width of the roads and informal passing places not being useable during winter months which could increase accidents. Would also result in verges and hedging being damaged due to passing cars.
- Concerns regarding detrimental effects on the environment and area.
- Alter the local quality of life for the worse.
- Clarification on collision data on the local road infrastructure.
- Site is in an isolated and unsustainable location.

Cllr Trite agreed with the Local Ward member to defer for more engagement with the Parish Council. A motion to defer the application was proposed by Bill Trite and seconded by Alex Brenton. On reconsideration, Cllr Alex Brenton withdrew her vote to second and the proposal fell.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, a motion to **refuse the officer's recommendation to approve planning permission as recommended**, was proposed by Cllr Alex Brenton, and seconded by Cllr Robin Cook.

**Decision: To overturn the officer's recommendation and refuse planning permission due to the site being in an isolated, inaccessible, and unsustainable location which is not appropriate for a storage and distribution use which is associated with potentially significant trip rates. The traffic movements generated along single track country roads through Briantspuddle and Throop will result in an adverse impact on the environment and the amenity of residents which is judged to outweigh the benefits of the scheme. The proposal is contrary to policies CO, D, E and IAT of the Purbeck Local Plan and NPPF para 83 and 105.**

351. **6/2021/0342 - Use of lake for recreational activities (outdoor swimming) and retrospective siting of shipping container to provide changing room facilities - Swineham Farm Bestwall Road Wareham BH20 4JD - Elizabeth Adams ( deferred at the 22 Feb 2023 Committee to allow notice to be served on a landowner)**

With the aid of a visual presentation, the Case Officer explained the planning application to Members. Details including photographs of site access and proposed design of changing rooms were provided. Members were informed that following the receipt of bird survey details Natural England were satisfied that the site would not have any negative impacts on protected species. The Case Officer also informed members that woodland management had been included to improve the area for nature. An amended condition was proposed to require the provision of temporary toilet facilities during the swimming sessions. The Officer's recommendation was to approve.

## **Public Participation**



Mr Patterson spoke in objection to the application. He believed that use of the small private road serving the site was not acceptable nor suitable. He also discussed biodiversity as well as the environmental consequences and flooding risks. Mr Patterson also raised his concerns regarding light pollution. He hoped members would refuse the application.

The applicant spoke in favour of the application. Ms Weeks informed members that traffic would be restricted due to the restricted number of swimmers. She informed members that the site was only open twice a week and would only be open during the summer months, therefore, there would be no light pollution. The applicant discussed the water quality and informed members that there were no risks. Ms Weeks reinforced that bird species would not be impacted and told members that she'd be happy using a portable toilet again. She hoped members would approve permission in accordance with the officer's recommendation.

Mr Pratten spoke in favour of the application. He believed that the use of the site had no adverse impacts on biodiversity and enhanced appreciation of nature. He also praised the health benefits that the site would have on residents both physically and mentally. Mr Pratten informed members that swimmers were mindful of nature and showed a greater interest. He supported the officer's recommendation to approve.

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

- Professional swimming lake which would be a good benefit to the local area.
- Responsibility of maintenance for road surfacing and parking clarified.
- Clarification regarding species of bird on the lake.
- Controlled management of swimmers and ecological structure.
- Additional condition for temporary period of 5 years starting from the date of decision proposed to enable the impacts on biodiversity to be monitored.
- Comments regarding biodiversity, the character of the AONB and Greenbelt openness.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, a motion to **approve the officer's recommendation to approve planning permission as recommended**, was proposed by Cllr Shane Bartlett and seconded by Cllr Robin Cook subject to updated condition 10 in the officers report and the additional condition for the use permitted to be for a temporary period of 5 years starting from the date of the decision with the use to be discontinued and any associated paraphernalia removed from the land on or before 6 April 2028.

**Decision: To approve the officer's recommendation to grant subject to amended and additional conditions.**

In accordance with Procedural Rule 8.1 the committee voted to extend the duration of the meeting.

352. **6/2021/0262 - Erect detached self-build rural exception site dwelling -**

## **Withy Lakes Church Knowle BH20 5NG**

The Case Officer re-presented members with details of the proposal, focusing on the new details since the scheme was previously considered: namely the 5-year housing land supply; the completion of a legal agreement to secure the building as an affordable dwelling in perpetuity; and a scheme to demonstrate nutrient neutrality. The old septic tank is to be replaced with 2 new wastewater tanks. Members were informed that as a result there would be no adverse impacts on Poole Harbour. Natural England had been consulted and no objections were raised. The scheme was in accordance with planning policy; therefore, the recommendation was to grant planning permission.

### **Public Participation**

The applicant Mr Smith addressed the committee, explaining the amount of work and collaboration with Natural England. He informed members of the need for housing and that the scheme would represent an ongoing benefit for the local community due to it being affordable housing.

Cllr Cherry Brooks, the Local Ward Member, informed members that the applicant had her support. She praised the amount of time and work that had gone into the proposed development by the applicant and hoped members would support the officer's recommendation to approve planning permission.

### **Members questions and comments**

- Members praised the inclusion of affordable housing and recognised the benefit that this would have on the local area.
- Clarification regarding the strength of a Section 106 agreement.
- Members praised the Case Officer's report.
- Clarification as to whether officers were satisfied that the development met the nutrient neutrality requirements.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, a motion to **approve the officer's recommendation to approve planning permission as recommended**, was proposed by Cllr Shane Bartlett, and seconded by Cllr David Morgan.

**Decision: To approve the officer's recommendation to grant planning permission subject to the completion of a legal agreement to secure the nutrient neutrality mitigation and refuse if the legal agreement is not completed within a timeframe agreed by the Head of Planning.**

### **353. P/FUL/2022/06807- Sever plot and erect a 4no bedroom detached house - April Cottage South Instow Harmans Cross Swanage BH19 3DS**

With the aid of a visual presentation, including aerial photographs and a map of the site the Case Officer explained the planning application to Members. Included were also street scene elevations as well as the proposed design of the dwelling. The Case Officer informed members that there was a presumption in favour of sustainable development due to the lack of 5-year housing land supply. Due to the site context very limited impacts on the AONB were anticipated which would be

mitigated by design and additional plant screening. Details regarding separation distances between properties and the topography were provided to identify potential for overlooking of neighbouring properties/gardens and impacts on neighbours' amenities. The Case Officer informed members that the development would not result in harm to the character of the area nor the protected tree. There were no objections raised by the Highways team. The proposal was judged to accord with planning policies and the recommendation was for approval.

### **Public Participation**

The agent and the applicant spoke in favour of the application. They explained how careful consideration had gone into the design of the proposed development and that they had taken on board comments raised by neighbouring properties. The applicant informed members that the protected tree had been at the heart of the proposal and was carefully considered to ensure its protection. Both noted that the proposed site was within the settlement boundary, would not harm the AONB and that there were no adverse impacts or harm to protected species. Members were informed that Natural England had been consulted and that no objections had been raised. The proposed development complied with local and national policies. They strongly believed that the development was unique and suitable for the area.

### **Members questions and comments**

- Comments regarding Dark Skies Policies.
- Clarification of distance from Woodstock building to the window.
- Waste collection and management
- Members praised the detailed officers report presented to them.
- Members noted the minimal impact from road scene.
- Members felt that the applicant had tried to overcome any concerns raised by neighbours.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, a motion to **approve the officer's recommendation to approve planning permission as recommended, was** proposed by Cllr Shane Bartlett, and seconded by Cllr David Morgan.

#### **354. Urgent items**

There were no urgent items.

#### **355. Exempt Business**

There was no exempt business.

### **Decision Sheet**

**Duration of meeting:** 10.00 am - 1.29 pm

**Chairman**

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# Agenda Item 6

Eastern Planning Committee  
3 May 2023

<b>Application Number:</b>	P/OUT/2021/05751		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Land at Matchams Stadium Matchams Lane St Leonards BH24 2BU		
<b>Proposal:</b>	Demolition of existing buildings and structures and erection of a continuing care retirement community with up to 330 extra care units (Use Class C2) and up to 60 bed care home (Use Class C2), associated communal and care facilities, landscaping and open space, Alternative Natural Greenspace (ANG), parking and infrastructure, means of access and internal access roads. Use of land as nature conservation area, to include ecological enhancements and restoration (outline application to determine access only with all other matters reserved)		
<b>Applicant name:</b>	Senior Living (Matchams) Limited		
<b>Case Officer:</b>	Ursula Fay		
<b>Ward Member(s):</b>	Cllr Bryan, Cllr Goringe		
<b>Publicity expiry date:</b>	8 November 2022	<b>Officer site visit date:</b>	10 February 2022
<b>Decision due date:</b>	31 December 2022	<b>Ext(s) of time:</b>	4 May 2023

**1.0** This application is taken to committee at the request of the Nominated Officer due to the scale of the proposal.

**2.0** **Summary of recommendation:**  
**REFUSE permission for the reasons set out at the end of this report.**

**3.0** **Reason for the recommendation:**

- The proposal would result in adverse impacts to the Dorset Heathlands SPA and New Forest SPA
- The proposal fails to make a policy-compliant contribution to affordable housing
- The proposal is contrary to green belt policy
- It has not been satisfactorily demonstrated that the proposed surface water drainage scheme can be viably implemented
- It has not been satisfactorily demonstrated that the proposal will not have adverse effects on the dark skies of the New Forest National Park

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

<b>Issue</b>	<b>Conclusion</b>
Principle of development	Contrary to settlement hierarchy. Council cannot demonstrate a 5 year housing land supply.

<b>Issue</b>	<b>Conclusion</b>
Loss of sports facility	Report has demonstrated facility is no longer viable. No objection to loss of sports facility from Sport England.
Housing for older people	Would provide specialist housing for older people, considered a significant benefit.
Site location and sustainability	Policy SL6 recognises that redevelopment proposals may be appropriate. Communal facilities and transport would be provided. Proposal is balanced against existing use. It is not considered a reason for refusal is warranted.
Economic benefits	Would create jobs, considered a moderate benefit
Affordable housing	Proposal considered to deliver extra-care units that fall within use class C3. Proposal is viable to make contribution to affordable housing. Applicant has confirmed they will not enter into a S106 to make this contribution. Afforded significant weight in the planning balance.
Biodiversity	Impacts of protected species and mitigation identified. Biodiversity Net Gain would be achieved.
Dorset Heathlands SPA and New Forest SPA	Proposal is contrary to Dorset Heathlands SPD. Insufficient evidence has been submitted to demonstrate that a case-by-case approach at this site could conclude no impacts on these designated sites. An Appropriate Assessment cannot conclude no adverse impacts. This is given weight of the highest significance which outweighs all other considerations.
Green belt	Contrary to green belt policy. Would have a greater impact on the openness of the green belt than the existing development. Impacts are afforded very significant weight in the planning balance.
Landscape and Visual Effects - daytime	Very limited daytime effects on views from public vantage points. Adverse impacts are afforded limited weight.
Landscape and Visual Effects - night-time	Impacts on dark skies of New Forest National Park have not been adequately considered. Not appropriate to condition. Afforded significant weight in planning balance.
Highways	Transport Assessment is acceptable and impacts on highways network are accepted. Afforded limited weight in planning balance.
Flooding / Drainage	Insufficient information submitted to demonstrate that the proposed sustainable drainage scheme is achievable. Afforded moderate weight in planning balance.
Contaminated land	Opportunity to remediate significantly contaminated site. Afforded significant weight in planning balance.
Heritage	No impacts subject to condition.
Trees	Strategy is acceptable subject to conditions.

<b>Issue</b>	<b>Conclusion</b>
Urban Design	Detailed layout considerations would be addressed at the reserved matters stage.
Residential amenity	Acceptable for both existing neighbours and proposed dwellings.
Renewable Energy	Condition could be placed requiring proposal to meet policy requirements.
Waste	Waste would be collected privately, this could be secured by condition.
Mineral safeguarding	Site is in area safeguarded for minerals. A condition could be placed requiring investigation of the site for mineral extraction.
Airport safeguarding	Site is located in Airport consultation zone. Conditions could be placed to ensure safeguarding criteria are taken into consideration.
Planning Balance	Significant benefits do not outweigh adverse impacts. An Appropriate Assessment has concluded that impacts on the Dorset Heathlands SPA and New Forest SPA cannot be avoided or mitigated, permission cannot be granted.

## **5.0 Description of Site**

- 5.1 The site is located within the Bournemouth Green Belt, to the west of Hurn Road and the A338, approximately 1.4 south of the nearest settlement, St Ives. To the immediate north of the site is Avon Heath Country Park and dwellings at Matchams Close, to the south is Barnesfield Heath and to the west lies a small area of heath separating the site from properties along Foxbury Road.
- 5.2 The site is currently utilised as a motorsports facility and includes a stadium at it's centre, along with various other buildings, structures, portacabins, area of hard standing and tracks across the site. The facilities are in a varying state of repair, most are still in use, however some buildings are dilapidated, and tracks to the western part of the site are no longer in use and have overgrown. The site also has planning permission for car boot sales however it is understood the site is not being currently used for this purpose.
- 5.3 The site is contaminated due to the uses that have taken place there historically. Abandoned vehicles, significant amounts of rubbish, holes dug for disposal of waste, and burn marks from fires were all noted during the officer site visit.
- 5.4 The site is surrounded by St Leonards and St Ives Heaths, part of the Dorset Heathlands, designated as SSSI/SPA/Ramsar sites and protected as of international significance. In addition, areas of the site itself, to the north and south, fall within these designated sites.
- 5.5 The site contains significant areas of woodland and tree cover, which surround the motorsports facilities. There is also a pond at the eastern end of the site.

- 5.6 The site slopes fairly steeply from west to east, with a levels change of approximately 30m across the site. To the western extremity the land falls away steeply down to Barnesfield Heath.

## **6.0 Description of Development**

- 6.1 The proposal is a 'Continuing Care Retirement Community' comprising up-to 330 extra-care units, an up-to 60 bed care home, and associated communal facilities, landscaping and green space. The application is in outline with all matters except access reserved, however a number of plans which provide further information on the proposed land use, areas of potential built development, site levels, building heights, and green infrastructure ('parameter plans') have been submitted in support of the application and which could be conditioned.
- 6.2 The parameter plans would concentrate development within the centre of the site, where existing development is located. Development would be up to 3 storeys in the 'village centre' to the eastern part of the developed area, with areas of 2 storey development to the west. Small areas of 1 storey development would be placed to the southern and northern extremities of the developed area.
- 6.3 Details of a minimum standard of communal facilities to be included at this site and to be secured via a legal obligation have been set out within a submitted Draft Heads of Terms. Minimum standards would include: a wellness suite, offering a mix of exercise, relaxation and therapeutic facilities, accommodating physiotherapy and rehabilitation activities and group exercise classes; a salon; a restaurant for communal dining and home delivery; and a social activity space.
- 6.4 At the eastern end of the site existing trees, vegetation and the pond would be retained providing a base for landscaping around the 'village centre'. Surrounding the western developed areas, and extending some distance to the west, would be a large area to include those areas of SSSI within the site boundary, this area would become a nature conservation area. Boundaries within this space would provide for a natural greenspace for recreational use by residents and visitors, with barriers preventing access to areas beyond this including SSSI designations on the site and at the adjacent Avon Valley Country Park.
- 6.5 The intention of the applicant is that residents meet a set of criteria as a 'Qualifying Person' including that all residents must be over 65 and receive care and support for at least 2 hours per week. Residents can arrange for their own personal care requirements in addition to this directly through a CQC registered care provider. Spouses of 'Qualified Persons' would only be eligible for residency if they also meet the 'Qualifying Person' criteria. Draft Heads of Terms for a s106 legal obligation has been submitted to this effect.
- 6.6 Although not provided for in the draft s106 Heads of Terms, the applicant has advised the intended visitor strategy would see most overnight visitors to the extra-care staying within the dwellings of those they are visiting. Guests would be permitted to stay for a maximum of 30 days per year. A guest suite would also be available for those visiting the extra-care units. Overnight facilities for guests may or may not be provided at the care home. No staff accommodation would be provided on-site, this is not currently included within the draft s106 so would need to be added were the scheme otherwise acceptable.



- 6.7 A village transport service is typically included within the residents' service charge, assisting residents in making trips around the local area for social outings, shopping trip and to access health services. The applicant has submitted Draft Heads of Terms which would secure a minimum of 2 vehicles being made available for private trips by residents by prior arrangement.

## 7.0 Relevant Planning History

03/01/1040/FUL - Decision: GRA - Decision Date: 14/11/2001  
Renewal Of Temp Planning Permission 3/96/0553 To Continue Use Of Land For Car Boot Sales/markets On Wednesday's.

03/82/2093/HST - Decision: REF - Decision Date: 28/01/1983  
Change Of Use For 52 Sundays Each Year For Stall Trading Market

03/87/0282/FUL - Decision: GRA - Decision Date: 07/04/1987  
Demolish Existing And Erect Building To House Standby Generator, Store And Switchroom

03/87/1055/FUL - Decision: GRA - Decision Date: 16/11/1987  
Erect Gate House

03/88/1426/FUL - Decision: GRA - Decision Date: 23/03/1990  
Raising Level Of Land,

03/89/0044/FUL - Decision: REF - Decision Date: 07/04/1989  
Extension And Change Of Use To Nursing Home

03/89/0103/FUL - Decision: GRA - Decision Date: 17/05/1989  
Construction Of Dry Ski Slope, As amended by letter and plans received 30 March 1989 and 25 April 1989

03/91/0849/FUL - Decision: GRA - Decision Date: 22/04/1994  
Formation Of New North Eastern Access, Alteration Of Existing Access/exit & Consequential Highway Widening,

03/92/0616/FUL - Decision: GRA - Decision Date: 07/01/1994  
Erect Structure, Retention Of Structures & Consent For Use Of Car Parks, Use Of Land For Leisure Activities As Specified By Schedule & Letter Dated 3 August 92,

03/94/0203/FUL - Decision: GRA - Decision Date: 27/04/1994  
Holding Of Car Boot Sales On Wednesday Of Each Week,

03/94/0419/FUL - Decision: GRA - Decision Date: 01/07/1994  
Erection Of Two Storey Cafeteria / Corporate Facility With Realignment Of Part Scramble Circuit,

03/96/0282/FUL - Decision: REF - Decision Date: 18/09/1996

Widen Carriageway & Form New Event Access,

03/96/0553/FUL - Decision: GRA - Decision Date: 08/08/1996  
Holding Of Car Boot Sales On Wednesdays Of Each Week

03/96/0282/FUL W 07/01/1998  
Widen Carriageway & Form New Event Access,

03/96/0697/FUL - Decision: GRA - Decision Date: 18/09/1996  
Erection Of Single Storey Cafeteria/ Corporate Facility With Realignment Of Part  
Scramble Circuit,

03/97/0765/FUL - Decision: GRA - Decision Date: 20/02/1998  
Retention Of Bank Works To Existing Ponds 1&2 And Footpaths, And Use Of  
Land  
Adjacent To Pond 2 For Seasonal Crazy Golf As Amended By Letter Of 16

03/97/0933/FUL - Decision: GRA - Decision Date: 22/12/1997  
Widen carrigeway & form new event access

03/98/0512/FUL - Decision: GRA - Decision Date: 21/09/1998  
Instal 2 Dual Antenna, 3 600mm Microwave  
Dishes, 22.5m Monopole Tel Mast, Equip.  
Cabin & Dev Ancillary Thereto.

03/98/0712/FUL - Decision: GRA - Decision Date: 08/10/1998  
Continued Use Of Mobile Home For Security Night Watchman And Continued Use  
Of Land For Paint Ball War Games

3/04/0388/FUL - Decision: WIT - Decision Date: 15/07/2004  
Restoration and Future Management of 38 Hectares for Nature Conservation  
Purposes; Redevelopment of Stadium Area for a Mixed use Scheme comprising  
51 Residential Units, Business, Hotel and Restaurant Uses; the Provision of 8  
Hectares of Recreation Space and the Creation of a New Access and Localised  
Road Widening.

3/07/0995/OUT - Decision: WIT - Decision Date: 18/10/2007  
Outline Planning Application for the Demolition of Matchams Stadium and  
Ancillary Structures, and Redevelopment of the Whole Matchams Stadium Site for  
40 Residential Units (Comprising 20 Detached Units and 4 Apartment Buildings  
each Containing 5 Units), Restoration and Future Management of 38ha for Nature  
Conservation Purposes, a B1 Office, a Biomass District Heating System, Areas of  
Informal Open Space, a Pet Barrier and a New Access with Localised Road  
Widening.

3/08/0493/CLU - Decision: GRA - Decision Date: 16/09/2008  
Testing and Evaluation of Military and Commercial Vehicles and Engineer  
Equipment Using Simulated Conditions and Courses (Sui Generis) and Ancillary  
Use of Facilities for Commercial Vehicle Events and Sports (Including Press

Launches, Filming/Photography and Rallies). Use of Site Buildings for Trial/Test Observation. Use Ancillary to Use Carried Out at Hurn Main.

3/08/0606/OUT - Decision: REF - Decision Date: 27/03/2009  
Outline Planning Application for the Demolition of Matchams Stadium and Ancillary Structures, and Redevelopment of the Whole of The Matchams Stadium site for 40 units (Comprising 20 Detached Units and 4 Apartment Buildings each Containing 5 Units), Restoration and Future Management of 38 Hectares for Nature Conservation Purposes ('The Reserve Area'), A B1 Office to be Possibly used by a Nature Reserve Manager, A Biomass District Heating System, 8 Hectares of Informal Open Space('The Recreation Area'), A Pet Barrier, and a New Access and Localised Road Widening. Revised Scheme, (Resubmission of PA 3/07/0995/OUT)

3/08/1133/COU - Decision: GRA - Decision Date: 30/10/2008  
Erection of temporary buildings for the holding of a Christmas Fair (28th November -24th December 2008) - to include the Erection of 9 Log Cabins, an Ice Skating Rink, Ice Slide, Christmas Decorations and Installation of Sited Toilet Facilities. (As supplemented by information showing protective fencing submitted 23/10/08)

3/09/0079/FUL - Decision: GRA - Decision Date: 24/03/2009  
Retention of Mast and Compound Not in Compliance with Condition 1 of Planning Permission 98/0512 (In which Permission was Limited to 15/09/2003), Replacement Antennae x 2 and New Equipment Cabinet.

3/21/0850/PAM - Decision: REF - Decision Date: 22/07/2021  
A retirement community of approximately 316 extra care units (Use Class C2) and a 60-bed care home.

### Penal Notice

In 2008 an Injunction and Penal Notice was served. This imposes several restrictions on the use of Matchams. The restrictions can be summarised as follows:

- Only 22 days for Banger Racing (18 days for Motorcross) (from an unencumbered agreement of 365 days per annum).
- Between May 31st and 31st of August only 3 Saturdays or Sundays

## **8.0 List of Constraints**

- Within open countryside
- Article 4 Direction - Confirmed on 17 November 1954

The effect of the Direction, as approved by the Minister, is that planning permission will, in future, be required in respect of temporary uses (Class IV(2)) and agricultural buildings, works and uses (Class VI) on the Matchams Park Estate and a large part of the Avon Castle Estate. In addition, planning permission will be required in respect of development within the curtilage of a dwelling house (Class I) on a large part of the Avon Castle Estate.

- Risk of surface water flooding to parts of site
- Sites of Special Scientific Interest (SSSI)

- Adjacent Dorset Heathlands Special Protection Area (SPA)
- Partially within catchment for Avon Valley Special Area of Conservation (SAC)
- Within 5km from New Forest SPA
- Within Bournemouth Greenbelt
- Within Bournemouth International Airport (BIA) - Aerodrome safeguarding zone
- Within Minerals and Waste Safeguarding Area
- Listed on contaminated land register
- Archaeology : Four Bowl Barrows on Foxbury Hill (130m from site boundary and three Bowl Barrows in Avon Heath Country Park (950m from site boundary)

## 9.0 Consultations

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

### Consultees

#### **Natural England**

- Proposal would have adverse impact on internationally and nationally designated sites Dorset Heathlands SPARamsar
- Proposal is not directly connected with or necessary for the management of the Dorset Heathlands
- An Appropriate Assessment under the Habitat Regulations is required
- The proposal is of a type that is not permitted within 400m of the Dorset Heathlands as set out in the Dorset Heathlands Planning SPD
- Urban development proposals that are not compliant with the avoidance and mitigation strategy of the SPD will breach the Habitats Regulations
- A general case by case approach is not supported by the SPD
- Adverse effects would need to be demonstrated to be zero to avoid an in-combination effect – this has not been demonstrated
- The proposed Nature Conservation Area (NCA) would have a positive impact as would management of designated areas within the site
- Proposed barriers may not be effective
- Approach to extrapolation of recreational impacts is flawed
- Large amounts of uncertainty around impacts however it is clear the proposal would result in a substantial increase in visitor numbers at nearby designated heathland sites
- Concerns around long-term effectiveness of pet covenant
- Over-65s may inadvertently cause fires through BBQs or dropping litter, not all fires are caused by arson
- Increased lighting and noise will harm wildlife. Insufficient information to demonstrate that a lighting scheme can be provided
- Dual purpose of NCA will reduce its ability to maintain ecological functions
- No assessment of edge effect from development so close to heathland sites
- Appropriate Assessment will not be able to conclude that there will be no adverse effect on the integrity of the Dorset Heaths SPA/SAC/Ramsar

#### **Sport England**

- No objection

- Sports Sequential Assessment conclusions appear sound and support the loss of motorsports from the site
- Venue has been losing money for some time and environmental issues have been raised
- Disappointing that no financial contributions to any other the other suitable sites identified are proposed

#### **New Forest National Park Authority**

- Agree that proposed development would be largely visually screened from the New Forest National Park (NFNP)
- Noise would not adversely affect levels of tranquillity within the NFNP
- Increased light pollution from occasional use of floodlights to streets lit all night. Potential to reflect light off hard surfaces back into the night sky which could be viewed from the NFNP
- Details of lighting need to be provided as part of the application given the likely pressure for high levels of lighting due to health and safety needs of future residents
- Application site is located within 5km of the New Forest SPA, well within the 13.8km 'zone of influence' identified and agreed with Natural England
- The National Park should be identified as a Sensitive Receptor within the Environmental Statement (ES) in relation to external lighting
- There is no reference to the NFNP in relation to the forthcoming detailed external lighting design
- The baseline light survey should have been carried out at a time where there was no event with floodlighting taking place. This is because the events are temporary and intermittent in nature. The comparison should be between an unlit site and a new residential site with external lighting.

#### **New Forest District Council**

- No objection

#### **Wessex Water**

- No existing Wessex Water Assets within the site
- Point of connection to the public network will need to be by agreement of developer with Wessex Water
- Offsite sewers will be required and the developer may require a sewer requisition to lay sewers across third party land
- A pumping station may also be needed
- Surface water run-off will need to be managed separately from foul drainage

#### **Dorset & Wilts Fire & Rescue**

- Comments provided on requirements to be met as part of buildings regulation

#### **Bournemouth Airport**

- No response received

#### **St Leonards & St Ives Parish Council**

- No response received

### **Dorset Council Landscape Officer**

- Site is within the Green Belt
- Site is within the Avon Valley Area of Great Landscape Value (AGLV) and is therefore a Valued Landscape

#### Impacts on Landscape Character

- Impacts on landscape character will be negligible at national scale, minor beneficial – negligible at the country scale, and minor beneficial at the district scale. At the local scale the effects are predicted to be major adverse internally, and moderate beneficial for the woodland/tree belt adjoining the built area.
- There would be no change to the characteristics of the Dorset Heaths or New Forest National Character Areas (NCA).
- The majority of public viewpoints towards the site are obscured or the site is difficult to perceive.
- Impacts on the viewpoint with an unobscured view, into the entrance of the site, would be minor adverse to minor beneficial as the site entrance would be improved.
- Impacts on partial views from the southern portion of the Avon Heath Country Park would be at worst minor adverse.
- Visual effects from all the other viewpoints will be neutral due to the limited intervisibility
- None of the effects on views are significant in EIA terms

#### Impacts on the Green Belt

- The visual impact of the proposal is likely to be significantly greater than that of the existing uses

### **Dorset Council Highways Authority**

- No objection subject to conditions

### **Dorset Council Local Lead Flood Authority (LLFA)**

- Holding objection
- Surface water management scheme based solely on infiltration is not supported by the required level of detail from ground investigations
- Infiltration rates appear favourable, however it would also appear from some of the groundwater monitoring results, recorded in January 2020 that ground water levels may come up higher than the invert of some of the proposed soakaway features. If this is the case then infiltration may not be a viable means of surface water management
- Some soakaways shown would not meet SuDS Manual standards
- The applicant may need to look at an attenuated discharge to a nearby watercourse as a back-up plan
- It is not clear why open SuDS cannot be accommodated on the site given the rural location and illustrative layout which appears to show adequate space for these
- we are unable to ascertain, to our satisfaction, the appropriateness of any SW management in accordance with the Ministerial statement 'Sustainable Drainage System' 2014, chapter 14 of the NPPF and Planning Policy

Guidance (PPG). As relevant LLFA in this matter we are unable to confirm that the applicant has met DEFRA's technical guidance or relevant local and national policies concerning drainage.

- Our (Holding) Objection may be overcome via the submission of further or additional details outlining a site-specific surface water management scheme.

#### **Dorset Council Environmental Health**

- No adverse effects in regards to operation air quality, some aspects on ecological impact from construction phase.
- Potential impacts from construction noise & vibration
- A Construction Environmental Management Plan (CMEP) should be submitted outlining mitigation strategies for noise and vibration during construction
- A noise assessment should be submitted when details of the buildings and proposed plant area available

#### **Dorset Council Trees**

- Majority of trees proposed to be retained
- Conditions recommended

#### **Contaminated Land – WPA consultants Ltd**

- Documentation submitted is sufficient at this stage
- Further submission concerning land quality requiring technical review will be required
- Conditions recommended

#### **Dorset Council Natural Environment Team (DNET)– Heathlands**

- When assessed against the Dorset Heathlands SPD this application fails to meet the strategy for avoidance. The current proposed measures are insufficient to demonstrate they can mitigate against adverse impacts on the Dorset Heaths
- Risk is heightened due to the close proximity of the heaths
- Further evidence would be required to demonstrate that the residents of this proposal would have severely restricted mobility with advance dementia / physical nursing needs
- Many people aged 65 and over remain able-bodied, mobile and active
- The wide range of facilities proposed indicates residents will have a certain degree of mobility
- Proposal will attract the wider community to the site for recreational purposes as stated in Design & Access statement sections 5.2 and 6.1
- Accessible useable greenspace for residents needs to be provided, however spaces need to be carefully considered with the expectation that residents care needs will be high and physical ability restricted

#### **Dorset Council Natural Environment Team – Biodiversity Net Gain**

- Note advice from Natural England
- Proposed age restriction does not mean that residents will be severely restricted in mobility

- Unclear how a pet covenant would be enforced in the long term
- Proposed buffer between development and heathland raises concerns regarding risk from fire
- Impacts upon nocturnal wildlife and how effectively these can be mitigated is not known without a detailed internal and external lighting strategy. Mitigation measures e.g. larger buffering may constrain quantum of development. Constraints need to be known to allow outline to be safely determined without compromising any future reserved matters application
- Nature Conservation Area may not be able to provide both ecological mitigation and accommodate recreational activity
- Important to consider guidance requiring land to be managed effectively and appropriately when considering positives in management
- Biodiversity Metric calculation should be submitted for review
- Potential difficulty in creating/maintaining habitats of high/very high distinctiveness, particularly in areas subject to human disturbance, must be fully considered
- Loss of very high distinctiveness habitats must be considered against the Mitigation Hierarchy and the Biodiversity Metric rules and principles under which such losses are to be avoided
- Difficulties in assessing the need to address residual loss of habitat and the ability of the development to deliver Biodiversity Net Gain (BNG) as the application is in outline

#### **Dorset Council Conservation**

- Overall no harm to the significance of designated heritage assets
- No harm to the significance of Four Bowl Barrows on Foxbury Hill
- No harm to the significance of Three Bowl Barrows in Avon Valley Country Park
- Suggested conditions

#### **Dorset Council Urban Design**

- Location is unsustainable and limited on-site facilities are proposed
- No opportunities for integration with the wider community
- Indicative layout offers limited connectivity and permeability through the site
- Proposals do not comply with Dorset Council's Waste Collection guidelines
- Shared surfaces inadequate for more vulnerable road users

#### **Dorset Council Building Control**

- Insufficient information to check access for the fire brigade

#### **Dorset Council Minerals & Waste**

- Development could sterilise potential minerals resource
- Prior extraction of minerals should be sought
- Condition recommended

#### **Dorset Council Adult social care**

- Shortage of specialist accommodation across all tenures
- Proposal would go a long way to quantify the gap



- Assumption that tenure mix will not change over time may be flawed, concern that tenure mix will change as people age and there will be an increase in demand for affordable rented properties
- Report justifies affordable extra care as much if not more so than market
- Concerns around development of a mixed community, and access to facilities

### **Representations received**

#### **RSBP**

- Object to application
- Insufficient certainty regarding impacts on Dorset Heathlands
- The only C2 uses permitted within 400m of the Dorset Heathlands are care homes for the frail elderly
- Minimum age threshold is fundamentally different from the restriction/mobility thresholds
- Facilities and parking would be likely to attract non-residents to the site
- Concerns regarding fire risk
- Concerns regarding effectiveness of internal and boundary fencing
- Concerns regarding effectiveness of site warden
- 20m heathland buffer is inadequate to prevent impacts such as noise and lighting
- No evidence that Accessible Natural Greenspace (ANG) will discourage residents from visiting other heathland sites
- Concern that use of ANG will have negative effects on protected species within this site
- Concerns regarding quantum of car parking
- Concerns regarding lighting strategy
- Conifers within National Site Network (NSN)/SSSI need to be removed and should not be used as screening
- Concerns over ability to enforce against pet covenants
- Biodiversity Net Gain (BNG) should be assessed against a baseline of SSSI habitats in favourable condition
- Concern regarding impacts on the Green Belt

#### **Dorset Wildlife Trust**

- Object to application
- Development proposed falls outside those C2 uses permitted within the 400m heathland buffer through the Dorset Heathlands Supplementary Planning Document (SPD)
- The application does not demonstrate exceptional circumstances that would make it allowable under the Dorset Heathlands SPD
- Does not provide confidence that the proposal will not affect the integrity of protected sites
- Minimum age does not equate to low mobility
- Level of Accessible Natural Greenspace (ANG) provision indicates active residents with good mobility
- Facilities open to the public may attract people with higher levels of mobility

- Resulting high levels of disturbance within the application site, including the ANG
- High risk residents and visitors will seek access to internal and surrounding designated heathland sites
- Effectiveness of boundary treatments and wardening unclear
- Conflicts between need for secure boundary fencing and need for permeable boundaries to allow for movement of wildlife
- No justification for 20m heathland buffer
- No justification for size and assumed effectiveness of ANG
- ANG land contains plant species of significance and protected species which may be impacted by use of the ANG
- Pet covenant unlikely to be effective
- Insufficient detail re. car park management strategy
- Unclear that lighting scheme that effectively avoids impacts is achievable
- Fire risk to occupants
- Uncertainty regarding long term management of Nature Conservation Area
- Biodiversity Net Gain (BNG) should be assessed against a baseline of SSSI habitats in favourable condition
- BNG assessment does not include impacts from useage of ANG and associated infrastructure
- Developable area of site includes area of habitat identified as being of 'Very High' distinctiveness – the loss of these is not permitted within the BNG metric and requires bespoke assessment and compensation. It is not clear how this has been dealt with

### **Amphibian and Reptile Conservation**

- Object to application
- Potential inappropriate development within the Green Belt
- Potential of the proposal to undermine the Dorset Heathlands Planning SPD.
- Potential to adversely impact: National Site Network (NSN), the Dorset Heathlands SPA, Dorset Heaths SAC and their qualifying species, the St Leonards & St Ives Site of Special Scientific Interest (SSSI) and the Matchams Site of Nature Conservation Importance (SNCI).
- Narrow focus that the outline planning application proposes will not allow an adequate assessment of e.g. impacts
- Lack of detail and evidence of the effectiveness of the outline mitigation measures.

### **Representations received**

#### **All other representations**

<b>Total - Objections</b>	<b>Total - No Objections</b>	<b>Total - Comments</b>
218	0	7

### **Summary of Issues Raised**

#### **Principle**

- Impacts on the Green Belt

- Other locations would be more suitable for this development
- Location will be isolating for elderly

#### Loss of sports facility

- Loss of local facility, other venues are too far to travel to
- Impacts on children and younger generations
- Loss of racetrack will increase people racing on roads
- Loss of racetrack as a meeting / entertainment facility for young people will result in them engaging in anti-social behaviour elsewhere
- Motorsport should be given the same status as other sports

#### Economy

- Racetrack attracts visitors from across the county with benefits to the local economy

#### Housing

- Affordable housing needed rather than market housing
- Locals will be priced out of this development
- Housing needed for all ages not just retired
- 3 bed properties beyond what would be required for elderly residents

#### Transport impacts

- Increased traffic
- Lack of cycle and public transport infrastructure serving the site
- Gap in cycle path from Ringwood to Bournemouth/Christchurch means cycling is not possible and this should be resolved
- No footway or street lighting along Matchams Lane

#### Environmental Impacts

- Impacts on Dorset Heathlands
- Loss of trees

## **10.0 Relevant Policies**

### **Adopted Christchurch and East Dorset Local Plan Core Strategy – Part 1 2014 (CED):**

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

KS1 - Presumption in favour of sustainable development

KS2- Settlement hierarchy

KS3 - Green Belt

KS4 – Housing Provision in Christchurch and East Dorset

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  
ME3 - Sustainable Development Standards for New Development  
ME4 – Renewable Energy Provision for Residential and Non-residential Developments  
ME6- Flood Management, Mitigation and Defence  
HE1 - Valuing and Conserving our Historic Environment  
HE2 - Design of New Development  
HE3 - Landscape Quality  
HE4 - Open Space Provision  
LN1 - Size and Type of New Dwellings  
LN2 – Design, Layout and Density of New Development  
LN3 - Provision of Affordable Housing  
LN6 - Housing and Accommodation for Vulnerable People  
LN6 - Community Facilities and Services

### **East Dorset Local Plan (EDLP)2002**

HODEV3 - Criteria for development of elderly person's accommodation  
DES2 - Criteria for development to avoid unacceptable impacts from types of pollution  
DES6 – Landscaping scheme in rural areas and on the edge of settlements should be comprised of indigenous species  
SL3 - Sites in St Leonards could be restored to or re-created as areas of heathland  
SL6 - Criteria for the improvement of facilities at Matchams Stadium, St Leonards

### **Minerals Strategy 2014**

### **Mineral Sites Plan 2019**

### **Waste Plan 2019**

### **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.

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

All of Dorset:

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

Affordable and Special Needs Housing and the Provision of Small Dwellings SPD  
Areas of Great Landscape Value SPG  
Countryside Design Summary SPG  
River Avon Advice Note for Developers

**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.

Other 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.
- 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 8 'Promoting healthy and safe communities' outlines approaches to deliver communities which promote social interaction, are safe and accessible, and enable and support healthy lifestyles. Paragraphs 98-103 set out measures in relation to open space and recreation.
- Section 9 'Promoting sustainable transport'
- 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 13: 'Protecting Green Belt Land' provides that the construction of new buildings is inappropriate in the Green Belt, except in very special circumstances. Paragraphs 149-150 set out exceptions where development within the Green Belt would not be inappropriate.
- 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).
- Section 17 'Facilitating the sustainable use of minerals' sets out the approach to ensuring there is a sufficient supply of minerals to provide for the country's needs.

### **National Planning Practice Guidance**

- Green Belt – Advice on the role of the Green Belt in the planning system
- Viability – Sets out key principles in understanding viability in plan making and decision-taking
- Flood Risk and Coastal Change - Advises how to take account of and address the risks associated with flooding and coastal change in the planning process

## **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**

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

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

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

12.3 An Equalities Impact Assessment (Background Document 2) has been carried out in relation to the proposal. This found negative effects on young people, due to the loss of the motorsport’s facility, and as young people with care needs will be excluded from the accommodation. Negative effects were also found in relation to marriage and civil partnership, due to the residency limitations proposed.

12.4 Positive effects were found for disabled persons, due to the provision of accommodation which could suit their needs.

12.5 All the extra-care dwellings would be Lifetime Homes and would provide specialist accommodation for the elderly.

### 13.0 Financial benefits

What	Amount / value
Material Considerations	
Creation of jobs	Approx. 60
Non Material Considerations	
CIL contributions	£1,762,297

### 14.0 Environmental Implications

14.1 An Environmental Statement (ES) accompanies the application and includes the following chapters:

1. Introduction
2. The site and designations
3. Proposed development
4. Alternatives and consultation
5. EIA Approach
6. Planning policy context
7. Socio economics
8. Air quality
9. Archaeology and built heritage
10. Climate change
11. Ecology
12. Hydrology
13. Noise and vibration
14. Ground conditions
15. Landscape and visual
16. Transport and access

## 17. Assessment mitigation and implementation

### Environmental Baseline

- 14.2 The ES includes assessment of the current state of the environment (the baseline scenario). It is noted that the baseline for some chapters, in particular noise and landscape (lighting), has been assessed only during periods where the site is operating at peak capacity.
- 14.3 While this may be part of the baseline scenario, it is not the whole nor the most frequent. Events take place on a sporadic basis and are indeed constrained by an Injunction with events prohibited during the summer months (22 days for Banger Racing (18 days for Motorcross). The banger racing evening events which were used as the baseline for light pollution take place a few times per month, so on the vast majority of days the flood lighting is not turned on and the baseline light pollution is likely to be much lower.
- 14.4 Regarding noise, the baseline has been taken from 2-8 September 2021. This was just following the summer period where events are restricted, and events took place on the site on 1 and 4 September. While only one event was included within the baseline period it can reasonably be expected that activity was taking place to set up/down the events. The baseline noise levels during the majority of the year may be lower. It could reasonably be expected that additional data from a week outside the peak period, where no events took place, would have been fed into the baseline data.
- 14.5 These baseline assumptions are particularly concerning as they feed into the Ecology Chapter and Shadow Habitats Regulations Assessment (HRA).
- 14.6 It is considered the general approach taken within the ES to defining the baseline is flawed in this regard, and insufficient information has been submitted regarding the baseline as it exists during the extensive off-peak and non-operational periods. These issues are discussed further in the assessment below, and in the Appropriate Assessment of this proposal.

## 15.0 Planning Assessment

### **Principle of Development**

- 15.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 says planning applications shall be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 15.2 The application is in Outline. A masterplan has been provided which demonstrates provision of the 330 extra-care units through a mix of 115 bungalows/lodges and 215 apartments. Several consultees have made detailed comments on the masterplan and mix shown thereon; however this provision is indicative only and a submission of reserved matters could take a different form,



within the confines of the submitted parameter plans. The weight placed upon the indicative masterplan reflects this position.

- 15.3 Greater weight is placed upon the submitted parameter plans relating to land use, access, levels, building heights, and green infrastructure. These parameter plans underpin the submitted Environmental Statement and as such would be conditioned as part of any consent. Weight is also placed upon the submitted draft Heads of Terms as these are proposed by the applicant as a list of minimum design features and service standards which would be secured through a S106 Legal Agreement.
- 15.4 Several documents submitted in support of the application provide details of the particular business model, examples of facilities, and typical demographics and other statistics relating to 'Inspired Villages' and its communities. This is helpful insofar as it provides context to aid in understanding the proposal. However, any consent would not be restricted to 'Inspired Villages', as this would sit with the land rather than the applicant. As such, only limited weight can be given to such supporting information.

#### Settlement Hierarchy

- 15.5 Policy KS2 of the Christchurch and East Dorset (CED) Local Plan 2014 sets the Settlement Hierarchy for the plan area. The site falls outside any of the defined settlement boundaries, with the nearest settlement boundary being St Leonards and St Ives located 1.4km from the site. Given the distance of the site from any settlement it is considered to be located within open countryside and so fall within the "Hamlet" settlement type. Within this category development is not allowed unless functionally required to be in the rural area. It is not considered that there is a functional requirement in this instance.

#### Development at Matchams

- 15.6 Saved policy SL6 from the East Dorset Local Plan 2002 provides a site-specific policy regarding Matchams Stadium, as follows:
- 15.7 *"The council will continue to support improvements to facilities at Matchams Stadium provided that they do not result in a marked increase in vehicular traffic attending the site, the heathlands are positively managed to prevent their deterioration and the openness of the green belt is not diminished. Any proposal for alternative use or redevelopment would be subject to green belt policy and the prior submission of plans for the restoration and management of the heathland, prepared in conjunction with English Nature and other interested bodies."*
- 15.8 Policy SL6 does not prevent an alternative use or redevelopment of Matchams Stadium. It does not support redevelopment of the site although it does acknowledge that proposals may be forthcoming and does not seek to prevent this. The policy does not include any provisions regarding residential redevelopment at the site. It is not considered that SL6 requires assessment of the proposed residential development otherwise than to the approach used generally across the plan area. Policy SL6 does not provide a basis to depart from the settlement hierarchy.

Conclusions in relation to the principle of development

- 15.9 The proposal is contrary to the development plan and the settlement hierarchy set out in Policy KS2. The development plan was found to be sound, and a logical approach to the delivery of housing in relation to employment, retail, services and facilities.
- 15.10 However, at present the East Dorset area cannot demonstrate a five-year supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF), with the current supply position standing at 4.17 years. This means that for applications involving the provision of housing, the policies which are most important for determining the application are deemed to be out of date and the application should be considered favourably unless the proposal conflicts with specified NPPF policies or the adverse impacts would significantly and demonstrably outweigh the benefits (NPPF paragraph 11).
- 15.11 In relation to this particular proposal, paragraph 182 of the NPPF provides that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. As an Appropriate Assessment has concluded that the proposal would adversely affect the integrity of the Dorset Heathlands SPA (the Dorset Heathlands) and the New Forest SPA (the New Forest), and that the impacts cannot be satisfactorily mitigated, the presumption in favour of sustainable development does not apply to this proposal.
- 15.12 This position notwithstanding, an assessment of material considerations is provided in this report and summarised in a planning balance exercise.

**Loss of sports facility**

- 15.13 At the local level, the Matchams site is subject to saved East Dorset Local Plan policy SL6. The primary purpose of policy SL6 is to support proposals for improvements to the existing uses at Matchams. As explained above, while this policy in isolation does not prevent redevelopment of the site, neither does it support this.
- 15.14 Paragraph 99 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*
- 15.15 A Sports Sequential Assessment has been submitted by the applicant to demonstrate that the motorsports stadium is surplus to requirements. The

assessment follows Sport England's standard methodology for assessing needs and opportunities for indoor and outdoor sports facilities, which is used to assess a range of indoor and outdoor sports.

This puts forward a case that the use of the site for motorsports is no longer financially viable, and that alternative facilities within a 2-hour drive time have capacity to accommodate increased participation / events. It concludes that there could be scope to increase both participation and spectators at various raceways within a 2-hour catchment area.

- 15.16 Many interested parties have raised concerns regarding the loss of Matchams as a local facility, and the distances of other venues. Sport England have accepted an approach of identifying alternative venues for motorsports within a 1-2 hour drive time from Matchams. The assessment identifies 6 venues within this range, the closest being Aldershot Stadium.
- 15.17 Sport England have been consulted on the Sports Sequential Assessment and have made no objection to the loss of Matchams. While the alternative venues are some distance away the evidence suggests that these venues have a large catchment, and that the alternatives would be adequate to meet demands.
- 15.18 Concerns have also been raised regarding the impacts on children and younger generations. There are concerns the loss of the racetrack as a meeting / entertainment facility for young people will leave them without a safe place to meet and engage in legal activities. This could potentially result in them meeting in less appropriate places and engaging in anti-social behaviour.
- 15.19 There are also wider concerns regarding a more general risk of increased anti-social behaviour through an increase in people racing on roads.
- 15.20 There is no evidence that the removal of a venue for a legal activity would cause individuals to engage in illegal behaviour. Were any anti-social behaviour to result from the closure of the Matchams Stadium, there is no evidence regarding what the extent of this might be or where the behaviour might be focussed. Matchams Stadium has a large catchment area and so any issues are likely to be dispersed within this. In any case, other avenues exist to address issues with anti-social behaviour, through the Anti-social Behaviour, Crime and Policing Act 2014.
- 15.21 In conclusion, the applicant has demonstrated that Matchams Stadium is surplus to requirements, and Sport England have raised no objection to the loss of this facility. While the local racing community have expressed concerns, insufficient evidence has been submitted to demonstrate that the submitted Sports Sequential Impact Assessment is flawed. The proposal is therefore considered to be in accordance with NPPF paragraph 99 and so limited weight is attributed to the loss of this facility.

### **Housing for Older People**

- 15.22 Policy LN6 of the CED Local Plan 2014 sets out the Council's strategy on housing for vulnerable people, which includes older people. The supporting text sets out the Council's intention that larger scale developments and new neighbourhoods make provision (market and affordable) for older people, to enable opportunities for older people to live securely, independently, and inclusively within

communities. Saved East Dorset Local Plan policy HODEV3 supports the delivery of specialist accommodation within settlements.

- 15.23 Policy LN6 of the CED Local Plan states that any care development proposals would need to demonstrate *'any impacts upon, or risks to, the strategic aims and objectives of Dorset County Council...are taken into account and mitigated against'*. The strategic aim of Dorset Council (which includes the functions of former Dorset County Council) is to focus on the provision of extra care accommodation, rather than care homes. The proposal would meet with this strategic aim.
- 15.24 The Bournemouth Christchurch and Poole (BCP) and Dorset Local Housing Needs Assessment, produced as part of the evidence base for the new Dorset Local Plan, identifies a clear need for provision of extra-care units, with 1,800 required across Dorset for the 2021-38 period, split roughly equally between market and affordable homes. The Dorset Council Adult Social Care Team have confirmed the large shortage in specialist accommodation for older people across all tenures. It is considered this is a material consideration in the decision-making process.
- 15.25 In the period 2017-2021, permission has been granted for 108 extra-care dwellings within the East Dorset area. All are market units although a contribution of £1,066,219 was secured towards affordable housing. Permission has also been granted for 387 care home bedrooms.
- 15.26 Taking into consideration the substantial contribution that this proposal could make to the identified need for specialist elderly accommodation, including extra-care housing and a care home, the provision of this accommodation to meet an identified need carries weight in the planning balance. Although the proposal does not make provision for the tenure most in need (affordable extra-care units), the contribution this proposal could make towards specialist accommodation for older people is nonetheless afforded significant weight.

#### **Site location and sustainability**

- 15.27 The site is in a location which is divorced from any settlement boundary, is contrary to the settlement hierarchy, and would generally be considered an unsustainable location for development. The adjacent roads are not suitable for walking or cycling.
- 15.28 However, the site is subject to Policy SL6 of the saved Local Plan which, while not supporting residential development of the site, does recognise that redevelopment proposals may be appropriate subject to green belt policy and consideration of heathlands impacts (which are considered separately below). Further, the site is previously-developed land (as considered at paras. 15.121-15.126) and its redevelopment would provide an opportunity for remediation of contaminated land as supported by paragraph 120 of the NPPF.
- 15.29 The proposal is for a new 'close care community' and the applicant advises that substantial communal facilities are proposed as part of the scheme, but the description of development only references 'associated communal facilities' and does not specify what these would include.

- 15.30 The application is in outline and the applicant has suggested that the exact facilities provided would be determined within a future reserved matters application. A reserved matters application would be limited to those matters which have been reserved, namely layout, scale, appearance and landscaping. The suitability of the type and quantum of communal facilities is outside of this scope and thus has to be considered as part of this outline application.
- 15.31 It is understood that facilities could include a wellbeing centre with gym, swimming pool and space for group exercise classes, a shop, restaurant, café, hair salon, library, laundry facilities and outdoor recreational facilities such as croquet or bowls. Such a range of on-site facilities could be considered akin to those provided in a typical village and thus compensate in part for the unsustainable location.
- 15.32 The submitted S106 Heads of terms affords that the Communal Facilities to be provided at the site *'could include:*  
*'the health and wellbeing facilities (which may include but are not restricted to hydrotherapy pool, sauna, steam room, gym, exercise rooms, and treatment rooms); and*  
*the other communal facilities (which may include but are not restricted to restaurant, bistro and bar, meeting rooms, hobbies room, lounge and hair salon)'*
- 15.33 It is noted that the shop and outdoor recreational facilities which the applicant has advised may be provided do not appear on the list within the draft S106. The draft s106 provides that the final provision of communal facilities would be agreed between the owner and the Council.
- 15.34 A private bus service would be made available, which is proposed to be secured as provided within the draft s106 with a timetable to be agreed between the Council and the site operator. This service would be available to both residents and employees. While the situation necessitating this mitigation is not ideal, this service would improve the sustainability of the site.
- 15.35 The location of the site is not supported by the settlement hierarchy, and the site is not allocated for residential development. However, the site is previously-developed land with contamination issues, and its potential for redevelopment has been acknowledged within planning policy. In relation to the proposal, the extent of on-site facilities and private transport services, both of which could be secured in perpetuity through a S106 agreement, would improve its sustainability. There would be some increases in the desire to travel by private car, however this is balanced against the current use of the site which generates significant private car trips.
- 15.36 On balance it is considered that the location, previously-developed nature, and current uses of the site, when balanced against the proposal including on-site facilities and private transport service (being satisfactorily secured by way of a planning obligation) , would not warrant a reason for refusal of the scheme on the basis that the location is unsustainable. This issue is therefore attributed limited weight in the planning balance.

### **Economic benefits**

- 15.37 Policy KS1 of the CED Local Plan seeks to secure development that improves the economic conditions in the area.
- 15.38 The proposal is expected to provide employment opportunities and create approx. 60 jobs. Due to the nature of the development and site location these job opportunities would be necessarily taken up by people living some distance from the site. A shuttle bus is proposed which would provide transport for employees. Jobs would also be provided during the construction phase; these would be temporary in nature.
- 15.39 The location of these employment opportunities is not in accordance with the settlement hierarchy set out in Policy KS2. However, the potential concentration of those with care needs in a single location could reduce the need for staff to travel. Often care staff are required to drive between jobs across a wider area (and are not paid for this time). Consequently, some jobs created by the continuing care retirement community (CCRC) may require less use of private cars than similar roles in the wider community.
- 15.40 Further economic benefits will include additional expenditure and use of services in the local area.
- 15.41 Taking into consideration the magnitude and duration of these economic benefits, they are afforded moderate weight in the planning balance.

### **Affordable Housing**

- 15.42 CED Policy LN3 sets out the Council's approach to the provision of affordable housing. This requires all residential developments to meet affordable housing requirements, with non-greenfield developments expected to provide up to 40% of residential units as affordable housing.
- 15.43 CED Policy LN6 states that certain new care developments within the C2 use classification will not be subject to Policy LN3. However, it specifically identifies sheltered housing, assisted-living and extra-care accommodation as expected to meet the requirements of Policy LN3, subject to viability. Open market development proposals to provide housing for older people can meet policy LN3 through a commuted sum contribution. The commuted sum is calculated on a floorspace basis and a policy-compliant scheme would provide a contribution of £4,012,938 (based on the submitted accommodation schedule).
- 15.44 While the description of development references extra care units falling within Use Class C2, it is for the Local Planning Authority to consider into which use class a particular development may fall. The application is in Outline and some (but not all) of the elements below relate to the detailed layout of accommodation which would be considered as part of a reserved matters application. It is considered appropriate to consider all evidence available as regards the use class classification of this development at the Outline stage, as this is the stage where the principle of the application is considered, and where any obligations towards affordable housing can be sought, with commensurate weight attached to those elements where details are indicative only.

### Extra-care housing

- 15.45 The NPPG (paragraph: 010 Reference ID: 63-010-20190626, 2019) defines extra care housing as follows:
- 15.46 *'This usually consists of purpose-built or adapted flats or bungalows with a medium to high level of care available if required, through an onsite care agency registered through the Care Quality Commission (CQC). Residents are able to live independently with 24 hour access to support services and staff, and meals are also available. There are often extensive communal areas, such as space to socialise or a wellbeing centre. In some cases, these developments are known as retirement communities or villages - the intention is for residents to benefit from varying levels of care as time progresses.'*
- 15.47 The proposal would include purpose-built accommodation, and a medium – high level of care would be available if required, albeit through a choice of offsite (rather than onsite) care agencies. However, a Wellbeing Manager would be available to assist residents with making these care arrangements. Residents would have access to 24-hour support services and staff, with meals available at the restaurant or by delivery. The Draft S106 anticipates the following communal areas would be provided within the 'Village Centre': Wellness suite; Restaurant; Studio rooms/library/meeting place. The ability to arrange increased levels of care, and the on-site care home, would provide for varying levels of care as time progresses. Overall, it is considered that the proposed dwellings meet this extra-care definition.

#### Personal care

- 15.48 Neither the NPPG nor the Use Classes Order 1987 (as amended) specify whether extra-care accommodation falls within Use Class C3 (Dwellinghouses) or C2 (Residential Institutions).
- 15.49 The Use Classes Order defines C2 class as:  
*'Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).*  
*Use as a hospital or nursing home.*  
*Use as a residential school, college or training centre.'*
- 15.50 Within the Use Classes Order, 'care' means personal care, and is defined as follows:  
*"care" means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment.*
- 15.51 The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 define personal care as follows:  
*'"personal care" means—*  
*(a) physical assistance given to a person in connection with—*  
*(i) eating or drinking (including the maintenance of established parenteral nutrition),*

*(ii) toileting (including in relation to the process of menstruation),*

*(iii) washing or bathing,*

*(iv) dressing,*

*(v) oral care, or*

*(vi) the care of skin, hair and nails (with the exception of nail care provided by a person registered with the Health and Care Professions Council as a chiropodist or podiatrist pursuant to article 5 of the 2001 Order), or*

*(b) the prompting, together with supervision, of a person, in relation to the performance of any of the activities listed in paragraph (a), where that person is unable to make a decision for themselves in relation to performing such an activity without such prompting and supervision;'*

- 15.52 The draft S106 legal agreement provides additional information on the types of care that will be offered to residents of the retirement community. All residents will need to demonstrate that they are a 'Qualifying Person'. This will involve an assessment where a requirement for a 'Care and Wellbeing Package' will need to be demonstrated. The Care and Wellbeing Package will include the provision of at least 2 hours a week of 'Care Services'.
- 15.53 Care services include a range of services including provision and delivery of meals, advice on nutrition and menu planning, general health advice, welfare calls, collection of prescriptions and use of on-site transport services. They can also include assistance with personal hygiene, prompting to take medication and assistance with eating and drinking. Many of these services would not represent personal care as defined above.
- 15.54 The Draft S106 requires that delivery of on-site Personal Care by a CQC Registered Service Provider is available for those who need it, subject to a separate contract. On-site delivery of personal care can form part of the Care & Wellbeing Package however it is not necessarily part of the 2-hour minimum Care Services as many of the services described therein do not constitute personal care. There is therefore no requisite in the extra-care element of the proposal that personal care be provided to the residents.

### Communal Facilities

- 15.55 NPPG (paragraph 014 Reference ID: 63-014-20190626, 2019) provides guidance to local authorities as follows: '*when determining whether a development for specialist housing for older people falls within C2 (Residential Institutions) or C3 (Dwellinghouse) of the Use Classes Order, consideration could, for example, be given to the level of care and scale of communal facilities provided.*'
- 15.56 The communal facilities would serve a considerable number of dwellings, of which many would be located a substantial distance away. The submitted application does not provide clarity on the likely size or capacity of communal facilities; further information in the form of illustrative floorplans was requested but not provided. However, based on the submission the communal facilities for extra-care residents are expected to focus on the provision of a central hub of more social activities such as the wellbeing centre, restaurant and café, with some care facilities such as on-site space for visiting medical professionals.



- 15.57 While details of the layout and scale of communal facilities would be submitted at the reserved matters stage, the parameter plans would constrict the options available. In particular, it is considered that the relationship between dwellings to be provided in the orange 'extra-care housing' zone on the Land Use Parameter Plan and communal facilities to be provided in the pink 'extra-care units, associated communal and care facilities' would not represent an arrangement that could be considered to fall within Use Class C2.

### Summary

- 15.58 It is not considered there is sufficient evidence that the facility would provide a level of care or care facilities at or above those described in the first paragraph of Policy LN6. The units are not considered to meet the definition of a Residential Institution as defined in the Use Classes Order as personal care is not necessarily provided. The communal facilities would be separate from many of the extra-care dwellings. Taking all these elements into consideration it is concluded that the extra care dwellings fall within Use Class C3 and are subject to the requirements of Policy LN3 subject to viability..

### Case for Viability Appraisal at application stage

- 15.59 Paragraph 58 of the NPPF states that '*Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.*'
- 15.60 National Planning Policy Guidance (PPG) Paragraph: 007 Reference ID: 10-007-20190509 explains with regard to changes in site circumstances that '*Such circumstances could include, for example where development is proposed on unallocated sites of a wholly different type to those used in viability assessment that informed the plan; where further information on infrastructure or site costs is required; where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people); or where a recession or similar significant economic changes have occurred since the plan was brought into force.*'
- 15.61 While the applicant does not accept that the proposal triggers the requirement for a contribution towards affordable housing, a statement has been submitted to justify the need for a viability assessment at the application stage.
- 15.62 This states that '*The existence ... of policy LN6 clearly demonstrates that Dorset Council has not undertaken a viability assessment of residential care developments in the preparation of the Local Plan that would demonstrate that such developments are capable of making such a contribution.*'

- 15.63 Alongside the examination of the Local Plan: Part 1, Christchurch and East Dorset prepared a Community Infrastructure Levy (CIL) Charging Schedule. A series of viability reports by Peter Brett Associates was produced as part of the evidence base. The Community Infrastructure Levy Viability Testing Reports (January 2013 and June 2013) formed part of the evidence base for the Local Plan: Part 1 Examination.
- 15.64 This evidence base progressed to include assessment of the viability of extra-care dwellings, in Affordable Housing Viability Testing for CIL (35% & 40%) C2/C3 Uses December 2014. This provided evidence of the viability of extra-care/retirement flats (as a C3 use) to contribute to affordable housing. The assessment of this typology in terms of the scale of development ranged from 5-60 flats.
- 15.65 The applicant goes on to say that *'The proposal includes a large amount of communal space and community uses, including staff offices, a gym and wellbeing centre, treatment rooms, a bistro and a small retail provision. These uses will be provided early in the construction phasing to ensure that the first residents of the scheme are provided with all of the amenities required for day-to-day requirements. These facilities will incur costs which are required to be covered by the developer until such time as the development is fully sold and future residents will pay a proportionate management fee each.'*
- 15.66 The description of development submitted for this application refers to 'associated communal and care facilities' but does not specify what these will include. The applicant's draft S106 agreement identifies the communal facilities that may be provided as follows:  
*'the health and wellbeing facilities (which may include but are not restricted to hydrotherapy pool, sauna, steam room, gym, exercise rooms ,and treatment rooms); and the other communal facilities (which may include but are not restricted to restaurant, bistro and bar, meeting rooms, hobbies room, lounge and hair salon) to be provided in conjunction with the Extra Care Units as part of the Development to be made accessible to visiting members of the public in accordance with the provisions to be agreed between the Owner and the Council'.*
- 15.67 The scale of this proposal at 330 extra-care units plus a care home, is significantly greater than that of the extra-care typologies assessed in the Local Plan evidence base.
- 15.68 While it has not been highlighted by the applicant, officers are aware that this site has significant abnormal costs arising from the location, current uses and existence of designated areas within the site. The proposal also includes significant areas of open space. All these factors combined, result in a development of a wholly different type to that used in the viability assessment that informed the plan. As such, it is considered that the case for a viability assessment at the application stage can be accepted.

#### Viability Appraisal

- 15.69 The applicant has submitted a Financial Viability Assessment (FVA), intended to demonstrate that a contribution towards affordable housing is not viable. This

evidence was independently reviewed on behalf of the Council by the District Valuers.

- 15.70 Paragraph 58 of the NPPF states that *'all viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available'*. The NPPG states that *'Where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then.'* The submitted FVA does not refer back to the Local Plan evidence base.
- 15.71 The FVA finds that the viability appraisal of a scheme without an affordable housing contribution generates a residual land value of £1,331,798, which is below the FVA Benchmark Land Value (BLV) of £10,260,000. This would give a shortfall of £8,928,202, however it is understood that the applicant nonetheless intends to continue with the proposal.
- 15.72 On this basis the FVA seeks to demonstrate that a contribution to affordable housing is not viable.
- 15.73 The District Valuer (DV) has reviewed the FVA and the assumptions within it. The following table provides a summary of the review and where assumptions were/were not agreed.

<b>Policy Compliant Inputs</b>	<b>Agent</b>	<b>DVS Viability Review</b>	<b>Agreed (Y/N)</b>
<b>Assessment Date</b>	January 2022	March 2023	
<b>Scheme, Gross Internal Area, Site Area</b>	GIA 30,919.46 m <sup>2</sup> 51.69 hectare gross site area	GIA 31,863.84 m <sup>2</sup> 51.69 hectare gross site area	N
<b>Development Period</b>	197 months	128 months	N
<b>Gross Development Value</b>	£184,016,635	£183,977,996	N
<b>Planning Policy / S.106 Total</b>	£0	£4,196,514	N
<b>Construction Cost inc. Prelims, External Works Total</b>	£106,412,284	£82,342,089	N
<b>Empty property costs</b>	£7,982,771	£8,505,000	N
<b>Contingency</b>	5%	5%	Y
<b>Professional Fees</b>	10%	10%	Y
<b>Finance Interest</b>	6.5%	6.5%	Y
<b>Agency &amp; Marketing Fees</b>	4% residential, 1% commercial	4% residential, 1% commercial	Y
<b>Legal Fees</b>	0.5%	£650 per unit	N
<b>Land Acquiring Costs</b>	SDLT + 1.5%	SDLT + 1.5%	Y
<b>Profit Target %</b>	20%	20%	Y
<b>EUV</b>	£1,139,600	£1,992,000	N
<b>EUV Premium to BLV</b>	£9,123,400	£2,157,000	N
<b>Benchmark Land Value</b>	£10,260,000	£4,149,000	N
<b>Alternative Use Value</b>	N/a	N/a	

- 15.74 There most significant differences in opinion are in relation to build costs and the premium to the landowner.

#### Build Costs

- 15.75 Regarding build costs, the applicant has included bespoke costing for an assumed housing mix within the submitted appraisal. This includes a range of flats, bungalows and lodges and provides details of assumed build costs per sqm for each typology. Allowances are also made for communal facilities within the village centre.
- 15.76 The DV is of the opinion that standard build costs are a more appropriate way to input build cost assumptions to the viability exercise and has used BCIS Median figures for supported housing, adjusted for the Dorset area. This is in line with the approach taken to the assessment of viability of extra-care within the local plan evidence base.
- 15.77 The NPPG supports the use of build costs based on appropriate data, specially referencing the Building Costs Information Service (BCIS) (Paragraph: 012

Reference ID: 10-012-20180724). These standard assumptions have been used when assessing the viability of other extra-care proposals within the district.

- 15.78 The applicant has put forward a case that a bespoke approach is required as their product is different to that of other retirement developers, due to the specification and facilities provided at other CCRC operated by the applicant. However, the NPPG requires viability assessments to use standardised inputs, and there is no guarantee that the applicant would build out the site – it could be sold to another retirement developer. In conclusion, it is considered there is no policy basis for a departure from standard assumptions.

#### Premium to the Landowner

- 15.79 Regarding the premium to the landowners, the FVA uses the approach of applying multipliers (generally 10x) to the assumed Existing Use Value (EUV). The DV does not support this approach, considering that such multipliers should be applied to base agricultural land. Consideration should also be had to the net developable area given that a large part of the site is undeveloped heathland.
- 15.80 The applicant has responded to the effect that the site was purchased in 2003 for £3.75mil and the landowner will want to see a return on this investment. However, this amount is higher than EUV within both the FVA and DV reports. The NPPG is clear that *'where viability assessment is used to inform decision making under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan'* (Paragraph: 014 Reference ID: 10-014-20190509). There is therefore no policy basis to take account of the 2003 purchase price.
- 15.81 It is acknowledged by both valuers that the site is complex, and that determination of EUV and the premium to the landowner is not straightforward. However, when advising on how a premium to the landowner should be defined for viability assessment the NPPG requires that a premium *'should provide a reasonable incentive for a land owner to bring forward land for development while allowing a sufficient contribution to fully comply with policy requirements'* (Paragraph: 016 Reference ID: 10-016-20190509).
- 15.82 The NPPG further requires that *'Landowners and site purchasers should consider policy requirements when agreeing land transactions'* (Paragraph: 013 Reference ID: 10-013-20190509). There is no evidence within the FVA that policy requirements have been considered when proposing the premium for the landowner at this site.

#### District Valuer conclusions

- 15.83 The DV advises that his viability appraisal of a policy-compliant scheme generates a residual land value of £20,456,142, which is above the BLV of £4,149,000.
- 15.84 The DV concludes that *'The above scheme assessed with regards to full planning policy requirement (off-site Affordable housing contribution of £4,012,938, CIL contribution of £1,762,297, and s.106 contributions of £35,000) is financially viable.'*

- 15.85 Despite the findings of the DV, the applicant has advised that they are not willing to enter into an obligation to make a policy-compliant financial contribution to affordable housing. This carries significant weight against the proposal and forms a reason for refusal.

### **Biodiversity**

- 15.86 Policy ME1 of the CED Core Strategy states that the Core Strategy aims to protect, maintain, and enhance the condition of nature conservation sites, habitats and species. Where development is considered likely to impact upon particular sites, habitats or species, it will need to be demonstrated that the development will not result in adverse impacts.

### Protected Species

- 15.87 The Environmental Statement includes a comprehensive suite of surveys, identifying protected species that might be affected by the proposals and mitigation measures. This is considered acceptable subject to a condition requiring a Construction and Environmental Management Plan (CEMP) and securing the appropriate licenses from Natural England.

### Biodiversity Net Gain

- 15.88 Paragraph 175 of the NPPF, supported by the NPPG (Paragraph: 019 Reference ID: 8-019-20190721) requires that proposals are based on the 'mitigation hierarchy'. This requires proposals to seek first to avoid, then mitigate, then compensate. Avoidance includes the location on an alternative site with less harmful impacts. Where a development cannot satisfy the requirements of the 'mitigation hierarchy', planning permission should be refused.
- 15.89 The NPPG states that biodiversity net gain complements and works with the biodiversity mitigation hierarchy. It does not override the protection for designated sites, protected or priority species and irreplaceable or priority habitats set out in the NPPF (Paragraph: 024 Reference ID: 8-024-20190721). When determining the existing biodiversity of a development site, it may be relevant to consider whether any deliberate harm to this biodiversity value has taken place in the recent past, and if so whether there are grounds for this to be discounted in assessing the underlying value of the site (Paragraph: 026 Reference ID: 8-026-20190721).
- 15.90 The submitted Environmental Statement sets out that assumptions of post development habitats within the Biodiversity Metric are based on outline plans. A precautionary approach has been taken as areas are not yet fixed. Broad estimates of general areas of habitats have been made. When assessing Biodiversity Net Gain (BNG) on the site, areas designated as SAC/SPA were excluded from the calculation as the Habitats Regulations in any case require that these designated sites be restored to favourable condition.
- 15.91 The Dorset NET Team have raised concerns regarding the proposal in particular the approach to the biodiversity mitigation hierarchy and calculation of net gain.

- 15.92 Table 3.1 of Technical Appendix 11.11 BNG describes the baseline habitat types and conditions currently existing within the Developable Area and Nature Conservation Area (NCA). These are also shown on Map 1. Several areas of high/very high habitat distinctiveness are proposed to be lost to facilitate the development, with new areas of high/very high distinctiveness to be created elsewhere to compensate.
- 15.93 The areas of high/very high distinctiveness to be lost include areas of open mosaic habitats that have established on some of the motorsports tracks and facilities that are no longer in use. The redevelopment of the motorsports facilities, and therefore these areas, is a fundamental part of the proposal and so the loss of these areas is considered justified.
- 15.94 Less clear is the loss of a field of lowland dry acid grassland, of very high distinctiveness, a small part of which is currently used to store derelict vehicles. The applicant has assumed that this area may be lost as part of the development of open space, perhaps to accommodate a bowls pitch. It is considered that such an approach would be contrary to the mitigation hierarchy. The applicant has advised that they would be happy for a condition to be placed to allow this to be addressed as part of any reserved matters submission, this would be acceptable.
- 15.95 There are concerns regarding the difficulty of creating areas of high distinctiveness, and the implications this might have for BNG. However, the applicant has allowed for a high level of difficulty in the creation of these areas within the BNG calculation and so the approach is not unreasonable.
- 15.96 The Environmental Statement concludes a BNG of 10.59% would be delivered for the proposed development.
- 15.97 Overall, it is considered the applicant has demonstrated that a net gain could be achieved on the site. While the approach currently proposed is not wholly in accordance with the biodiversity mitigation hierarchy this could be addressed via a condition.
- 15.98 The delivery of a BNG which only just exceeds the forthcoming minimum requirements (under the Environment Act 2021) demonstrates that much of the proposed benefits of heathland restoration and integrity of the heathland landscape within those areas outside the SPA, on which the applicant relies as justification within the submitted shadow HRA, would be at the expense of existing habitats at the site. This represents a form of 'double-counting', as the mitigation which is intended to counteract harm to the heathlands is additionally proposed as mitigation for the loss of existing habitats. This issue is discussed further in the section on Dorset Heathlands below.

### **Dorset Heathlands SPA and New Forest SPA**

- 15.99 The site is located adjacent to, and contains areas designated as, the Dorset Heathlands. It is also situated within a less than 15 minute drive of the New Forest. The proposal is not directly connected with the management of these designated sites.
- 15.100 Policy ME2 of the CED Core Strategy 2014 states no residential development will be permitted within 400m of protected European and internationally protected heathlands. The Dorset Heathlands Planning Framework SPD advises that

additional residential development within 400 metres of the Dorset Heathlands is likely to have a significant effect upon the designated site, either alone or in combination with other developments and that this cannot be mitigated. The mitigation strategy within the SPD has been considered to demonstrate mitigation of impacts on New Forest sites also, due to the similarities in impact pathways with confidence (or lack thereof) in impacts of the Dorset Heathlands mirroring confidence for the New Forest.

- 15.101 The SPD clearly states in several places (Figure 3 page 11, Appendix B pages 21-22) that both residential dwellings and specialist housing such as extra-care, where the occupants are still active, are not permitted within the 400m heathland area. Extra-care housing is not permitted within the 400m area regardless of whether the units are classed as C3 or C2. The SPD is clear that such schemes are comparable in their impacts to residential flats.
- 15.102 Nursing homes are permitted in the 400m area where the residents are no longer active e.g. where nursing care is necessary such as for advanced dementia or physical nursing needs. Purpose-built schemes for the accommodation of disabled people are also permitted where, by purpose of the nature of the residents' disability, they are unlikely to have any impact on the adjacent protected heaths. Such proposals must be subject to conditions and legally binding agreements to ensure impacts can be avoided such as:
- 24-hour enforcement of no-pet conditions
  - no on-site parking for public use
  - restriction of open market sales
  - no on-site accommodation for staff/visitors
- 15.104 The care home element of the proposal is considered to meet the requirements of policy ME2 and the Dorset Heathlands SPD, subject to suitable obligations and conditions.
- 15.105 The proposed extra-care dwellings are contrary to these policies because they would introduce housing where occupants are active, within 400m of the Dorset Heathlands. In addition, it is not possible to place the conditions and legally-binding obligations suggested by the Dorset Heathlands SPD on these units for the following reasons:
- 24-hour enforcement of a no-pet condition would not be practicable due to the dispersed nature of the dwellings, which would make such a condition unenforceable
  - On-site parking is proposed for the health & wellbeing centre/cafe (although this could perhaps be conditioned to prevent extended stays)
  - The dwellings would be sold on the open market
  - The dwellings include accommodation for visitors who would be permitted to stay for up to 30 nights per year
- 15.106 The Dorset Heathlands SPD does provide some flexibility to enable the consideration of development proposals on a case-by-case basis. The wording of the SPD indicates that such considerations are expected to be carried out in relation to forms of development not specifically mentioned within the SPD. As such, a case-by-case assessment of a proposal for extra-care units would not



typically be required as the impacts arising from this development type are clearly covered in the SPD.

- 15.107 However, the proposal does include elements other than the delivery of extra-care units which warrant a case-by-case consideration of the impacts of the scheme. The adverse impacts of existing uses at the site, the existence of areas of the Dorset Heathlands within the site boundary, and the potential for restoration of designated areas and interconnected habitats currently in poor condition, are considerations which are unique to this proposal.
- 15.108 An Appropriate Assessment (Background Document 1) has been carried out assessing the impacts of the proposal on the Dorset Heathlands and New Forest. This finds that adverse effects on the integrity of the Dorset Heathlands and New Forest would arise from the proposal.
- 15.109 The applicant has not put forward a case for consideration of this site as an exception under the Habitats Regulations. Alternative solutions have not been submitted. It is not considered that the proposal is imperative or has overriding benefits for the public which would outweigh or justify the risk of harm to the Dorset Heathlands and New Forest.
- 15.110 The proposal is therefore contrary to Policy ME2 of the CED Core Strategy, and to the Habitats Regulations, forming a reason for refusal of the application. The adverse impacts upon these designated sites is given weight of the highest significance and provides a clear reason for refusing the development proposed .

### **Avon Valley SAC**

- 15.111 The site lies partly within the River Avon catchment where, in the absence of mitigation, additional wastewater and urban run-off would contribute to nutrient loading. This would result in adverse impacts on riparian habitats and the River Avon SAC.
- 15.112 A Nutrient Assessment has been submitted which sets out the strategy for avoidance of impacts on the Avon Valley SAC. Foul sewage would be sent to the Palmerston Waste Water Treatment Works (WWTW) which drains into the River Stour catchment, and surface water would be infiltrated on site (a 100% infiltration scheme).
- 15.113 An Appropriate Assessment has been carried out which concludes that these measures would prevent adverse impacts in principle. However, the Local Lead Flood Authority have raised concerns that the 100% infiltration scheme may not be viable.
- 15.114 Alternative mitigation measures are available in the form of credits which can be purchased. Natural England have advised that in these circumstances they are willing for a Grampian condition to be placed to require mitigation to be agreed. Consequently, the Appropriate Assessment has concluded that mitigation of the effects on the River Avon SAC is possible.

### **St Leonards & St Ives SSSI**

- 15.115 The applicant was asked to provide additional information regarding the proposed connection to the Palmerston Waste Water Treatment Works (WWTW). The applicant has shared a Foul Drainage Plan with Wessex Water but this has not been submitted as part of this application.
- 15.116 The applicant has advised that an application has been made to Wessex Water for a connection to be provided via a requisitioned route to Wayside Road, located northwest of the application site. Details e.g. of pump station and pump systems will not be known until the detailed design stage.
- 15.117 The area between the site and Wayside Road is designated as St Leonards & St Ives SSSI and the submitted ES confirms that the sewer would be expected to cross this designated site. Mitigation would be put in place to minimise impacts including route planning and a Working Method Statement. Natural England would need to consent to the strategy. It is therefore considered that the proposed mitigation strategy is adequate.

### **Green belt**

- 15.118 The site is located within the Green Belt. A fundamental aim of Green Belt policy is to keep land permanently open.
- 15.119 CED Policy KS3 provides that development in East Dorset will be contained by the South East Dorset Green Belt, with the most important purposes of the Green Belt in the area to:
- Protect the separate physical identity of individual settlements in the area by maintaining wedges and corridors of open land between them.
  - Maintain an area of open land around the conurbation.
- 15.120 Paragraph 147-148 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 15.121 Paragraph 149 sets out that the construction of new buildings in the Green Belt is inappropriate, with specific exceptions. These exceptions include:
- 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*
  - *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

### Previously-developed land

- 15.122 The NPPF includes a definition of previously-developed land, as '*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.*'
- 15.123 A comprehensive Schedule of Buildings has been submitted as part of the application. This identifies 37 permanent structures at the site, comprising various small single-storey buildings such as offices, workshop, toilet blocks and kiosks, associated with the racing uses and still in use. The Schedule of Buildings identifies the total Gross Internal Area (GIA) of the structures as 1095sqm.
- 15.124 Fixed surface infrastructure present at the site includes the stadium itself, roadways, areas of hard standing, and tracks formerly used for sports such as go-karting and bike racing.
- 15.125 The curtilage of the site is well established, being that area subject to saved Local Plan policy SL6, and this matches the red line boundary submitted in this application. It is concluded that the site constitutes previously-developed land.
- 15.126 It is not assumed that the whole of the curtilage should be developed, and the applicant has restricted built form to those parts of the site where the majority of structure and fixed infrastructure are located. This approach is considered reasonable.

#### Existing impacts on the Green Belt

- 15.127 Considering the distribution of structures and associated fixed surface infrastructure within the site, the majority of structures are clustered centrally, around the stadium. The stadium is the dominant feature at the site measuring approx.215m by 145m, and including stepped terraces wrapping round the track south-east to south-west, set into the hillside with a height of approx. 7m.
- 15.128 A looped roadway and large car parking area are located to the south- between the stadium and Hurn Road. To the west of the stadium are areas of hardstanding as part of former racetracks and parking areas. There are also areas where earthworks have taken place and areas of gravel, which are no longer maintained.
- 15.129 Substantial parts of the site to the north and south do not contain structures or fixed surface infrastructure. These areas are predominantly woodland.
- 15.130 The proposal makes no contribution towards affordable housing, and consequently the test to be considered under NPPF paragraph 149 is whether the proposal would have a greater impact on the openness of the Green Belt than the existing development.

#### Impacts of the proposal on the Green Belt

- 15.131 It is proposed to contain development within the footprint of those areas which currently include built form and hardstanding. The proposal would see a substantial increase in the volume of built form on the site, with a particular intensification of built form at those parts of the site away from the stadium which are currently occupied by hard-standing.

- 15.132 The NPPG (Paragraph: 001 Reference ID: 64-001-20190722, 2019) sets out matters which may be relevant when making an assessment regarding the impacts of a proposal on green belt openness. These include (but are not limited to):
- Spatial aspects e.g. volume
  - Visual impacts
  - Degree of activity
- 15.133 With regard to the spatial aspects of openness, it is considered the increase in volume, along with the intensification of built form and its distribution across the site, would have a greater impact on openness than the existing development. Full details of the volume of proposed are not available however the building heights parameter plans would enable building heights of up to 13.5m (ridgelines up to 15.5m).
- 15.134 The proposal clusters development onto the footprint currently occupied by buildings and hard surfacing. However, in doing so it is likely to result in an intensive use of this area of the site.
- 15.135 Turning to the visual aspects of openness, the submitted LVIA has demonstrated that the site is visually well-contained. Visibility of the site from public vantage points would be limited, with most views completely or partially obscured by vegetation. Those partially screened are views from Avon Valley Country Park, and from Foxbury Road at Grange Estate. The degree of visual impacts on openness from these locations could be addressed at a detailed design stage through the careful positioning of buildings and choice of materials.
- 15.136 The unobscured view into the site is from the entrance at Hurn Road. At present the entrance is relatively unobtrusive, with the internal access roads gated shut when events are not in progress. With the exception of a small single-storey entrance kiosk, it is not possible to view the existing built form from the entrance point. The proposal would introduce buildings with a ridgeline of up to 15.5m within an area of hard standing currently used for car parking, approx. 130m from the entrance. The submitted LVIA concludes that these buildings would not be visible from the entrance as they would be obscured by boundary vegetation.
- 15.137 The Council's Landscape Officer has advised that the approach and conclusions within the Landscape Visual Impact Assessment (LVIA) (which provides a day time assessment) are satisfactory. The conclusions rely upon the retention of existing boundary vegetation, which could be conditioned.
- 15.138 The visual impacts at night-time must also be considered. As set out in the section below on impacts on the dark skies of the New Forest National Park, there is limited data available on the lighting baseline. However, it is noted that the present site is minimally lit, excepting on event days, while the proposal would be designed to achieve a level of lighting consistent with a suburban location (E3). In the absence of evidence to the contrary it is assumed the visual impacts of the site at night will be more urbanising than that of the site at present.
- 15.139 Regarding the degree of activity taking place at the site, the Transport Assessment identifies an 'optimum weekday operation' at the site as generating 1,007 12 hour total daily trips. This would assume a weekday car boot sale followed by an evening racing event. Events are subject to limitations resulting

from an Injunction , and are held infrequently. Trip generation on days when an event is not held is likely to be minimal. The average number of daily trips generated across a period in May 2021 including event and non-event days was 342 trips.

- 15.140 The Transport Assessment estimates that trip generation for the proposed development would be in the region of 808 trips per day. While on a per day basis this is less than the 'optimum weekday operation' of the existing use, the nature and level of traffic would change from infrequent but large traffic movements, to a frequent number of traffic movements, spaced out over a longer period. In addition, the average number of daily trips would increase.
- 15.141 It is considered that the increase in trip generation, combined with the regularity of traffic movements, would increase awareness of the site entrance. This would result in an urbanising effect and a greater impact on green belt openness.
- 15.142 In conclusion, the proposal would have a greater impact on the openness of the Green Belt than the existing development and is therefore contrary to Policy KS3 and paragraph 149 of the NPPF.

#### Very Special Circumstances

- 15.143 The applicant has submitted a case for 'very special circumstances' (VSC) making the case that harm to the green belt is clearly outweighed by other circumstances. The crux of the case presented rests upon the previously developed nature of the site, the limited visual impact, and the benefits arising from delivery of specialist housing for older people.
- 15.144 In light of the adverse impacts of this proposal on the Dorset Heathlands, it is considered that a case for VSC could not be accepted. Additionally, a case for VSC could not succeed where a viable development does not contribute to affordable housing. It is further noted that if the proposal was policy-compliant in relation to affordable housing, consideration would be required as to whether the proposal would cause substantial harm to the openness of the green belt. As it stands this assessment is not required.
- 15.145 The proposal falls to be considered as submitted. Regard is had to paragraph 11 of the NPPF which states that, where policies are out of date, the application of policies in the NPPF that protect land designated as green belt will provide a clear reason for refusing the development proposed. The impacts on the green belt are thus afforded very significant weight in the planning balance, forming a reason for refusal.

#### **Landscape – Visual daytime impacts**

- 15.146 A Landscape and Visual Impact Assessment (LVIA) has been submitted which provides an assessment of visual impacts during the day. This includes illustrations of the visibility of the site from 25 agreed viewpoints. Of these viewpoints, open views are only available from one location – the site entrance. Other views are obscured by vegetation or built form, or because of the distance of the viewpoint from the site.

- 15.147 Partial views of the site are available from Foxbury Road in the Grange Estate, and from the southern portion of Avon Heath Country Park.
- 15.148 Of these views, the LVIA finds visual effects will be observed from the site entrance and Avon Heath Country Park. At the entrance the view is expected to be improved with expected effects from minor adverse – minor beneficial. From the country park the effects will be minor adverse at worst, as none of the proposed built forms will be visible or break the skyline from this viewpoint.
- 15.149 The Council's Landscape Officer has reviewed the submitted LVIA and ES and accepted the findings in terms of the impacts on landscape character.
- 15.150 It is noted that the site is located adjacent to the Avon Valley Area of Great Landscape Value (AGLV) as identified the East Dorset District Council Areas of Great Landscape Value SPG. CED Policy HE3 states that *'within the Areas of Great Landscape Value development will be permitted where its siting, design, materials, scale and landscaping are sympathetic with the particular landscape quality and character of the Areas of Great Landscape Value.'*
- 15.151 The SPG states that *'the AGLV boundary has been drawn to avoid substantial areas of despoiled land in the area, notably to the north of Boundary Lane and to the west of Matchams House. A range of military and leisure activities respectively have left these areas badly scarred. Fortunately, both areas are well screened so their impact on the visual amenities of the surrounding landscape is minimal, even in winter.'*
- 15.152 The proposal would retain and enhance the vegetation which screens the existing motorsports facility as mentioned in the SPG. While the effects would not be beneficial, it would not be unsympathetic in its impact on the setting of the AGLV. Given the local status of this designation such impacts would not be unacceptable.
- 15.153 The daytime impacts on visual receptors are considered to be acceptable, taking into account the minimal visibility of the site from public viewpoints. These impacts are therefore afforded limited weight in the planning balance.

#### **Landscape - Dark Skies of the New Forest National Park**

- 15.154 CED Policy HE3 requires development proposals to demonstrate that the need to protect against intrusion from light pollution has been taken into account. Where relevant, development proposal should take account of relevant Management Plans (the reference is to the AONB however it is considered appropriate to apply to any nationally designated site).
- 15.155 Paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks. Paragraph 185 requires planning decisions to limit the impact of light pollution from artificial light on intrinsically dark landscapes.
- 15.156 The site is within the setting of the New Forest National Park (NFNP). The NFNP Management Plan includes Objective 5 which aims to maintain and enhance the tranquillity of the National Park, including by improving the quality of its dark skies. Priority action TP6 will see the New Forest National Park Authority (NFNPA)

develop projects with local authorities to reduce the impacts of current artificial lighting in areas within and surrounding the National Park.

- 15.157 The submitted ES includes an External Lighting Assessment (ELA) & Outline Strategy rev P04 (Appendix 15.4) (ELA). This includes a baseline light survey and proposed external lighting strategy.
- 15.158 A desk survey was carried out which placed the existing site as falling within Environmental Lighting Category E2 (a rural surrounding).
- 15.159 The night-time survey was conducted for a period of 2 hours during an event where all lighting was operational. This finds that 'the site is mostly dark, with flood light luminaires provided sporadically throughout the site. Due to the nature and height of flood lighting, obstructive light spill occurs around the Raceway'. The survey conclusion accepts that lighting is only operational during an event, which only occur a few nights per month. No data has been provided for the baseline on non-event days (the vast majority of nights), when flood lighting is not operational.
- 15.160 The NFNPA have commented that this approach does not provide a fair comparison – 'to compare tall and bright floodlights saturating a site, for a two hour event, to external lighting for a residential development is not a fair comparison and could lead to over lighting of the proposals by dint of the fact that the external lighting is not as bright as the temporary floodlights that were on the site previously'. They comment that a comparison between an unlit site and a new residential site with external lighting would be more effective and respectful for protecting dark night skies and nocturnal wildlife.
- 15.161 The ELA makes no reference to the NFNP within the identified list of Sensitive Receptors, and no photographs or night-time LVIA have been provided to demonstrate the impacts from within the NFNP. The applicant did not undertake additional work to respond to the NFNPA's initial objection. The NFNPA have raised concerns that the NFNP has not been taken into consideration as a sensitive receptor to feed into the proposed External Lighting Strategy (ELS).
- 15.162 The ELS sets out that the external lighting for the proposal should be compliant to Environmental Zone E3 (Suburban). This would appear to represent an increase in lighting from the current assessment of the site as falling within E2.
- 15.163 Specific mitigation is identified for designated nature conservation sites. This focuses on the impacts of external lighting on the adjacent sites. No specific mitigation is identified for the NPNF as it is not identified as a sensitive receptor.
- 15.164 The applicant has responded to the comments from the NFNPA to advise that they 'do not agree that the site will need high levels of lighting'. The applicant places emphasis on the current effects when the site is operational, which are acknowledged as 'significant' and 'wide-ranging'.
- 15.165 The applicant has suggested that a lighting strategy could be conditioned. It is considered that insufficient information is available in terms of the baseline on non-match days and the impacts of the proposal on the NFNP to be satisfied a condition could adequately address these.
- 15.166 The ELS suggests that measures could be taken to reduce internal light spill such as using downlighters instead of pendants and fitting curtains and blinds. Once implemented the retention of such measures can only be advisory as the retention

of such measures are beyond the control of planning. For instance, many people choose to replace light fittings when moving into a new home.

- 15.167 In summary, it is considered that the impacts of lighting on the NFNP have not been adequately identified and assessed, nor has regard been had to the NFNP Management Plan. It is reasonable to assume that an increase in lighting at the site would take place (in comparison to a non-event day) and this is backed up by the submitted ELS. Given the potential effects are on a site of national significance the impacts are given significant weight in the planning balance.

### **Highways Impacts**

- 15.168 An ES and Transport Assessment (TA) have been submitted, along with a Framework Travel Plan. These assess the impacts of the proposal on the highways network.
- 15.169 The site has a varied and ad hoc operational history including the motorsports racing use, and also car boot sales and seasonal events. Access is from Matchams Lane/Hurn Road, a 40mph local road. There is no footway or pavement along this road. There is no cycle infrastructure serving the site, and no facilities within a 10-minute cycle ride. There is currently no public transport serving the site.
- 15.170 The access proposed would move the existing access point slightly to the north, to be sited in a location with better visibility than the existing access. Vehicle tracking has been submitted to demonstrate that the access is suitable for servicing and refuse vehicles. The Highways Authority are satisfied with the access arrangements.
- 15.171 Daily traffic generation is expected to reduce in comparison to the existing use when operating at its maximum capacity, although the traffic would be more consistent with the peak periods associated with residential development.
- 15.172 A private transport service is proposed within the TA which would provide residents and staff with access to two vehicles. The TA says that this would facilitate social outings, shopping trips and access to hospital appointments and service networks. The transport service would also collect staff (at no cost) from centralised drop-off and pickup points to facilitate sustainable journeys to/from the development site.
- 15.173 The submitted draft S106 agreement provides for a Village Transport Service Scheme which would require agreement of the number of services, timetables and routes. This would secure the transport scheme in perpetuity. The transport scheme would go some way to mitigating the impacts of the location of the development, as discussed in the section on sustainability above.
- 15.174 The TA set out that parking for the care home will be provided in accordance with the adopted parking standards, with the extra-care parking informed by operator-specific evidence. As the application is in outline a high-level strategy has been provided within the TA. The Highways Authority has not objected to this approach, and the illustrative masterplan demonstrates that the parking spaces can be accommodated within the site. Further, should additional parking spaces be required there remains sufficient space to incorporate these.



- 15.175 Overall, the Highways Authority are satisfied with the Transport Assessment and make no objection to the impacts of the proposal on the highway network. While the development will alter the traffic profile with increased movements at certain times these would not be significant in the context of the existing and surrounding road network. Consequently, limited weight is applied to highways impacts in the planning balance.

### **Flooding / Drainage**

- 15.176 Policy ME6 of the CED Local Plan sets out how flood management and mitigation proposals proposed as part of new development will be assessed. This includes a requirement that the design, construction, operation and maintenance of SuDS meets national standards. Paragraph 169 of the NPPF requires that major developments incorporate sustainable drainage systems and take account of advice from the Lead Local Flood Authority.
- 15.177 The NPPG provides additional guidance on what information on sustainable drainage needs to be submitted with a planning application (Paragraph: 059 Reference ID: 7-059-20220825). This advises that applicants need to submit a sustainable drainage strategy containing proportionate information on the proposed sustainable drainage systems as part of their planning application (including outline applications). This includes the proposals for managing and discharging surface water from the site using sustainable drainage systems and accounting for the predicted impacts of climate change. Major proposals are also required to identify multifunctional benefits and, if these are not proposed, evidence that such techniques are not possible.
- 15.178 The application site falls within Flood Zone 1 (low risk of fluvial flooding) as indicated by the Environment Agency's indicative mapping of fluvial flood risk. Part of the existing motocross stadium and pond are at risk of surface water flooding. There is also a ditch at risk of surface water flooding extending into the site to the north-west within the proposed ANG and green space. The Environment Agency have not commented on the proposals.

### **Flood Risk Assessment**

- 15.179 In accordance with paragraph 167 of the NPPF, the application is accompanied by a Flood Risk Assessment (FRA) prepared by Patrick Parson dated November 2021. This identifies the site as having a low risk of flooding, and this is accepted as the small area at risk of flooding within the motocross stadium is considered to be related to that development form rather than inherent to the site. Consequently, a sequential test is not required.
- 15.180 The FRA proposes a surface water management scheme based solely on infiltration. Overflow would be to the existing pond on site.
- 15.181 The Local Lead Flood Authority (LLFA) reviewed the proposals and advised that the ground investigation results provided as part of the initial submission did not provide adequate evidence to demonstrate that soakaways will function at the proposed locations to the required standards. They advised that if infiltration is to be the only means of surface water management, then further infiltration testing should be carried out.

- 15.182 GIS mapping and local knowledge indicates that groundwater could be close to the surface in parts of this site which could reduce the functioning and/or capacity of any of the proposed soakaway features. Some groundwater levels were recorded as part of the submission, showing varying levels across the site, but the LLFA advised that results of groundwater monitoring over time (including a winter period) needed to be shown for each proposed soakaway location.
- 15.183 There were also concerns regarding the submitted 'Stormwater outline principle strategy'. This drawing did not show the proposed surface water drainage layout for the whole site.

Further information

- 15.184 The applicant responded as part of an amended plans submission. They did not provide the requested infiltration tests but stated that these would be carried out at the detailed design stage. The 'Stormwater outline principle strategy' was updated to show the whole site. The lack of information regarding the feasibility of infiltration is concerning, given that the applicant is relying upon the success of the drainage scheme to mitigate adverse impacts on the River Avon SAC.
- 15.185 The LLFA continue to express concerns regarding the level of information provided. While most groundwater results are favourable, some suggest that the proposed soakaways may not be feasible. Due to uncertainties the LLFA suggest an approach could include a fall-back position, where water is discharged to a sewer. If any water were to be discharged to a sewer within the River Avon catchment this would require mitigation for adverse impacts on the SAC.
- 15.186 The LLFA have also advised that some of the proposed design does not comply with national standards. A further query is why the applicant has not proposed SuDS which would provide multifunctional benefits.
- 15.187 A holding objection remains from the LLFA as insufficient evidence has been provided to demonstrate that a viable and deliverable surface water management scheme can be implemented for this site.
- 15.188 The applicant has responded to the effect they consider sufficient information has been submitted considering the Outline nature of the proposal. They state the application is supported by several Parameter Plans, however the detailed location of elements of the proposal will be subject to Reserved Matters consent at a later stage.
- 15.189 The applicant has advised that it is not possible to deliver SuDS with multifunctional benefits as there is insufficient space on the site.

Summary

- 15.190 It is considered that the level of information requested from the applicant is in line with policy requirements, and that it is reasonable to ask an applicant to demonstrate that a sustainable drainage strategy is achievable. Flooding and drainage issues are not Reserved Matters, so it is inappropriate to suggest that these considerations do not need to be addressed at the Outline stage.
- 15.191 It is accepted that the applicant has submitted data on groundwater testing, however some of the results indicate that follow-up testing is required. Some of the proposed soakaways may not be feasible, and a scheme which proposes 100% infiltration at the site may be unviable. It is accepted that the layout could

change at reserved matters however, just as there is insufficient evidence regarding the submitted drainage layout, there is no evidence that soakaways located in alternative positions would be feasible.

- 15.192 The provision of insufficient information forms a reason for refusal of the proposal. This reason may be overcome if, at a future date, the applicant provides further or additional details to address the concerns. Moderate weight is attached to these impacts in the planning balance.

### **Contaminated Land**

- 15.193 Paragraph 120 c) of the NPPF provides that planning decisions should '*support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land*'. Paragraph 174 f) states that planning decisions should '*contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*'
- 15.194 A Contamination Report has been submitted which sets out existing contamination at the site. Boreholes and trial pits were dug to test for chemical contamination.
- 15.195 Significant quantities of car parts, plastic and other debris were encountered in some of the explanatory holes. Hot spots of hydrocarbon soil contamination were found in the vehicle maintenance and fuel storage area and in the north of the site. The reported fly tipping, the presence of Asbestos Contaminated Land (ACM) and the further need to delineate areas of contamination indicating that further risk assessment requirements are probable. Site clearance and remediation costs have been estimated at £1,740,000.
- 15.196 A remediation strategy has been developed in consultation with the Council's contaminated land consultants which would require the following:
- Removal of identified source of contamination, to sever potential pollutant linkages in the Developable Area, including excavation of hardstanding, demolition of structures, removal of foundations and localised removal of Made Ground
  - Removal of identified sources of contamination, to sever potential pollutant linkages in the Site, including excavation of hardstanding, demolition of structures, removal of foundations and localised removal of Made Ground
  - Reduction of contaminant concentrations in soils, to ensure retained soils are suitable for use, including through remediation of hydrocarbon-impacted soils
  - Delineation of potential sources, including around the aboveground fuel tanks in the scrapyards, areas of contamination in the car parks, and the area of elevated carbon dioxide ground gas
  - Construction phase mitigation measures including ground gas protection measures, protections for construction workers and the general public, hardcover or clean cover in landscaped areas, and management of any unexpected contamination encountered.
- 15.197 The documentation submitted that relates to land contamination is sufficient to generally acknowledge that the components of standard contaminated land planning conditions have been partially met with the requirement to finalise

investigation, the detail concerning remediation, its verification and the matter of unexpected finds. This is considered acceptable subject to conditions.

- 15.198 It is considered the site contains significant contamination which this proposal would provide the opportunity to remediate. Such remediation could be considered significant and is afforded commensurate weight in the planning balance.

### **Heritage**

- 15.199 CED Policy HE1 provides that heritage assets will be conserved and where appropriate enhanced. The closest assets to the proposal are Four Bowl Barrows on Foxbury Hill (130m from site boundary), and Three Bowl Barrows in Avon Heath Country Park (950m from site boundary). The Council's Conservation Officer has advised that there will be no harm to these nor any other heritage assets.

### **Trees**

- 15.200 Policy HE2 of the Core Strategy states that development will only be permitted if it is compatible with or improved its surroundings in terms of its relationship, amongst other things, to mature trees.
- 15.201 The Council's Tree Officer has advised that as this is a developed area, and the majority of the trees are on the border of the site and appear to be retained within the plans, he has no objections subject to conditions to ensure protection of the trees which are being retained and ensure the new plantings are established properly and maintained.

### **Urban Design**

- 15.202 The Council's Urban Design Officer has raised concerns regarding the sustainability of the site, which has been considered above. Other concerns relate to the design indicated on the illustrative masterplan, including the use of the cul-de-sacs, waste collection facilities and shared surfaces.
- 15.203 The proposal is in outline and layout is a reserved matter, development could come forward in an alternative form to that shown on the illustrative masterplan. It is considered a successful design could be accommodated within the scope of the submitted parameter plans. As such while these concerns are understood and acknowledged these would be matters for determination at a later stage in the process.
- 15.204 Negligible weight can be applied in the planning balance at this stage given the outline nature of the proposal.

### **Residential Amenity – existing and proposed dwellings**

- 15.205 The closest existing dwellings to the site are at Matchams Close and Foxbury Road. Given the distances involved the proposal would have a very limited (if any) impact upon these dwellings. The closure of the motorsports facilities could

have a positive effect in terms of reductions in noise and disturbance however given the number of properties affected this is considered of limited weight.

- 15.206 Residential amenity for the proposed dwellings is likely to be acceptable, with the illustrative masterplan showing that satisfactory relationships can be achieved.

### **Renewable Energy**

- 15.207 Policy ME4 of the CED Local Plan requires larger developments to investigate the opportunity of options for district heating and and/or power facilities. This has been investigated in relation to several urban extensions and found to be unviable. However, given the nature of this development and the level of management that is proposed for other purposes, it is considered this typology may represent a more viable opportunity. A condition could require that this be investigated and implemented if appropriate.
- 15.208 There is also a requirement that 10% of the total regulated energy be provided from renewable sources. Should the development be found acceptable in other respects, this requirement could again be secured by condition.

### **Waste**

- 15.209 The applicant has confirmed that waste will be collected privately rather than by Dorset Waste. As such it would not be necessary to demonstrate that access by Dorset Waste could be achieved. Should the development be found acceptable in other respects, a condition could be imposed to securing this.

### **Mineral Safeguarding**

- 15.210 A significant part of the site is within a Minerals Safeguarding Area which is defined on the Adopted Policies Map and supported by a clear policy. The Mineral Planning Authority (MPA) note there is potentially sand and gravel under the majority of the proposed retirement community, landscaping, open space and ANG.
- 15.211 The proposed development is non-mineral development and could sterilise the potential mineral resource. For this reason, it would need to be considered against Policy SG1 – Minerals Safeguarding Area of the Bournemouth, Dorset and Poole Minerals Strategy 2014.
- 15.212 An assessment of the viability of the site for mineral extraction, and of the quality of sand and gravel underlying the site, has not been submitted. Aggregates may be suitable for extraction for use on or off site. Should the development be found acceptable in other respects, a condition could be placed requiring submission of a mineral resources method statement to investigate and set out amounts and timescales for any extraction.

### **Airport Safeguarding**

- 15.213 The site is located within the Bournemouth Airport consultation zone. The Airport has not responded regarding the application. Should the development be found

acceptable in other respects, conditions could be placed requiring the Construction Environmental Management Plan (CEMP), lighting strategy and surface water drainage strategy to take account of Airport Safeguarding criteria.

### **Planning Balance**

- 15.214 The proposal would bring about public benefits. The provision of new housing to meet the needs of older people and the opportunity to remediate contaminated land are considered significant benefits. There would be economic benefits in the form of a modest contribution to long-term employment opportunities, along with short-term creation of construction jobs, and longer-term benefits in terms of additional expenditure and use of services in the local area. These economic benefits are afforded moderate weight.
- 15.215 While the proposal could make contributions, including the on-site ANG, open space and communal facilities (some of which may be open to the wider community), such benefits are primarily to mitigate the impacts of the development however some modest weight is attached to the wider social benefits these could bring.
- 15.216 Against the proposal, the adverse impacts on the Dorset Heathlands SPA and New Forest SPA are afforded weight of the highest significance. An Appropriate Assessment has been carried out which cannot conclude that there will be no adverse effect on the integrity of these sites. The Habitat Regulations and NPPF are clear that permission cannot be granted where this is the case, except where this is in the national interest.
- 15.217 The lack of affordable housing is attributed significant weight due to the high need for affordable accommodation within East Dorset, and evidence that this proposal could viably make a policy-compliant contribution. Very significant weight is attributed to the impacts of the proposal on the green belt, as the proposal is contrary to green belt policy and it is not considered a case for Very Special Circumstances can be accepted. Significant weight is attached to impacts on the dark skies of the New Forest National Park. Moderate weight is attached to the failure to demonstrate a viable SuDS scheme can be accommodated on the site.
- 15.218 The impacts on sustainable locations for development, other landscape considerations, transport impacts, the loss of the motorsport's facility, and all other considerations are afforded limited weight in light of the assessments carried out above.
- 15.219 Notwithstanding the individual weight attributed to the above benefits, their collective weight would be significant. However, as the benefits are not of national significance there is no mechanism for these to be balanced against the harm to the Dorset Heathlands and New Forest.
- 15.220 In addition, the benefits are not collectively sufficient to outbalance the significant adverse effects.
- 15.221 The proposal would have an adverse impact on the Dorset Heathlands SPA and the New Forest SPA which could not be mitigated. This forms a clear reason for refusal of the proposal in accordance with NPPF para 11 d) i.

15.222 The proposal would be contrary to green belt policy as set out at paragraphs 147-151 of the NPPF. This forms a clear reason for refusal of the proposal in accordance with NPPF para 11 d) i.

## **16.0 Conclusion**

16.1 The proposal would have unacceptable impacts on designated sites. It fails to make the required contributions to affordable housing and represents inappropriate development in the green belt. Insufficient information has been submitted to enable a full assessment of the impacts on dark skies, and insufficient data has been submitted in support of the surface water drainage strategy. The proposal is contrary to planning policy and is recommended for refusal.

## **17.0 Recommendation**

**REFUSE permission for the reasons set out below.**

1. The proposal would have adverse impacts on the Dorset Heathlands SPA and New Forest SPA which cannot be mitigated, contrary to Policy ME2 of the adopted Christchurch and East Dorset Local Plan – part 1 2014, the Dorset Heathlands Planning Framework 2020-2025 SPD, and paragraphs 180-182 of the National Planning Policy Framework. This forms a clear reason for refusal of the proposal in accordance with NPPF para 11 d) i.
2. The proposed development fails to make an appropriate contribution to affordable housing, contrary to Policy LN3 of the adopted Christchurch and East Dorset Local Plan – Part 1, 2014.
3. The proposal, by way of the parameters proposed for scale and massing, along with the urbanising effects of more regular traffic movements, represents inappropriate development in the Green Belt. Contrary to Policy KS3 of the adopted Christchurch and East Dorset Local Plan – Part 1, 2014, and paragraphs 147-151 of the National Planning Policy Framework. This forms a clear reason for refusal of the proposal in accordance with NPPF para 11 d) i.
4. Insufficient information has been provided regarding surface water management from the development. It has not been demonstrated that the proposed surface water drainage scheme can be viably achieved on the site. Contrary to Policy ME6 of the adopted Christchurch and East Dorset Local Plan – part 1, 2014, and paragraphs 167 and 169 of the National Planning Policy Framework.
5. The proposal, by bringing artificial lighting into an area currently lit only sporadically, is likely to result in an increase in light pollution. Insufficient information has been submitted to fully understand the effects of the development on nearby receptors including the New Forest National Park. Contrary to Policy HE3 of the adopted Christchurch and East Dorset Local Plan 2014, and paragraphs 176 and 185 of the National Planning Policy Framework.

**Informatives:**

1. For clarity, the refused plans are as follows:
  - P5777-1000 Building Heights Parameter plan
  - P5777-1001 Access Parameter Plan
  - P5777-1002 Land Use Parameter Plan
  - P5777-1003 Levels Parameter Plan
  - P5777-1004 Green Infrastructure Parameter Plan
  - P5777-1005 Proposed Illustrative Block Master Plan
  - P5777-1006 Illustrative Phasing Plan
  - P5777-1007 Illustrative Colour Block Master plan
  - 177-0002.101 B Proposed Access Bellmouth Design
  - 177-0002.100 B Vertical Visibility Splay & Plan View - Option 2
  - 177-0002.001 B Vehicle Tracking
  - 177-0002.005 Southern Access Construction Vehicle Swept Path Analysis
  - 177-0002.004 Indicative Location for Southern Access Junction
  - L20070-210\_P2 L20070-210\_P2 Outline Storm Strategy - Indicative
  
2. National Planning Policy Framework  
In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on 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 and council have worked together to minimise the reasons for refusal.
  
3. If planning permission is subsequently granted for this development at appeal, it will be subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL liability notice will then be issued by the Council that requires a financial payment, full details of which will be explained in the notice.

**Background Documents:**

1. Appropriate Assessment
2. Equalities Impact Assessment



**Planning Services**

County Hall, Colliton Park  
Dorchester, Dorset, DT1 1XJ

📞 01305 838336- **Development Management**

📞 01305 224289- **Minerals & Waste**

🌐 [www.dorsetcouncil.gov.uk](http://www.dorsetcouncil.gov.uk)

**Appropriate Assessment for Application ref: P/OUT/2021/05751**

**Location:** Land at Matchams Stadium  
Matchams Lane  
St Leonards  
BH24 2BU

In accordance with People Over Wind & Sweetman v Coillte Teoranta (Case C-323/17, Dorset Council has concluded that, in the absence of mitigation the above application will have a likely significant effect (LSE) on the following European wildlife sites (including Ramsar sites where relevant), arising from identified impact pathways. This document provides an appropriate assessment to check and confirm that avoidance and mitigation measures can be secured to prevent adverse effects on the integrity of the European sites identified below.

This project level appropriate assessment has been undertaken to check If the adopted:

- Dorset Heathlands Planning Framework 2020 - 2025 SPD
- Nitrogen Reduction in Poole Harbour SPD
- Poole Harbour Recreation 2019-2024– SPD

Provide the necessary measures to prevent adverse effects on site integrity. It is confirmed that adherence to the relevant SPD is applicable to this project proposal.

Designated site	LSE Y/N	Adverse effects caused by:
Dorset Heathlands SPA	Y	The proximity of urban development and its related effects including recreational pressures etc. which arise from this development. The impact of residential development on these sites and the suitability and robustness of avoidance and mitigation measures has already been considered as set out in the adopted Dorset Heathlands Planning Framework 2020-2025 SPD, and its underpinning evidence base and plan level HRA work.
Dorset Heathlands Ramsar	Y	
Dorset Heaths SAC	N	
Dorset Heaths (Purbeck & Wareham) & Studland Dunes SAC	N	
New Forest SPA	Y	The proximity of urban development and its related effects including recreational pressures etc. which arise from this development. The impact of residential development on these sites and the suitability and robustness of avoidance and mitigation measures is considered to mirror that of the Dorset Heathlands Planning Framework 2020-2025 SPD, and its underpinning evidence base and plan level HRA work, given the similarity in impact pathways between the designated sites.
New Forest Ramsar	Y	
Poole Harbour SPA	N	Nutrient enrichment arising from within the harbour catchment from a number of sources acting in combination, including that arising from the increasing
Poole Harbour Ramsar	N	

		<p>population related to additional residential developments, the proposal requires measures to avoid and mitigate the effects. The impact of residential development on these sites and the suitability and robustness of avoidance and mitigation measures has already been considered and are set out in the adopted Nitrogen Reduction in Poole Harbour SPD January 2017, and its underpinning evidence base and plan level HRA work.</p> <p>Some recreational activities (including dog walking, cycling and water sports) around Poole Harbour are creating disturbance to wading birds and adversely affecting the estuarine habitat. The intensification of development around the harbour is likely to contribute to an increase in population and contribute to greater recreational pressure. The Poole Harbour Recreation SPD sets out a strategy under which planning applications for residential development can avoid adverse effects on the integrity of Poole Harbour.</p>
River Avon SAC	Y	<p>Increasing urban runoff in the River Avon catchment and hence increasing the phosphorus loads within the River Avon SAC, which in combination with other plans or projects is likely to have adverse impact on riparian habitats and species.</p>

<b>Designated site affected</b>	Confirmation that adverse effects on integrity are avoided for <u>all</u> features with avoidance/mitigation secured by adherence to the SPD Y/N
Dorset Heathlands SPA	N
Dorset Heathlands Ramsar	N
Dorset Heaths SAC	N/A
Dorset Heaths (Purbeck & Wareham) & Studland Dunes SAC	N/A
New Forest SPA	N
New Forest Ramsar	N
Poole Harbour SPA	N/A
Poole Harbour Ramsar	N/A
River Avon SAC	N

Having concluded that the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European sites, this document represents the Appropriate Assessment undertaken by Dorset Council as Competent Authority in accordance

with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2019.

The authority has concluded that the likely significant effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the supporting policy documents, and that the proposal is wholly compliant with the necessary measures to prevent adverse effects on site integrity detailed within the documents:

<b>Dorset Heathlands Planning Framework SPD</b>	<b>No</b>
<b>Nitrogen Reduction in Poole Harbour SPD</b>	<b>N/A</b>
<b>Poole Harbour Recreation SPD</b>	<b>N/A</b>

These documents and the avoidance/mitigation measures set out are supported by an extensive and tested evidence base which has been scrutinised at various levels from planning appeals, through the appropriate public consultation process and is supported by Habitats Regulations Assessments prepared for Examination in Public whilst drawing up the current adopted Local Plan.

### **Further assessment**

#### *Proposal*

The application is for a Continuing Care Village (CCV) comprising purpose-built specialist accommodation, including up to 330 extra-care and a care home of up to 60 beds. The proposal site is located adjoining the boundary, and partially within, the St Leonards and St Ives Heaths Site of Special Scientific Interest (SSSI). The SSSI is also a part of the Dorset Heathlands Special Protection Area (SPA) on account of rare or vulnerable heathland bird species such as nightjar and Dartford warbler. It is also part of the Dorset Heaths Special Area of Conservation (SAC) which is notified for its vulnerable heathland and associated habitats, and some individual species such as sand lizard and smooth snake.

The proposal includes a 31.9ha Nature Conservation Area (NCA) which will include habitats to be restored, enhanced and managed in perpetuity. It is intended that the creation of the NCA provides a means to improvement of the status of SSSI within the site, which is currently in an unfavourable condition.

A Shadow HRA has been submitted in support of the application which suggests that the proposal will not have a significant impact on the Dorset Heathlands.

#### *Care Home*

With regard to specialist housing comprising a nursing home for the frail elderly, the Dorset Heathlands SPD states that: '*Certain types of specialist purpose built nursing homes where residents are no longer active will not have a significant effect and do not need to provide mitigation, e.g. where nursing care is necessary such as for advanced dementia or physical nursing needs.*' Such schemes are not required to provide mitigation as the nature of the residents is such that they will not be expected to leave the property to access heathland.

Thus, the likely significant effects arising from the care home element of the CCV could be mitigated by: preventing the scheme from becoming open market housing; ensuring that residents are limited to the frail elderly; preventing any live-in accommodation for staff; preventing the use of any car parking by the general public; and a pet covenant.

### *Extra-care dwellings*

With regard to specialist housing comparing extra-care dwellings, the nature of the proposal and draft Heads of Terms provides that a range from low – high levels of care would be available to residents as required. The minimum level of care a resident would need to require to be considered a Qualifying Person (and thus eligible for residency of an extra-care dwelling) set out in the draft Heads of Terms is 2 hours per week. A Qualifying Person would also need to be over 65 years of age. Residents would be able to benefit from varying levels of care as time progresses however a person in need of the minimum level of care only is unlikely to be severely restricted by illness or mobility.

The view of the Local Planning Authority is that the proposed extra-care dwellings fall within Use Class C3 (residential) rather than Use Class C2 (residential institutions) due to the level and nature of the care proposed. However, in regard to this Appropriate Assessment the use class is of limited relevance. This is because the Dorset Heathlands SPD states that with regard to extra-care dwellings: *'Assisted living or extra care housing, where the occupants are still active, is comparable to residential flats. Such schemes are not permissible within the 400 metre heathland area.'*

Thus, the extra-care element of this proposal is of a type that, within 400 metres of the designated sites covered by the Dorset Heathlands Planning SPD (2021-2025), falls within the 'not permitted' category of the Dorset Heathlands SPD.

The SPD has added force because a primary purpose is to prevent adverse effects on designated heathland sites from the cumulative impacts of urban development and by so doing, meet the statutory 'in combination' test of the Habitat Regulations. It follows that urban development proposals that are not compliant with the avoidance and mitigation strategy of this SPD will breach the Habitat Regulations requirement. In order to demonstrate that a proposal which is contrary to the SPD would not have an in-combination effect, the effects of that development alone would need to be demonstrated as zero, rather than merely insignificant, and this is an extremely high bar.

### *Nature Conservation Area (NCA)*

The Site includes parts of St Leonards and St Ives Heaths SSSI and the overarching Dorset Heath(land)s SAC and SPA. The relevant SSSI units (18 and 29) are in unfavourable, declining condition. Management of the site to date has contributed to this unfavourable rating. The proposal could provide a route through which long-term management could be improved, with this secured through planning obligations/conditions.

Table 5.1 within the Shadow HRA sets out the areas designated as SSSI proposed to change as part of the improvement management. This shows 6.3ha of 'other coniferous woodland' and 0.3ha 'rhododendron scrub' replaced with 5.1ha 'Lowland Heathland' and 1.4ha 'other woodland, mixed'. There are statutory mechanisms available to achieve a similar result however these have not been successfully enacted to date and it is considered unlikely that management will change significantly while the current use remains operational on the site.

The new management regime, and the proposed NCA when considered in isolation, would have a positive impact. However, although there may be positive impacts, there is insufficient evidence available to quantify these. Thus there is a lack of certainty over their magnitude and it is likely that any positive impacts are reduced by use of the NCA for recreation.

### *Consideration of submitted Technical Appendix 11.12L Information for Habitats Regulations Assessment (HRA)*

A Shadow HRA has been submitted by the applicant which provides an assessment of the potential effects of the development on international sites. This takes into consideration effects arising in relation to: habitat management (including of the large Nature Conservation Area (NCA) proposed within the site); Habitat loss or damage; loss of offsite supporting habitat; noise; hydrological change; air pollution; cat predation; recreational pressure; and other urban effects.

The submitted information emphasises the references to 'case by case' assessment in the SPD. However, the SPD refers to 'case by case' only with regard to specific aspects of an application and how they meet the criteria of the SPD (such as what is the precise use class in relation to the use class definitions within the SPD) rather than having a general 'case by case' approach. Such an approach would undermine the purpose of the SPD.

#### *Proposed Mitigation*

The large number of potential impact pathways that would need to be addressed as part of this appraisal illustrates the high dependence of the application on a large and detailed mitigation package. In some instances, it is difficult to judge the effectiveness of proposed mitigation measures because the detail and certainty of implementation required are not available.

Some mitigation packages, such as car park management; care home restrictions, publicly accessible Sustainable Alternative Natural Greenspaces (SANGs) and Construction and Environmental Management Plans (CEMP), have been used extensively to provide mitigation across the Dorset Heathlands area. As such the level of mitigation that would need to be secured, the likelihood that this can be successfully secured, and the impacts of these measures, are readily understood. Such mitigation measures could be readily included within an Appropriate Assessment, with details to be finalised later.

Some forms of mitigation proposed in this instance, such as fencing, and greenspaces that do not benefit from public access such as the proposed Alternative Natural Greenspace (ANG), have not previously formed part of the mitigation strategy within the Dorset Heathlands area. Others, such as pet covenants and lighting strategies, have formed part of mitigation strategies but in the context of a different development typology. This does not mean that these measures cannot be considered, however there is less certainty regarding their effectiveness.

#### *Direct Access to Dorset Heaths*

To demonstrate that direct access to adjacent and on-site designated areas can be prevented, a boundary treatment strategy for the NCA and ANG has been submitted (Map 10).

This shows the Dorset Heaths adjoining the site to the south-east separated by the existing bank, ditch, post & barbed wire fence. It is considered that access onto this area of the Dorset Heaths could be considered desirable by residents / visitors using the ANG who wish to extend their walk on this open access land.

A 1.5m weldmesh fence would provide a boundary between the ANG and direct access to designated areas within the site, as well as to the Avon Valley Country Park to the north. Again, it is considered that access onto these areas to extend walks or access the Country Park would be desirable.

A standard height post & wire/top rail fence would separate the ANG from the NCA to the west. These would be bolstered through natural barriers, to include vegetation and topography. Levels within this area would remain as existing. It is noted that while there are some existing levels changes and areas of vegetation these are not consistent along the ANG boundary. There is uncertainty regarding the short- and long-term effectiveness of vegetation as a barrier, particularly

given the ecological aim of restoration of habitat through removal of inappropriate vegetation. Again, it is considered that access those parts of the NCA which fall outside of the designated areas would be desirable.

No information is provided regarding boundary treatments to the south-west and western boundaries where the NCA adjoins the Dorset Heathlands. The areas adjoined are in private ownership and as such access is less likely to be desirable.

In general, the degree to which proposed barriers between the NCA and the adjacent designated heathland would be effective in preventing access, particularly in perpetuity, is uncertain. Some adjacent heathland is open access land which means that barriers to access on the boundary are not permissible and that heathland managers of adjacent land would have no means of redress if at any point direct access was established.

In particular, the northern boundary of the site adjoins the Avon Valley Country Park which forms part of the designated area. It is reasonable to assume that those residents who are active will want to access the Country Park and the walking routes and facilities it offers. It is likely this will result in pressure to create a direct access or bypass any fence that is erected to prevent this.

#### *Vehicular trips to Dorset Heaths and New Forest*

The site is in an extremely sensitive location generally, because there is easy car access to several Dorset Heathland and New Forest sites. It is less than 5 minutes to car parks at Hurn Forest and Avon Heath South Park, and less than 15 minutes to the New Forest. In these circumstances, even outside of the 400m zone, the requirement for a Suitable Alternative Greenspace (SANG) would be particularly stringent because of the attractiveness of nearby sites. Such a SANG would need to attract sufficient existing visitors to counteract the inevitable increase in visitors from the development.

In these circumstances it is important to be able to make a good prediction of the potential increase in recreational pressure that the proposal would generate. But the evaluation of this issue in the Shadow HRA is flawed. It first uses the estimate of Panter and Caals (2020) that the average heath visitor makes 206 visits per year. However, new residents at this development would not necessarily be 'average visitors' since they would live in a location with such easy access to heathland; visitor surveys consistently show that ease of access is a key determinant of the frequency of heath visits. The Shadow HRA then claims that because only 27% of visitors at Avon Heath Country Park were over 65, visits from the development will be only 27% of the initial 206 visits per year estimate of the average visitor. But of course, the proportion of visitors over 65 is dependent on the proportion of over 65s in the general population, it cannot be taken to mean that over 65s visit heathland so much less than the average visitor. Indeed, it is reasonable to conclude that retired individuals with more time available will be more likely to visit local heathlands than younger age groups.

The degree of impact from these additional heathland visits depends greatly on the effectiveness of the proposed covenant requiring no dogs. However, it cannot be assumed that heathland visitors without dogs are totally without negative consequences. Because a majority of heathland visitors come with dogs it is difficult to separate any negative effects that may result from visitors without dogs. The evidence that dogs rather than walkers are the main instrument of negative impact comes mainly from evaluation of potential mechanisms of effects on ground nesting birds and whilst this indicates that dogs are likely to have a greater negative effect it does not follow that there will not be an impact from people without dogs.

Regarding assumptions around arson and fire-starting, it is considered reasonable to assume that over 65s are less likely to cause fires through arson. However, significant heathland fires

have been caused inadvertently through the careless use of disposable BBQs, while littering may also increase risk. It is considered reasonable to assume that over-65s are as likely to use disposable BBQs as other age groups.

The Dorset Heathlands SPD is underpinned by a substantial evidence base and has provided the basis for mitigation across the area. The mitigation strategy within the SPD has been considered to demonstrate mitigation of impacts on New Forest sites also, due to the similarities in impact pathways. The departures and extrapolations from this evidence base proposed within the Shadow HRA are fundamentally flawed and cannot not provide confidence regarding predicted vehicular trips to the Dorset Heaths or New Forest.

Considering the “ANG” proposed for this development, because of its position this is not designed or able to attract any existing heathland users, and therefore cannot be relied on to prevent further increases in recreational activity to these sensitive sites. Considering vehicular trips in isolation, to demonstrate zero impacts arising from this proposal (and prevent an in-combination effect), there would need to be certainty that residents or visitors to the development would never make any visits to the nearby Dorset Heathland and New Forest sites. It is considered that this cannot be demonstrated.

#### *Consideration of further mitigation measures with regard to access to Dorset Heathlands/New Forest*

The above assessment makes assumptions regarding mitigation based on the information submitted by the applicant. In particular, the assumption that the extra-care units would be occupied by Qualifying Persons aged over-65 and with care needs at a minimum of 2 hours per week. It is not unusual for the minimum level of care required at extra-care developments to be higher than 2 hours per week – examples exist of minimum care needs of 4 hours. In addition, it is possible that the age limit for Qualifying Persons could be increased to 75 years.

It is not considered that such measures would significantly alter the above assessment. A development with these mitigation measures in place would continue to be contrary to the Dorset Heathlands SPD. It is reasonable to assume that in any extra-care facility of this nature there would be persons resident who would be active enough to access designated sites, either on foot or by car. There is no level of mitigation which would be sufficient to provide certainty regarding impacts arising from a development of the type proposed.

#### *Pet covenant*

It is clear that a pet covenant restricting ownership of dogs and cats is a crucial element of the proposed mitigation, as without it, it would be certain that the scheme would be harmful to the heathland interests. Pet covenants are successfully utilised as mitigation for potential effects arising from nursing homes within 400m of the heathlands. Care homes where the frail elderly are cared for usually comprise a single (or small number of) block(s), and occupants pay fees without acquiring an interest in the property. Movements are controlled and there is a high level of surveillance due to the nature of the care needs of residents. There is less certainty regarding the effectiveness of such covenants on a scheme of this size where housing typologies are potentially akin to that of a typical bungalow or house, and would be owner-occupied.

Natural England have raised concerns regarding the risks where an effective covenant is so essential, but likely to be contrary to the wishes (and potential rights) of many residents. It is considered reasonable to assume this approach is likely to set up a long-term source of friction between residents and authorities, and that this has the potential to discredit heathland mitigation measures in general. Such covenants may also be vulnerable to future legal challenge which reduces certainty regarding the effectiveness of the mitigation.

### *Lighting*

The proposals will introduce increase lighting and noise to the locality which may harm designated wildlife interests. While the current use includes lighting this is on an ad-hoc basis with significant periods where the site, and therefore lighting, is not in use. It is also noted that parts of the area proposed for built development are currently unlit.

The use of external lighting strategies can deliver successful mitigation in certain circumstances. However, in this instance the development would be located with dwellings situated only 20m away from the designated areas. An external lighting strategy could not fully mitigate impacts as these would also arise from internal windows, for which mitigation cannot be secured.

### *Noise*

The proposals will introduce increase lighting and noise to the locality which may harm designated wildlife interests. It is noted that the submitted evidence regarding the baseline for noise was undertaken during a busy period for the current use, and so this cannot provide certainty regarding the baseline noise levels during the significant quieter periods. While levels of noise within the development can be assumed to be lower on an average day than that of the current use on an event day, it is likely that the overall impact would be an increase in day-to-day background noise. There is insufficient evidence to demonstrate that negative impacts would not arise from the change in noise profile.

### *Fire Risk*

Heathland fires are considered likely to increase in frequency and intensity with climate change. Such fires can pose a significant risk to local properties and residents. The proposal's 20 m buffer between the developed areas to heathland habitats would provide no or very minimal protection from a heathland fire. Such fire risks or the perception of such risks would be likely to lead to demands from the future residents and owners of the development for heathland management to reduce the risk to their properties. Such management would be extremely difficult to resist, may compromise the conservation objectives for the designated sites and NCA and would add costs and risks for site managers.

### *Nature Conservation Area*

The Shadow HRA identifies land within the application site as supporting habitat to the adjacent designated sites. Such land is considered functionally linked to the designated sites as it helps support the same birds (woodlark and nightjar) and rare reptile (sand lizard) populations for which the sites are designated. Whilst some areas of the supporting habitat would be lost to the proposed development this does not necessarily mean that there is an adverse effect on the designated site provided that their functionality in relation to these sites is maintained through replacement or enhancement of the retained functionally linked habitats.

Here the NCA proposed, with associated management, might have the capacity to achieve this objective but its functionality is likely to be compromised because a significant proportion of the area is also designed to absorb the recreational impacts of the proposed development and will therefore itself suffer from the adverse impacts associated with recreational activity. Given the dual purpose of the NCA it is difficult to assess and therefore uncertain whether recreational use would reduce the NCA's ability to fully maintain its ecological function in relation to the neighbouring designated sites.

### *River Avon SAC*

The site lies partly within the River Avon catchment where, in the absence of mitigation, additional wastewater and urban run-off would contribute to nutrient loading. This would result in adverse impacts on riparian habitats and the River Avon SAC.



A Nutrient Assessment has been submitted which states that the foul sewage from the scheme will be discharged to the Palmerston Waste Water Treatment Works (WWTW) which drains into the River Stour catchment. The connection could be conditioned, which would provide certainty that foul sewage would not contribute to an increase in phosphates in the River Avon.

The proposal will increase urban runoff in the River Avon catchment. CIRIA guidance advises that urban runoff that infiltrates to ground is considered to be removed from the water environment and consequently incurs no nutrient mitigation liability. The submitted surface water drainage strategy proposes that all urban runoff infiltrate to ground, with no export to the broader surface water environment within the catchment of the River Avon SAC. Natural England have advised that this approach would be satisfactory in principle and mitigation could be conditioned.

However, the Lead Local Flood Authority have raised concerns that the proposed surface water drainage strategy is not supported by sufficient information to demonstrate that it can be viably implemented. Their concerns do not relate specifically to this Appropriate Assessment however if the scheme cannot be implemented it may be necessary to discharge water to a watercourse or sewer. While these concerns remain there is insufficient certainty

The submitted Nutrient Assessment has demonstrated that the scheme could achieve phosphorus neutrality with respect to the River Avon SAC. Natural England have advised that pre-commencement conditions could ensure requirement mitigation measures are in place. With the required conditions in place, adverse effects on the River Avon SAC could be avoided/mitigated.

### *Conclusion*

This above assessment has highlighted the large degree of uncertainty that remains in the prediction of the potential impacts arising from this development.

There are a significant number of potential impact mechanisms that would result. Some impacts would be small, for others there is significant uncertainty as to the scale of effect. However, what is relatively clear is that there would be a substantial increase in visitor numbers on nearby designated heathland sites. This is very likely to cause significant adverse impacts.

There are potential positive impacts resulting from improvement to management of the designated areas on site along with adjacent land to be included in the NCA, although these are reduced due to the use of the NCA for recreation, and the proximity of development to these areas. There is a lack of certainty regarding the magnitude of any positive impacts.

The proposal is contrary to the Dorset Heathlands SPD which provides a strategic and evidence-based approach to mitigating in-combination effects across Dorset. To justify a departure from this, there would need to be clear evidence that the potential benefits of this particular proposal are of a magnitude and certainty that clearly outweigh the adverse effects that would arise.

The relevant Habitats Regulation test is not against each individual effect from separate pathways but against the effect of the entire development, both alone and in combination with other plans and projects. Given the above analysis it is our considered that an adverse effect on the integrity of the Dorset Heaths SAC, Dorset Heathlands SPA, New Forest SPA and New Forest Ramsar cannot be ruled out.

It cannot therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

Signed.....

## Equality Impact Assessment (EqIA) Template

Before completing the EQIA please have a look at the [Dorset Council style guide](#) and also use the [accessibility checker](#) to make sure your document is easy for people of all abilities to read.

Use the [Hemingwayapp](#) to check the readability of your document, to do this, click the edit button on the top right of the hemminwayapp screen, paste your text and the app will highlight if there are any problem areas.

### Some key tips

- avoid tables and charts, if possible, please provide raw data
- avoid pictures and maps if possible.
- avoid using bold, italics or colour to highlight or stress a point
- when using numbering or bullet points avoid using capitals at the beginning unless the name of something
- date format is dd month yyyy (1 June 2021)
- use clear and simple language
- where you need to use technical terms, abbreviations or acronyms, explain what they mean the first time you use them
- if using hyperlinks, make sure the link text describes where the link goes rather than 'click here' Please note equality impact assessments are published on the Dorset Council [website](#)

Before completing this form, please refer to the [supporting guidance](#). The aim of an Equality Impact Assessment (EqIA) is to consider the equality implications of your policy, strategy, project or service on different groups of people including employees of Dorset Council, residents and users of our services and to consider if there are ways to proactively advance equality.

Where further guidance is needed, please contact the Inclusion Champion or the [Diversity & Inclusion Officer](#).

### 1. Initial information:

*Planning Application P/OUT/2021/05751: Land at Matchams Stadium, Matchams Lane, St Leonards*

### 2. Is this a (please delete those not required):

This is a planning application submitted by an external applicant (not within Dorset Council).

### 3. Is this (please delete those not required):

*External (residents, communities, partners)*

#### **4. Please provide a brief overview of its aims and objectives:**

A planning application has been submitted for the *'demolition of existing buildings and structures and erection of a continuing care retirement community with up to 330 extra care units (Use Class C2) and up to 60 bed care home (Use Class C2), associated communal and care facilities, landscaping and open space, Alternative Natural Greenspace (ANG), parking and infrastructure, means of access and internal access roads. Use of land as nature conservation area, to include ecological enhancements and restoration (outline application to determine access only with all other matters reserved).'*

The facilities provided would include health and wellbeing facilities (which may include but are not restricted to hydrotherapy pool, sauna, steam room, gym, exercise rooms, and treatment rooms). Some of the facilities provided may be made accessible to visiting members of the public.

Due to the location of the proposed continuing care retirement community in a sensitive location adjacent to the Dorset Heathlands, the applicant has proposed terms for a S106 legal agreement which would limit residence to 'Qualifying Person(s)' who 'have demonstrated a requirement for a Care and Wellbeing Package through a Qualifying Person Assessment and who has contracted to receive the Care and Wellbeing Package throughout their Occupation'. Persons would also have to be over 65. There is no allowance for the spouses, partners or dependants of Qualifying Person to reside at the retirement community.

All units are proposed to be open-market, with no affordable housing on site, and the applicant is not willing to enter into a financial contribution towards off-site provision.

#### **5. Please provide the background to this proposal?**

A planning application has been submitted to the Council for its consideration. The proposal would result in the loss of an existing motorsports facility. The loss of a sporting facility is generally contrary to paragraph 84 of the NPPF and Policy LN3 of the Christchurch and East Dorset Local Plan.

During the public consultation on this application, concerns were raised by members of the public regarding the potential disproportionate impacts of closure of the existing motorsports stadium and facilities on young people. Concerns raised include the loss of the racetrack as a meeting / entertainment facility; loss of the sporting opportunities and routes into other types of motorsports with it noted that banger-racing is often an entry point to motorsports; loss resulting in increased anti-social behaviours such as racing on roads as legal avenues for motorsports are removed.

Evidence gathering and engagement

#### **6. What sources of data, evidence or research has been used for this assessment? (e.g. national statistics, employee data):**

Sources of data, evidence and research has been used for this assessment:

- Submitted Sports Sequential Assessment
- Advice from Sport England
- Area profile for Dorset East
- Christchurch and East Dorset Local Plan
- YouGov Sport
- Reuters
- Dorset Police Crime Data

- Anti-social motorbike records

## **7. What did this tell you?**

Most meetings at Matchams are made up of local drivers, with 3 or 4 meetings per year where people travel significant distances to Matchams Stadium. Whilst Matchams Stadium was historically a motocross venue, the use of the track is now legally restricted following the imposition of noise abatement and penal notice restrictions. Use of the motocross track ceased in 2008 and karting in 2017. This now leaves banger racing/ stock car racing as the only surviving motorsport activity at Matchams Stadium.

As a result of a combination of the restricted use, protected natural environment and required improvements to the track (if the use were to continue) banger/ stock car racing is unlikely to be a viable option in the future. The Sports Sequential Assessment concludes the site is no longer financially viable, and Sport England have advised that the conclusions appear sound, making no objection to the loss.

Alternative provision is located within a two hour catchment, and the principle of this catchment area has been accepted by Sports England. There could be scope to increase both participation and spectators at various raceways within a two-hour catchment area including Aldershot Stadium, Arlington Stadium, Mendips Raceway and Standlake Arena. The evidence indicates those venues (particularly Aldershot/ Arlington Stadiums) do have capacity, and in turn could also benefit from an increase in participant/ spectator numbers allowing them to be more financially sustainable.

In the Dorset area, 14% of the population are aged 0-15 years, compared to 17.4% in England & Wales. 9% are aged 15-24 years, compared to 11.7% in England & Wales. 29.6% are aged 65+ compared to 18.6% in England & Wales.

Age profiles for traditional motorsports fans area as follows: 7% age 18-24; 18% age 25-39; 24% age 40-54; 50% age 55+. Proportionally, motorsports fans tend to be older. Proportionally less fans are age 18-24 in comparison to the general population.

In 2020-21 in the UK, 15.9-18.6% (dependant on measure used) of individuals had incomes which were at least 70% below the median income. Of traditional motorsports fans, 25% had an income less than 75% of the median, 38% were between 75 and 200%, and 12% were higher than 200%.

Limited data is available on the level of interest in motorsports by gender. Like many sports this has traditionally been a male-dominated interest however this landscape is rapidly changing.

In the 12 months from February 2022 to January 2023, there were 95 cases of anti-social behaviour reported. In the three years from March 2020 to January 2023 there were 524 instances of anti-social behaviour reported.

Reporting of antisocial motorbike use on heathlands carries depending on warden capacity and effort that year. On average 60 incidents per annum were recorded from 2003-2012. This has reduced to 32 incidents per annum from 2013-2022.

## **8. Who have you engaged and consulted with as part of this assessment?**

Applicant – submitted a Sports Sequential Assessment to demonstrate the facility is no longer viable, and alternatives are available within a two hour catchment area.

Sport England - advise that there is a case for loss of the sports facility due to financial viability.

Community – through consultation on the planning application.

The Adult Social Care Team – advise that there is a need for extra-care units but that the need is not restricted to the over-65s

Equalities Team – advise that an EQIA would be of benefit.

### 9. Is further information needed to help inform decision making?

Additional information on the demographic profile of competitors and spectators at the Matchams Stadium would be useful however the applicant has advised that there is no information available on this.

Information on the incomes of motorsports fans does not align with measures for assessing socio-economic deprivation, so there is insufficient information available to conclude a positive or negative impact in this regard.

### EQIA

Impacts on who or what?	Choose impact	How
Age	Negative impact	<p>The age profiles do not suggest that younger people have a greater interest in motorsports, however they may be less able to travel to alternative locations.</p> <p>Residency at the continuing care retirement community would be restricted to those aged under-65 which would have a negative impact on younger groups needing care who would otherwise be eligible.</p>
Disability	Positive impact	<p>There is no evidence that disability is associated with disproportionate disadvantage arising from the loss of the motorsports facility.</p> <p>The creation of the continuing care retirement community would provide accommodation for person in need of care, including disabled people.</p>
Gender reassignment and Gender Identity	Neutral impact	<p>There is no evidence that gender reassignment and gender identity is associated with disproportionate advantage or disadvantage arising from the loss of the motorsports facility or creation of the care village.</p>

Impacts on who or what?	Choose impact	How
Marriage or civil partnership	Negative impact	<p>There is no evidence that marriage or civil partnership is associated with disproportionate advantage or disadvantage arising from the loss of the motorsports facility.</p> <p>Residence at the continuing care retirement community is limited to those who can demonstrate need for a care package and are aged over-65. There is no exception for partners of residents in need of care. Were an existing resident to marry or enter into a civil partnership with somebody who does not require care and/or is aged under-65 they would not be permitted to move into their home.</p>
Pregnancy and maternity	Neutral impact	<p>There is no evidence that pregnancy and maternity is associated with disproportionate disadvantage arising from the loss of the motorsports facility or creation of the care village.</p>
Race and Ethnicity	Neutral impact	<p>There is no evidence that race and ethnicity is associated with disproportionate disadvantage arising from the loss of the motorsports facility or creation of the care village.</p>
Religion and belief	Neutral impact	<p>There is no evidence that religion and belief is associated with disproportionate disadvantage arising from the loss of the motorsports facility or creation of the care village.</p>
Sex (consider men and women)	Neutral impact	<p>There is no evidence that sex is associated with disproportionate disadvantage arising from the loss of the motorsports facility or creation of the care village.</p>
Sexual orientation	Neutral impact	<p>There is no evidence that sexual orientation is associated with disproportionate disadvantage arising from the loss of the motorsports facility.</p>

Impacts on who or what?	Choose impact	How
People with caring responsibilities	Negative impact	There is no evidence that caring responsibilities are associated with disproportionate disadvantage arising from the loss of the motorsports facility. People with caring responsibilities will not be permitted to live on the site unless they can demonstrate need for a care package. The proposal is for a continuing care retirement community where it is likely people will require care (and therefore the likelihood of people with caring responsibilities desiring to live there and support them is increased). There is also no allowance for residents of the retirement community to care for any dependants they may have who require care if those dependants are under 65. This would have a negative impacts on these groups.
Rural isolation	Neutral impact	The continuing care retirement community would be located in an isolated located divorced from adjacent settlements however the scale of the facility would create a retirement community which would limit the social isolation of residents.
Socio-economic deprivation	Negative impact	There is insufficient information to conclude that socio-economic deprivation is associated with disproportionate disadvantage arising from the loss of the motorsports facility. The care village would not make any provision for affordable housing, so would only be accessible to those able to afford to purchase open-market properties, having a negative impact on those in socio-economic deprivation.
Armed forces communities	Neutral impact	There is no evidence that armed forces communities are associated with disproportionate disadvantage arising from the loss of the motorsports facility or creation of the care village.



**Please provide a summary of the impacts:**

The proposed planning permission would restrict occupancy of the extra-care units proposed to Qualifying Persons who meet criteria including care needs and age. This development type would be self-contained units (1-3 bedrooms) which would be sold on the open market (to eligible persons). The restrictions would prevent younger people with care needs from accessing this provision.

While this is not uncommon for a care facility of this type, it is unusual to prevent the spouses of Qualifying Persons from residing alongside them, unless they are also over 65, and able/willing to take up a care package. The restrictions would also prevent a carer from living with a resident, unless they met these requirements. This could restrict the caring options available to those resident within the extra-care units. The restrictions could also impact on the ability of residents to enter into marriages or civil partnerships subsequent to moving into the retirement village.

The minimum level of Care Service to be provided to a Qualifying Person is 2 hours and can include services such as provision/delivery of meals, use of transport services or general health advice. This is a low barrier to residency at the retirement village, however it may be that people are uncomfortable with taking up these services if they do not identify as being in need of care.

It is not possible to mitigate the above negative impacts of this proposal as these have been introduced in response to concerns regarding impacts on the Dorset Heathlands SSSI/SPA/Ramsar (albeit the proposals may continue to negatively impact this designated site).

The loss of the motorsports facility may have a greater impact on younger people than other groups, as they may be less able to travel to alternative facilities. However, younger people may be able to travel as part of a family group. There is limited evidence available regarding the socio-economic profile of motorsports fans. There may be a greater impact on those in lower socio-economic brackets as they may be less able to afford to travel to alternative venues. There is no evidence that the removal of a legal facility would cause people to engage in illegal activities.

As there are no affordable extra-care units proposed the proposal would not provide any accommodation for those in socio-economic deprivation. Mitigation could be provided in the form of an off-site contribution however the applicant does not intend to enter into an obligation to provide this.

In terms of positive impacts, the facility would provide accommodation and facilities for those with care needs, including disabled people, increasing the provision of accommodation of this type within the area.

If consented, further EQIA may be required for any reserved matters application.

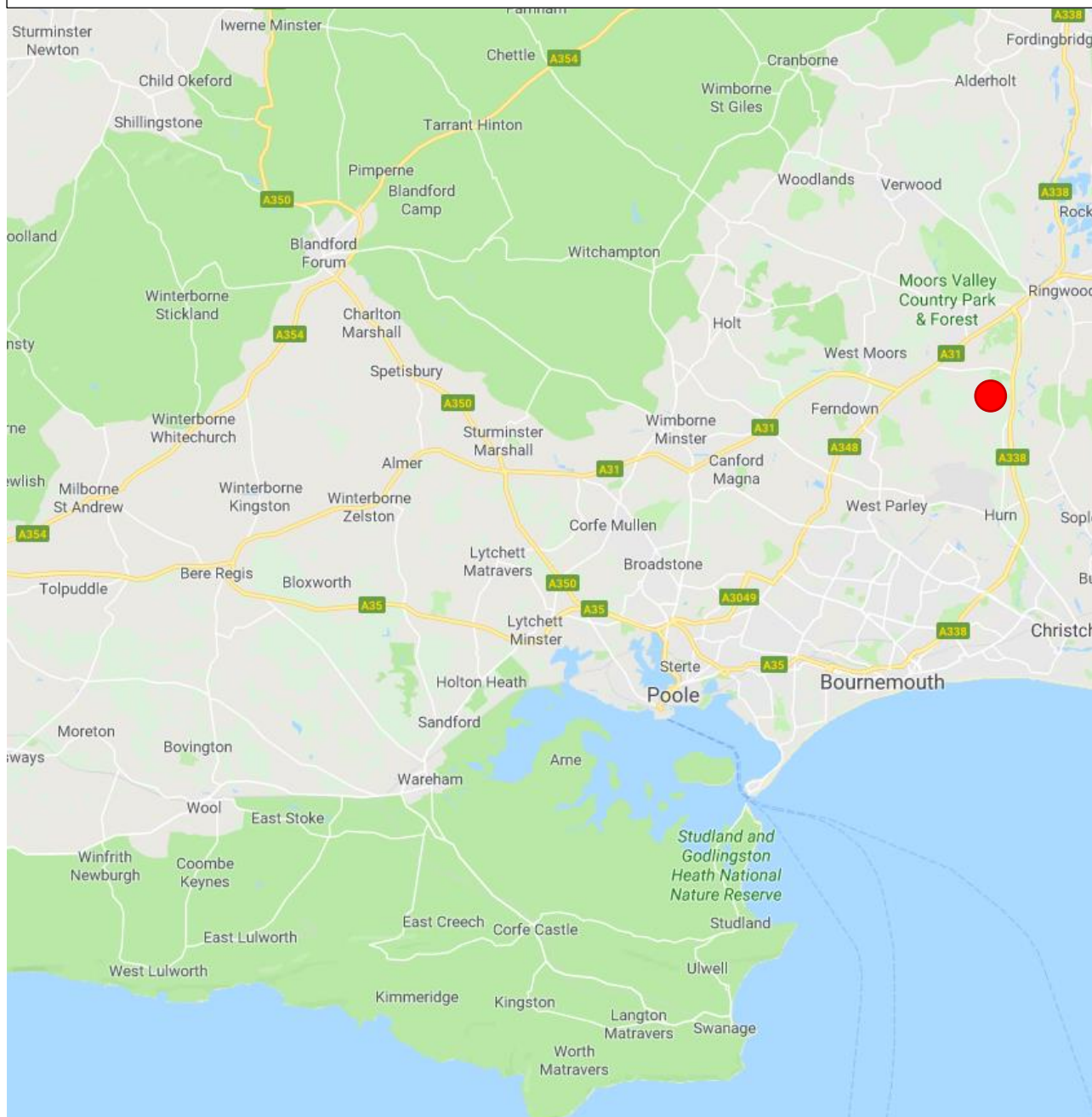
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● Approximate Site Location

Application reference: P/OUT/2021/05751

Site address: Land at Matchams Stadium, Matchams Lane, St Leonards BH24 2BU

Proposal: Demolition of existing buildings and structures and erection of a continuing care retirement community with up to 330 extra care units (Use Class C2) and up to 60 bed care home (Use Class C2), associated communal and care facilities, landscaping and open space, Alternative Natural Greenspace (ANG), parking and infrastructure, means of access and internal access roads. Use of land as nature conservation area, to include ecological enhancements and restoration (outline application to determine access only with all other matters reserved)



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# Agenda Item 7

Eastern Area Planning Committee  
3 May 2023

<b>Application Number:</b>	P/VOC/2022/07839		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Land at Leigh Road Colehill Wimborne BH21 2BZ		
<b>Proposal:</b>	<p>Application to Vary Condition 1 of Approved P/A 3/17/0848/FUL (<i>Hybrid planning application comprising 1) Full application for 44 dwellings with associated roads, footways, amenity areas, parking, open space, a drainage pumping station and a sustainable urban drainage system with surface water attenuation ponds in the eastern sector of the site as well as the provision of a principal access road from Leigh road as per the scheme approved under ref 3/14/1097/FUL other than the amended surface water drainage arrangements and</i></p> <p>2) <i>Outline planning application for a First School of 1.2 hectares in extent with means of</i></p> <p><i>access via the road and footway system incorporated in the accompanying full application and other matters reserved :- all as part of the</i></p> <p><i>development provided for under Policy WWMC8 of the Christchurch and East Dorset Local Plan Part 1 - Core Strategy (2014).</i>)</p> <p>To vary the extent of the site access further to detailed discussions with Dorset Highways</p>		
<b>Applicant name:</b>	Lewis Wyatt Construction Ltd		
<b>Case Officer:</b>	Naomi Shinkins		
<b>Ward Member(s):</b>	Cllr Roe and Cllr Dover		
<b>Publicity expiry date:</b>	02 Feb 2023	<b>Officer site visit date:</b>	11 January 2023
<b>Decision due date:</b>	15 March 2023	<b>Ext(s) of time:</b>	n/a

**1.0** The application is to be determined by committee under paragraph 153 of the Dorset Council constitution, where the original permission was expressly granted by the Planning Committee.

**2.0 Summary of recommendation:**

GRANT subject to conditions and securing an additional affordable housing for the following reason:

- Proposed changes to conditions amend the access in line Dorset Council Highways requirements only and does not materially change the nature of development already approved.

### 3.0 Reason for the recommendation:

- 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.
- Proposed changes to conditions amend the access in line with Dorset Council Highways requirements only and do not materially change the nature of the conditions to be amended.
- Proposed drainage is improved where a culvert diversion is no longer required.
- An additional affordable housing contribution will be secured by legal agreement as a result of the cost saving.
- There are no material considerations which would warrant refusal of this application.

### 4.0 Key planning issues

[Officer note: there have been no changes to the development plan or any other material circumstances in relation to this application and the previously approved application unless set out in this report].

Issue	Conclusion
Principle of development	Acceptable – established under PA 3/17/0848/FUL
Scale, design, impact on character and appearance	Acceptable – no changes proposed to the approved design other than the reduced access size which will provide betterment
Impact on amenity	Acceptable – no changes proposed to the approved design in relation to impact on amenity
Impact on landscape	Acceptable – no changes proposed to the approved design in relation to landscape
Economic benefits	Acceptable – no changes proposed to the approved design in relation to economic benefits
Access and Parking	Acceptable – no changes to proposed parking, changes to proposed access reduce junction size in line with DC Highways requirements
Drainage	Acceptable – no changes proposed to the approved design in relation to drainage other

	than the reduced access no longer requires the existing watercourse to be diverted and therefore provides betterment.
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## 5.0 Description of Site

- 5.1 The application site comprises an irregular shaped area of open agricultural land measuring approximately 4.84ha which is located to the south of the B3074 Leigh Road, 1.5km east of Wimborne.
- 5.2 The application site comprises two distinct land parcels with land to the south-west of Brookside Manor having been designated as land allocated to the Leigh Road New Neighbourhoods and this area is situated to the rear of existing residential development in both Leigh Road to the north and Brookside Road to the west. The other land parcel is located to the east of Brookside Manor and has been designated as land for a first school as set out in Policy WMC8.
- 5.3 Land to the south-west and south-east of the site is also allocated within the Leigh Road New Neighbourhood and planning permission was approved in June 2017 (Planning Ref: 3/15/0839/FUL).
- 5.4 A resolution to grant permission on this site, under PA 3/17/0848/FUL, was given by committee in October 2021 for residential development in full and a first school in outline. Permission was granted in April 2022 when the required legal agreement was secured.

## 6.0 Description of Development

- 6.1 The proposal is to amend the previously approved application 3/17/0848/FUL by varying the extent of the site access.
- 6.2 Amendments include:
- Layout amended (as agreed with DC highways)
  - Reduction to the size of the junction (as agreed with DC highways)
  - Existing culvert no longer diverted (as agreed with the Local Lead Flood Authority)
  - The remainder of the previously approved application remains unaltered.
- 6.3 A summary of the approved development is as follows:

	<b>Proposed</b>
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Application Site Area (approx.)	4.7ha
Number of residential units	44
Number of affordable units (AH)	0
Storey heights	2
Parking	134
Access	Leigh Road
Other uses	First School (outline only, no details)

## 7.0 Relevant Planning History

Application reference	Proposal	Decision	Decision Date
3/14/1097/FUL	Formation of new highway junction	Approved	26/05/2015
3/17/0848/FUL	Hybrid planning application comprising 1) Full application for 44 dwellings with associated roads, footways, amenity areas, parking, open space, a drainage pumping station and a sustainable urban drainage system with surface water attenuation ponds in the eastern sector of the site as well as the provision of a principal access road from Leigh road as per the scheme approved under ref 3/14/1097/FUL other than the amended surface water drainage arrangements and 2) Outline planning application for a First School of 1.2 hectares in extent with means of access via the road and footway system incorporated in the accompanying full application and other matters reserved :- all as part of the development provided for under Policy WWMC8 of the Christchurch and East Dorset Local Plan Part 1 - Core Strategy (2014)	Approved	01/04/2022



**8.0 List of Constraints** (relevant to the application only)

- Site of Nature Conservation Interest
- Groundwater Protection Zone
- Green Belt

**9.0 Consultations**

**Consultees**

The following responses were received from consultees in relation to the initially submitted and additional information (summary only, full comments available online).

**9.01 - DC Highways**

Initial Information	<b>No objection</b>
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**9.02 – National Highways**

Initial Information	<b>No objection</b>
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**9.03 – Colehill Parish Council**

Initial Information	<b>No response</b>
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**9.04 – Wimborne Minster Town Council**

Initial Information	<b>No objection</b>
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**9.05 - Lead Flood Authority**

Initial information	<b>Holding objection</b> <ul style="list-style-type: none"><li>- Removal of realignment is welcomed</li><li>- Further detail required – plans to be annotated with existing watercourse and culvert size details required</li></ul>
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Additional information	<b>No objection subject to condition</b> <ul style="list-style-type: none"><li>- Culvert size has been agreed as per Land Drainage Consent approved.</li><li>- Revised plan submitted to show existing watercourse is retained</li></ul>
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### 9.06 – Environment Agency

Initial Information	<b>No response</b>
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### 9.07 – Dorset Council Housing

Initial Information	<b>No objection</b> <ul style="list-style-type: none"><li>- Further financial contribution is a reasonable approach to address the affordable housing contribution.</li></ul>
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### 9.08 Representations received

A site notice was posted outside the site on the 11/01/2023 with an expiry date for consultation 24 days after from the date of the notice. 1 representation was received advising they had no comments on the proposed.

## 10.0 Relevant Policies

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Christchurch and East Dorset Local Plan and saved policies of the East Dorset Local Plan (2002).

10.2 The following policies of the Christchurch and East Dorset Core Strategy Part 1 (2014) are of particular relevance in this case:

- KS1 Presumption in favour of sustainable development
- KS3 Green Belt
- KS11 Transport and Development

Other

10.3 The guidance contained in the National Planning Policy Framework 2021 (NPPF), and the National Planning Practice Guidance are also a material consideration.

### 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.

Proposed changes to the access will not impact matters considered previously in relation to equalities. Standards required by inclusive mobility needs will still be met.

### 13.0 Financial benefits

What	Amount / value
Material Considerations	
Affordable housing contribution	Additional £99,911 to be secured by legal agreement
Heathland Mitigation	n/a – no change to previously approved
Non Material Considerations	
CIL	n/a – no change to previously approved

## 14.0 Climate Implications

Proposed changes to the access will not impact matters considered previously in relation to climate implications.

## 15.0 Planning Assessment

15.1 The main planning considerations for this application are:

- Principle of development and Green Belt
- Highways and access
- Flood Risk and Drainage

### 15.2 Principle of Development

15.2.1 The principle of development on this site has already been established. Local Plan Policy WMC8 (South of Leigh Road New Neighbourhood and Sports Village, Wimborne) identifies the area South of Leigh Road as an Allocation Site for a New Neighbourhood. WMC8 sets out that this will include 350 new homes, a Sports Village with new homes for Wimborne Town FC and Wimborne RFC, 8 hectares of other active sports pitches, changing facilities, teenage activity area, allotments, a local centre, land for a First School, and about 37 hectares for a country park.

15.2.2 Through Policy WMC8, the Green Belt boundary was amended to enable the residential and educational development proposed through the neighbourhood allocation to be on land outside of the Green Belt. The approved access remains within the Green Belt.

15.2.3 Under PA 3/17/0848/FUL it was considered likely that the principal access route's design and the proposed use of soft landscaping was acceptable in relation to the Green Belt where the likely visual harm would be limited by the flat nature of the proposed road and relatively unobtrusive nature of any associated features such as street lights and signs. The proposed variation will reduce the size of the junction which will not impact further on the Green Belt above what was previously approved.

15.2.4 The approved application also includes drainage works in the open area in the east of the Application Site. The approved drainage works is also within the Green Belt, that scheme was assessed against relevant local and national planning policies and considered acceptable. The Green Belt impact of the current proposal has been assessed in relation to that earlier approval.

15.2.5 The drainage element of the previously approved proposal involved subterranean pipes and attenuation basins. It was considered whilst these could be a comparatively raw feature in the local landscape initially, it was considered that over time as planting matures that these features, where they are visible above ground, would assimilate into the open landscape. As such, the drainage features were considered to preserve the openness of the eastern part of the application site within the Green Belt. The proposed removes the need for realignment of the existing watercourse with no further

changes to the proposed drainage. Therefore it will not impact further on the Green Belt above what was previously approved.

15.2.6 Overall, the proposed development is acceptable in principle in accordance with Local Plan Policies WMC8 and KS3 and NPPF Paragraphs 143, 144 and 146.

### 15.3 Highways and access

15.3.1 Local Plan Policy WMC8 sets out that vehicular access (for the Allocation Site) is to come from Leigh Road to the east of Brookside Manor. This has been approved under PA 3/17/0848/FUL.

15.3.2 The approved access has been redesigned in consultation with the Dorset Council Highways team, where it is reduced in sized and simplified in terms of layout.

15.3.3 The Highways team have been consulted on this application and raise no objection to the proposed.

15.3.4 Therefore, subject to conditions and informatives previously imposed on the approved application, the proposal accords with Local Plan Policy WMC8, KS9, KS11 and KS12.

### 15.4 Flood Risk and Drainage

15.4.1 Local Plan Policy ME6 (Flood Management, Mitigation and Defence) sets out inter alia that all developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been taken to reduce overall flood risk. Post-development surface water run-off must not exceed pre-development levels and options should have been sought to reduce levels of run-off overall. This will primarily be through the use of Sustainable Drainage Systems (SUDS) and a range of flood resistance and resilience measures. Space for such measures should be set aside within larger developments.

15.4.2 The Lead Flood Authority (LFA) raised no objection to the previously approved scheme subject to suitable pre-commencement conditions and informatives. Conditions in relation to the drainage for the residential development have been discharged.

15.4.3 The proposed variation does not change the previously approved drainage other than the reduced junction no longer requires the realignment of the existing culvert on Leigh Road.

15.4.4 The LFA has been consulted and has raised no objection to the proposed subject to a land drainage consent informative. Therefore the proposal accords with Local Plan Policy ME6.

### 15.5 Affordable Housing Contribution

15.5.1 A financial contribution of £110,000 towards affordable housing was secured under the original planning application. This sum was agreed based on a viability assessment, which included the cost of the approved signal junction.

15.5.2 Evidence has been submitted by the applicant which identifies a cost saving of £187,680 will be achieved by reducing the junction as proposed in this application. This figure has been verified by the Highways Team who deal with highways construction.

15.5.3 However the applicant has identified a number of aborted costs related to the planning application for the approved signal junction and its detailed design to the figure of £114,831. These costs have been reviewed by the Planning and Highways Teams and £87,769 has been agreed as reasonable aborted costs.

15.5.4 With the consideration of the aborted costs, there is an actual cost saving of £99,911, which the applicant has agreed to secure as a further financial contribution towards affordable housing via a legal agreement.

15.5.5 As the approved development is under construction and the changes to the junction have been requested by the Highways Team, a further financial contribution is considered a reasonable approach to address the affordable housing contribution. The Housing Officer has been consulted and agrees with this approach.

## 15.6 OTHER

15.6.1 Other matters considered under the approved application 3/17/0848/FUL are not affected by the proposed as follows:

Housing mix	Acceptable – no changes to the approved housing mix
Impact on character of the area	Acceptable – no changes to the approved design and layout
Landscaping	Acceptable – no changes to the approved design and layout
Trees	Acceptable – no changes to the approved design and layout
Servicing	Acceptable – no changes to the approved design and layout
Dorset Heathlands	Acceptable – no changes to the secured mitigation
Contaminated Land	Acceptable – no changes to the required conditions

Renewable Energy	Acceptable – no changes to the required conditions
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## 16.0 Conclusion

This assessment exercise has involved considering the acceptability of the proposal in relation to the Development Plan, taken as a whole, and all other materials considerations. All of the foregoing factors have also been considered in relation to the social, economic, and environmental benefits to be provided by the proposal.

It is considered that the proposal as amended to reduce the proposed access and modified conditions is acceptable in relation to material planning considerations.

## 17.0 Conditions

A number of conditions (9,10,12,15,19 and 20) have been discharged on the previously approved application. These conditions have therefore been updated to read as compliance conditions, where applicable. An updated legal agreement is required to secure the additional affordable housing contribution as noted above and to secure land previously occupied by the diverted culvert to the school site.

## 18.0 Recommendation

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

- further affordable housing contribution of £99,911
- amend the first school site boundary to include land previously occupied by the diverted culvert

And the conditions noted below

OR

B) Refuse permission if the legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by (6 months from the date of committee) or such extended time as agreed by the Head of Planning.

### Conditions:

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

095\_DI\_08.4 Site Location Plan

**095\_DI\_23.21 Planning Application Site Layout**

095\_DI\_24.9 Parking Layout

095\_DI\_25.12 Boundary Materials Layout

**095\_DI\_26.18 Landscape Strategy**

095\_DI\_27.8 Site Sections

095\_DI\_38.4 Plot 2b The Paddocks

**W511/07 A Leigh Road Junction**

**W511/06 O Proposed Drainage Arrangements**

**W511/24 B School Site Levels and Access**

Spe-B-C rev A Spetisbury Plans and Elevations (Plots 1, 41, 42 & 43)

Spe-B-C-V Spetisbury Variant Plans and Elevations (Plot 27)

Chi-B-C Chickerell Cottage Plans and Elevations (Plots 2/3 & 32/33)

Reg-B-C Regis Cottage Plans and Elevations (Plot 4)

Ibb-R-C rev A Ibberton Cottage Plans and Elevations (Plot 5)

Gla-B-C rev A Glanville Cottage Plans and Elevations (Plots 6, 7 & 34)

Bea-B-C Beaminster Cottage Plans and Elevations (Plots 8/9)

Bea-R-C rev A Beaminster Cottage Plans and Elevations (Plots 10/11)

FBT 3-B rev A Flat Block Type 3B Plans and Elevations (Plots 12/13)

Bea-R-C-FBT4 rev A Beaminster Cottage & Flat Block Type 4 Plans and Elevations (Plots 14/15/16)

Dew-B-C Dewlish Cottage Plans and Elevations (Plots 17/18)

Gla-B-C-V Glanville Cottage Variant Plans and Elevations (Plot 19)

Ibb-R-C-V & Gla-B-C-H-V Ibberton Cottage and Glanville Cottage Plans and Elevations (Plots 20/21)

Man-B-I2 rev A Mannington Informal2 Plans and Elevations (Plot 22)

Upw-B-I Upwey Informal Plans and Elevations (Plot 23)

2036-P-210 Plans and Elevations Plot 24 LR-H-B-4

2036-P-211 Plans and Elevations Plot 25 LR-N-B-5

Ibb-R-C-V rev A Ibberton Cottage Variant Plans and Elevations (Plot 26)

Osm-B-C rev A Osmington Cottage Plans and Elevations (Plot 28)

Eve-B-C2 Evershot Cottage2 Plans and Elevations (Plot 29)

Sha-B-C-V rev A Shaftesbury Cottage Variant Plans and Elevations (Plots 30/31)

Lyt-B-C Lytchett Cottage Plans and Elevations (Plot 35)

Pul-B-C-V Pulham Cottage Variant Plans and Elevations (Plot 36)

Reg-B-C-V Regis Cottage Variant Plans and Elevations (Plot 37)

Gla-R-C Glanville Cottage Plans and Elevations (Plot 38)



Net-B-C Netherbury Cottage Plans and Elevations (Plots 39/40)  
Upw-B-I-V Upwey Informal Variant Plans and Elevations (Plot 44)  
DBO-B Double Garage with Home Office Plans and Elevations  
2036-P401 Plans and Elevations - Single Garages  
2033-P403 Plans and Elevations – Twin / Double Garages  
2036-P404 Plans and Elevations – Triple Garages  
2036-P406 Plans and Elevations – Double 90 Degree Garage

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

2. Before the development of the first school hereby approved is occupied a traffic calming scheme shall be constructed along the access road to the south of the proposed school site, between the two speed reducing bends to the south west and south east, in accordance with a specification first agreed in writing with the Local Planning Authority.

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

3. Before the development hereby approved is occupied or utilised the following works must have been constructed in accordance with schemes that have been submitted to the Local Planning Authority and approved in writing:

- The construction of a new junction on Leigh Road which incorporates the needs of vehicle, cycles and pedestrians, to be agreed in writing with the Local Planning Authority.
- The diversion of the existing watercourse that runs along the south side of Leigh Road, in accordance with a scheme to be agreed in writing with the Local Planning Authority.

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

4. Before the development hereby approved is occupied or utilised, the submitted Travel Plan (March 2017) must be implemented and operational.

Reason: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site.

5. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plan 18009-BT5 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: In order to prevent damage during construction to trees that are shown to be retained on the site.

6. No construction work in relation to the development, including preparation prior to operations, shall take place other than between the hours of 07.30 hours to 18.00 hours Monday to Friday and 07.30 hours to 13.00 hours on Saturdays and at no time on Sundays or Public or Bank Holidays.

Reason: To safeguard the amenity of existing residents having regard to Local Plan Policy HE2.

7. The proposed surface water drainage for the site shall be carried out in accordance with the preliminary strategy documents as follows:

- W511-15B
- W511-06 Rev L
- W511-25
- 3-17-0848-FUL\_Other+documents\_FRA\_Part\_1
- 3-17-0848-FUL\_Other+documents\_FRA\_Part\_2
- 3-17-0848-FUL\_Supporting Document\_W511-FN02 FRA Supplementary Note
- 180315 RESPONSE W511-FN01 FULL
- Leigh Road W511-FN05 FRA Further Supplementary Note Oct 18

Reason: To prevent the increased risk of flooding or overwhelming of existing drainage infrastructure, and to protect water quality.

8. The development phase hereby permitted in full, namely the 44 dwellings with associated roads, footways, amenity areas, parking, open space, foul drainage pumping station, sustainable urban drainage system with surface water attenuation ponds and principle access road from Leigh Road, shall be begun before the expiration of three years from the date of this permission.

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

9. The surface water management for the phase permitted in full shall be carried out in accordance with 'W528-FN09 Surface Water Drainage Statement'.

The surface water scheme shall be implemented in accordance with the agreed details before the development of the school site is completed.

Reason: To prevent the increased risk of flooding or overwhelming of existing drainage infrastructure, and to protect water quality.

10. The maintenance and management of the surface water sustainable drainage scheme for the phase permitted in full shall be carried out in accordance with W528-FN10 Surface Water Drainage Maintenance & Management Plan.

The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The details should be for the lifetime of the development and include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

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

11. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number 095\_DA\_23.20b (Site Layout) must be constructed, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

12. The development phase permitted in full and access road connecting it to the development permitted under application 3/14/1097/FUL, shall be carried out in accordance with the approved Construction Traffic Management Plan (CTMP)

'A015- CTMP-Construction Traffic Management Plan - Sheet 1' and 'A015-CTMP-Construction Traffic Management Plan - Sheet 2' for the residential development, access road and first school site levelling and access points

Reason: to minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway.

13. The development phase permitted in full shall not be first brought into use unless and until the protected species mitigation measures as detailed in the approved mitigation plan dated 19 June 2017 and subsequent addendum documents 'Leigh Rd Ecology Report Addendum' submitted 9 December 2020, have been completed in full unless any modifications to the agreed mitigation plan as a result of the requirements of a European Protected Species Licence or the results of subsequent bat surveys are required and have first been submitted to and agreed in writing by the Local Planning Authority.

Thereafter approved mitigation measures shall be permanently maintained and retained in accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: This information is required prior to the commencement of development to ensure that bat/barn owl species are protected and their habitat enhanced, in accordance with the Wildlife and Countryside Act 1981 as amended, the Conservation of Habitats and Species Regulations 2010 and policy ME1 of the Christchurch and East Dorset Core Strategy.

14. No residential development above DCP (damp proof course) shall take place until full details of soft landscape works based on drawing 095\_DI\_26.17 (Landscape Strategy) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried in accordance with the approved details. These details shall include soft landscaping design; details of tree planting to replace trees lost during the creation of the Leigh Road access; details of boundary planting, schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate).

All hard and soft landscape works including boundary treatments shall be carried out in accordance with the approved plans and details. The works shall be carried out prior to the occupation of the development to which they relate or in accordance with a programme agreed in writing by the Local

Planning Authority. Any planting found damaged, dead or dying in the first five years following their planting are to be duly replaced with appropriate species.

Reason: This information is required prior to above ground work commencing as the long term establishment, maintenance and landscaping of the site is necessary to preserve the amenity of the locality. This decision has also had regard to Policies HE2 and HE3 of the Local Plan and Government Guidance contained in the National Planning Policy Framework.

15. The residential development shall be built in accordance with the materials approved in the document ' Leigh Road - Condition 15 - Brick and Roof Tile Materials Palette'

Reason: This information is required prior to above ground work commencing to ensure satisfactory visual relationship of the new development to the existing.

16. The window(s) on the:

- \* Southern elevation of Plot 2
- \* South-western elevation of Plot 7
- \* North-eastern elevation of Plot 19
- \* North-western elevation of Plot 27
- \* South-eastern elevation of Plot 29
- \* North-western elevation of Plot 30
- \* North-eastern elevation of Plot 31
- \* South-western elevation of Plot 32
- \* North-eastern elevation of Plot 33

shall be glazed with obscure glass to Level 5 Obscurity and shall either be a fixed light or hung in such a way as to prevent the effect of obscure glazing being negated by reason of overlooking and these shall be retained for the lifetime of the development. Furthermore, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent re-enactment, no further fenestration or door shall be installed in the said elevation without express planning permission.

Reason: To preserve the amenity and privacy of the adjoining properties.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent re-enactment, the proposed single garages for plots 27 and 36 shall not be altered or extended, nor shall any new outbuilding be constructed within the curtilage of these dwellings, without express planning permission.

Reason: to protect the amenity of the neighbouring property 2B The Paddocks.

18. Works relating to site levels and finished floor levels for the residential development shall be undertaken strictly in accordance with the details as set out in drawing 'W511/28 Rev B Contours and finished Floor Levels'.

Reason: To ensure details of the proposal having regard to the existing site levels, flood risk mitigation and those adjacent hereto.

19. The residential development approved shall be carried out in accordance with the approved energy statement 'Leigh Road Energy Statement' and PV plan 'PV-100'.

Reason: To help meet the UK's carbon emissions targets and comply with Policy ME4 of the Christchurch and East Dorset Core Strategy.

20. The residential development approved shall be carried out in accordance with the approved water efficiency calculations for plots 1-44.

Reason: This condition contributes to sustainable development and meeting the demands of climate change. Increased water efficiency for all new developments also enables more growth with the same water resources.

21. The development phase hereby permitted in outline, namely the construction of a first school, shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters.

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

22. (a) With the exception of site levelling and access connections, prior to commencement of development of the first school details of 'Reserved Matters', (that is any matters in respect of which details have not been given in the application and which concern the siting, design or external appearance of the building(s) to which this permission and the application relates, or to the means of access to the building(s) or the landscaping of the site) shall be submitted to and approved in writing by the Local Planning Authority.

(b) An application for approval of any 'Reserved Matters' must be made not later than the expiration of three years beginning with the date of this permission.

(c) 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: (a) This condition is required to be imposed by the provisions of Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015: (1) of the (b) and (c) These conditions are required to be imposed by Section 92 of the Town and Country Planning Act 1990.

23. With the exception of site levelling and access connections, prior to commencement of the first school development hereby approved in outline a Construction Traffic Management Plan (CTMP) for that part of the development must be submitted to and approved in writing by the Local Planning Authority. The CTMP must include:

- construction vehicle details (number, size, type and frequency of movement)
- a programme of construction works and anticipated deliveries
- timings of deliveries so as to avoid, where possible, peak traffic periods
- a framework for managing abnormal loads
- contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- wheel cleaning facilities
- vehicle cleaning facilities
- Inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
- a scheme of appropriate signing of vehicle route to the site
- a route plan for all contractors and suppliers to be advised on
- temporary traffic management measures where necessary

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

Reason: to minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the

adjoining highway.

24. The first school development phase hereby approved shall not be first brought into use unless and until the protected species mitigation measures as detailed in the approved mitigation plan dated 19 June 2017 and subsequent addendum documents 'Leigh Rd Ecology Report Addendum' submitted 9 December 2020, have been completed in full unless any modifications to the agreed mitigation plan as a result of the requirements of a European Protected Species Licence or the results of subsequent bat surveys are required and have first been submitted to and agreed in writing by the Local Planning Authority.

Thereafter approved mitigation measures shall be permanently maintained and retained in accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: This information is required prior to the commencement of development to ensure that bat/barn owl species are protected and their habitat enhanced, in accordance with the Wildlife and Countryside Act 1981 as amended, the Conservation of Habitats and Species Regulations 2010 and policy ME1 of the Christchurch and East Dorset Core Strategy.

25. With the exception of site levelling and access connections no development shall take place in relation to the first school site until a detailed surface water management scheme for that part of the site, based upon the hydrological and hydrogeological context of the development has been submitted to and agreed in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the agreed details before the development of the school site is completed.

Reason: To prevent the increased risk of flooding or overwhelming of existing drainage infrastructure, and to protect water quality.

26. With the exception of site levelling and access connections no development hereby approved shall take place in relation to the first school site until details of maintenance and management of the surface water sustainable drainage scheme for that part of the site have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The details should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements



to secure the operation of the surface water drainage scheme throughout its lifetime.

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

**Informatives:**

1. Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend  
the applicant refer to the Environment Agency's Pollution Prevention Guidelines, which can be found at:  
<https://www.gov.uk/guidance/pollution-prevention-for-businesses>
2. If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on the Environment Agency's website <https://www.gov.uk/howto-classify-different-types-of-waste>
3. The highway improvement(s) referred to in the recommended condition above shall be carried out to the specification and satisfaction of the Local Highway Authority in consultation with the Local Planning Authority and it will be necessary to enter into an agreement, under Section 278 of the Highways Act 1980 (or "Minor Works Agreement"), with the Local Highway Authority, before any works commence on the site.
4. The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under Section 38 of the Highways Act 1980, the applicant should contact Dorset County Council's Development team. They can be reached by telephone at 01305 225401, by email at [dli@dorsetcc.gov.uk](mailto:dli@dorsetcc.gov.uk) , or in writing at Development team, Dorset Highways, Environment and the Economy, Dorset Council, County Hall, Dorchester, DT1 1XJ
5. The applicant should be advised that the Advance Payments Code under Sections 219-225 of the Highways Act 1980 may apply in this instance. The Code

secures payment towards the future making-up of a private street prior to the commencement of any building works associated with residential, commercial and industrial development. The intention of the Code is to reduce the liability of potential road charges on any future purchasers which may

arise if the private street is not made-up to a suitable standard and adopted as publicly maintained highway. Further information is available from Dorset Council's Development team. They can be reached by telephone at 01305 225401, by email at [dli@dorsetcc.gov.uk](mailto:dli@dorsetcc.gov.uk), or in writing at Development team, Dorset Highways, Environment and the Economy, Dorset Council, County Hall, Dorchester, DT1 1XJ.

6. Given the proximity of some of the proposed gardens to neighbouring houses (which are not positively drained) and the required land raising to achieve finished floor levels, the applicant should ensure that over compaction of land near to these areas is prevented so that runoff into neighbouring gardens does not increase post construction. The Detailed Drainage Strategy (DDS) required in condition 16 should discuss how this will be managed during the construction phase as part of the Surface Water Construction Management Plan requested via this condition.
7. If the applicant wishes to offer for adoption any SW drainage to Wessex Water (WW) for adoption, they should contact WW as soon as possible. As we will expect to see evidence of a section 104 agreement in respect of any Discharge of Conditions application.
8. Prior Land Drainage Consent (LDC) may be required from DCC's FRM team, as relevant LLFA, for all works that offer an obstruction to flow to a channel or stream with the status of Ordinary Watercourse (OWC) – in accordance with s23 of the Land Drainage Act 1991. The modification, amendment or realignment of any OWC associated with the proposal under consideration, is likely to require such permission. We would encourage the applicant to submit, at an early stage, preliminary details concerning in-channel works to the FRM team. LDC enquiries can be sent to [floodriskmanagement@dorsetcc.gov.uk](mailto:floodriskmanagement@dorsetcc.gov.uk).
9. The application should be read in conjunction with the S106 planning obligation (dated 1<sup>st</sup> April 2022) between:

(1) DORSET COUNCIL

(2) JOHN WILLIAM ARTHUR CORRINGHAM-RUDD AND DR JANE BETHAN DAVIES

(3) LEWIS WYATT (CONSTRUCTION) LIMITED

(4) NATIONAL TRUST FOR PLACES OF HISTORIC INTEREST OR NATURAL BEAUTY

And the Deed of Variation to secure the additional affordable housing contribution.

**Background Documents:**

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

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## Approximate Site Location ●

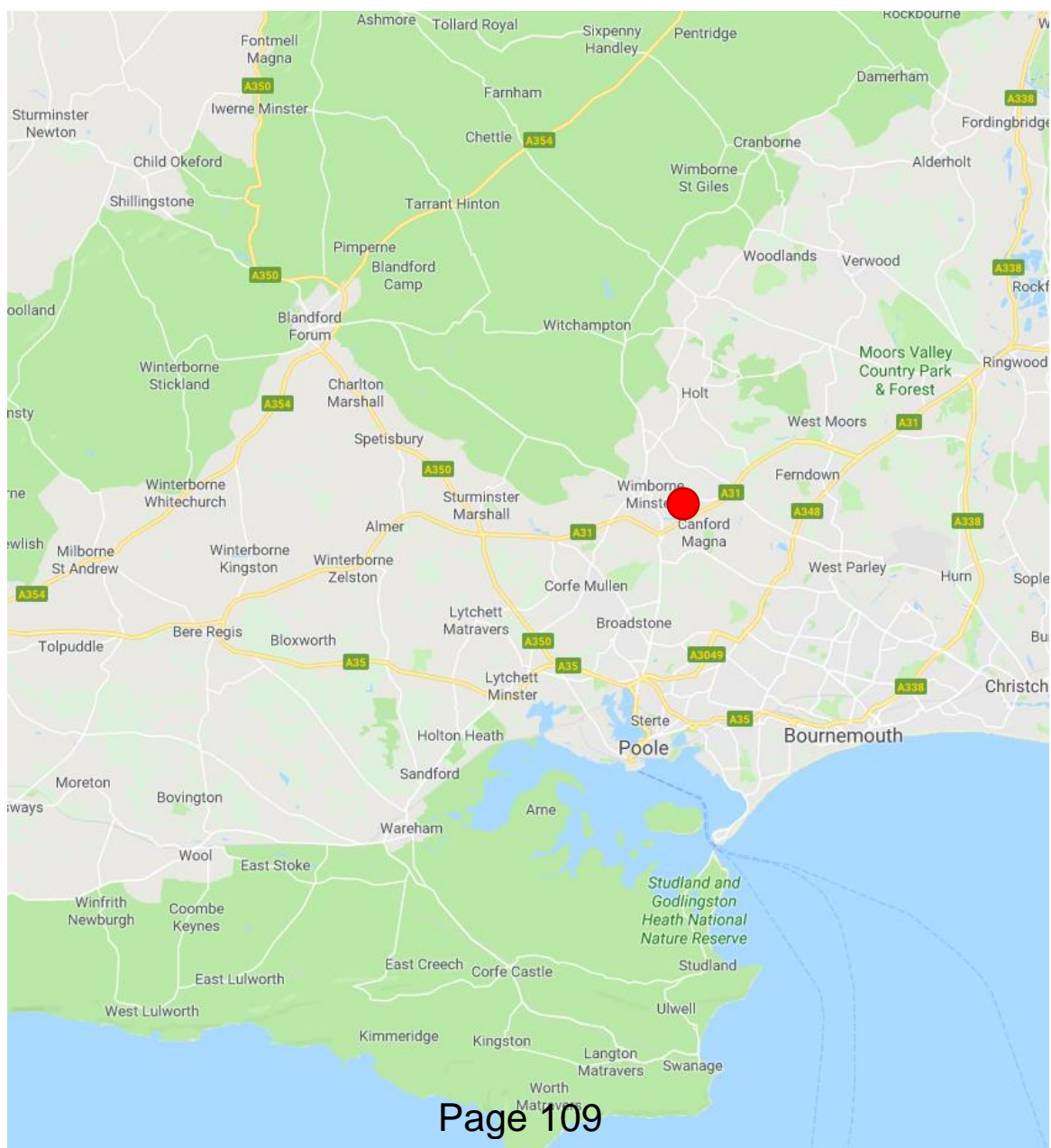
Application reference: P/VOC/2022/07839

Site address: Land at Leigh Road Colehill Wimborne BH21 2BZ

Proposal: Application to Vary Condition 1 of Approved P/A 3/17/0848/FUL (*Hybrid planning application comprising 1) Full application for 44 dwellings with associated roads, footways, amenity areas, parking, open space, a drainage pumping station and a sustainable urban drainage system with surface water attenuation ponds in the eastern sector of the site as well as the provision of a principal access road from Leigh road as per the scheme approved under ref 3/14/1097/FUL other than the amended surface water drainage arrangements and 2) Outline planning application for a First School of 1.2 hectares in extent with means of access via the road and footway system incorporated in the accompanying full application and other matters reserved :- all as part of the*

*development provided for under Policy WWMC8 of the Christchurch and East Dorset Local Plan Part 1 - Core Strategy (2014).)*

To vary the extent of the site access further to detailed discussions with Dorset Highways (Description amended 10 Feb 2023).



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# Agenda Item 8

Eastern Area Planning Committee  
3 May 2023

<b>Application Number:</b>	P/RES/2022/08041		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Land East of New Road West Parley		
<b>Proposal:</b>	Reserved Matters submission comprising layout, scale, appearance and landscaping pursuant to condition 1 of outline permission ref.  3/17/3609/OUT for Phase 2 comprising 148 dwellings (Use Class C3) with public open space and landscaping. Vehicular access off Christchurch Road and Church Lane as approved in the outline planning permission.		
<b>Applicant name:</b>	Bellway Homes Ltd Wessex		
<b>Case Officer:</b>	Ursula Fay		
<b>Ward Member(s):</b>	Cllr Parry		
<b>Publicity expiry date:</b>	7 April 2023	<b>Officer site visit date:</b>	
<b>Decision due date:</b>	5 May 2023	<b>Ext(s) of time:</b>	5 May 2023

**1.0** The application is referred to Committee at the request of the nominated officer.

**Summary of recommendation:**

Approval of Reserved Matters

**2.0 Reason for the recommendation:**

- 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

**3.0 Key planning issues**

Issue	Conclusion
Principle of development	Principle previously established through Outline consent.

Environmental Impact Assessment	Site previously screened with no EIA found to be necessary. No significant change has taken place.
Housing Mix	Mix proposed in accordance with S106 agreed at Outline. Mix, distribution and tenure-blindness acceptable.
Layout, Design and Appearance <i>Including:</i> <i>Context</i> <i>Streets &amp; Movement</i> <i>Landscape</i> <i>Built Form and Identity</i>	Proposal generally in accordance with agreed Design Code. Proposal would result in an attractive and sustainable development.
Trees	Opportunities have been taken to incorporate trees.
Residential Amenity	Development does not result in unacceptable amenity for either existing or proposed dwellings, subject to a condition restricting permitted development rights for plot 384.
Energy	Details of the location of agreed renewable energy measures to be secured by condition.
Drainage	Adequately demonstrated that a sustainable drainage system can be accommodated within the proposed layout.

#### 4.0 Description of Site

- 4.1 The site comprises 20.2ha of greenfield land and is located to the south-east of the intersection of Christchurch Road (A347) and New Road (B3073), in the Parley Cross area, the centre of the village of West Parley. It is relatively level with a slight north west to south east gradient.
- 4.2 The site is on land allocated within the Christchurch and East Dorset Adopted Core Strategy (April 2014) under Policy FWP6. The majority of the site lies in the urban area of Ferndown and West Parley and part of the land to the south is located within the Green Belt.
- 4.3 The Christchurch Road and New Road connect the site East – West and North – South to the surrounding area. These roads meet at the Parley Crossroads, which is located to the north-west of the site. To the west of the crossroads are existing shops and services forming a small local centre. To the north of Christchurch Road is the West Parley Sports and Social Centre.
- 4.4 The site has a Public Right of Way (PRoW) that crosses the site east-west connecting Church Lane to New Road. This provides connections via PRoW to the west travelling through a consented SANG (subject of a separate application but to be delivered in conjunction with this development) to Christchurch Road.
- 4.6 The northern boundary is partly defined by Christchurch Road, vegetation associated with the curtilage of properties and an adjacent parcel of undeveloped land. The



eastern boundary is predominantly delineated by the vegetation of rear gardens of properties along Church Lane and small parcels of undeveloped land. The southern boundary is bounded by agricultural fields to the south and the property boundaries of houses along New Road to the south west. New Road itself forms the western boundary.

- 4.7 Many of the existing boundary treatments are formed by hedgerows and woodland edges. The site is relatively unconstrained by trees however there are a group of significant quality trees along the western edge at Parley Cross (which are protected) and a central southern landmark tree. Protected trees are also located along the south west boundary.
- 4.8 Surrounding development includes three detached two-storey properties in large plots to the north of the site, fronting onto Christchurch Road. To the east of these fronting on to Christchurch Road is the Parley Place care home, currently under construction.
- 4.9 To the west of the site, on the opposite side of New Road, existing residential development is predominantly bungalows on medium sized plots, set back from New Road behind a service street. To the south of these, as moving south along New Road, the density decreases and the development pattern becomes a mixture of bungalows and two-storey dwellings in large plots accessed directly from New Road.
- 4.10 Church Lane has a more rural character. Where adjoining the site boundary the majority of existing residential development along much of this lane comprises bungalows in large plots. To the south of these, also adjoining the site, are Brambles Farm and Farmhouse, the farmhouse being a Grade II listed building. The character at this point and onwards moves to more sporadic development in small clusters of dwellings and farm buildings. Towards the end of Church Lane (140m south of the site) is the West Parley Conservation Area, situated within which are the Grade II listed All Saints Church and Old Rectory.

## **5.0 Description of Development**

### *Outline*

- 5.1 Outline consent has been granted for a mixed-use development including up to 386 dwellings, up to 1000sqm of retail units (Classes A1-A5); up to 900sqm of offices (Class B1) and up to 2200sqm of foodstore (Class A1); together with accesses, a link road and associated highway works, public open space including SANG, allotments, play areas , landscaping and associated works. All matters were reserved with the exception of access and the associated link road. The link road provides an alternative route between Christchurch Road and New Road, bypassing the crossroads, and is now under construction.
- 5.2 A Land Use and Building Heights parameter plan was conditioned as part of the outline consent (Outline condition 2) and sets the parameters for how development across the site is expected. This shows a mixed-use commercial area, with public square, located immediately to the south-east of the Parley Crossroads and bounded by the link road to the east. This will form an extension to the existing local centre. To the east of the link road sits the area identified for the food store, reserved matters for which have been granted under a separate consent (P/RES/2022/03505).

- 5.3 South and east of the commercial areas land is identified for residential development, both to the east and west of the link road. Height parameters provide for landmark buildings up to 3.5 storeys, key buildings up to 3 storeys and the remainder up to 2.5 storeys. The majority of the residential land is accessed via the link road, with a small parcel to the south of the PRow accessed via a separate access from New Road.
- 5.4 A Sustainable Alternative Natural Greenspace (SANG) incorporating SuDS and allotments wraps around to the east and south of this residential area. The parameter plans shown three Green Links into/through the residential development from the SANG. The SANG area sits between the residential area and properties on Church Lane, with the exception of a small residential parcel to be accessed directly from Church Lane, this parcel is limited in height to 1-1.5 storeys. An area to the south of the site is identified for allotment provision, to be accessed via the existing gravel track at the site's southern boundary.

#### *Phasing Plan*

- 5.5 The approved Phasing Plan splits the residential development into three phases – Phase 1 is situated to the south of the PRow and comprises that development accessed directly from New Road. Phase 2 includes land directly to the north of phase 1, along with residential land to the west of the link road. Phase 3 includes land to the south east of the food store, and to the east of Phase 2, along with the small residential parcel access directly from Church Lane.

#### *Design Code*

- 5.6 A Design Code and Masterplan for the site has been agreed, this provides further details on matters such as character areas, street hierarchy, density, building typologies, key buildings, the approach to car parking, landscape, planting and treatment of the public realm. The Design Code is an approved document, and the application is accompanied by a Compliance Statement setting out how the proposal has met the Design Code criteria.

#### *Reserved Matters – Residential Phase 1, SANG and Allotments*

- 5.7 Reserved matters approval has been granted for the layout, scale, appearance and landscaping of residential phase 1, along with public open space, the SANG and allotments. Phase 1 included a total of 238 dwellings.
- 5.8 In line with the agreed Legal Agreement for the site, 56 affordable units were proposed within Phase 1.

#### *Reserved Matters – Residential Phase 2*

- 5.9 This reserved matters application seeks approval of layout, scale, appearance and landscaping for residential phase 2, along with public open space. This includes a total of 148 dwellings.

- 5.10 A range of dwelling types are proposed including flats, townhouses, detached, semi-detached and terraced houses. A range of sizes are also proposed ranging from 1 – 4 bedrooms.
- 5.11 In line with the agreed Legal Agreement for the site, 17 affordable units are proposed within Phase 2.

## 6.0 Relevant Planning History

<b>RELEVANT PLANNING HISTORY – THIS SITE</b>			
App No	Proposal	Decision	Date
3/17/3609/OUT as amended by 3/21/0618/NMA, 3/21/1024/NMA and P/NMA/2022/01544	Outline application (All matters reserved except for access and associated link road); with up to 386 dwellings (Class C3); up to 1000sqm of retail units (Classes A1-A5); up to 900sqm of offices (Class B1) and up to 2200sqm of foodstore (Class A1); together with accesses, a link road and associated highway works, public open space including SANG, allotments, landscaping and associated works.	Granted	18/02/2021
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.	Granted	02/11/2022
P/RES/2021/03989	Reserved matters application in respect of the foodstore development phase of Outline Planning Permission 3/17/3609/OUT relating to details of access, appearance, landscaping, layout, and scale.	Granted	20/05/2022

<b>RELEVANT PLANNING HISTORY – ADJACENT SITE</b>				
App No	Location	Proposal	Decision	Date
3/17/3610/COU	Land East of Church Lane	Change of use of land to a suitable alternative natural greenspace (SANG) and associated works.	Granted	18/02/2021

3/19/0821/FUL	Land South of Christchurch Road	Erect an 80 bedroom Care Home with associated parking, landscaping and amenity space.	Granted	01/08/2019
3/20/0430/CONDR as amended by P/NMA/2022/03534	Land South of Christchurch Road	Vary condition 2 (approved plans) of PA 3/19/0821/FUL (Erect an 80 bedroom Care Home with associated parking, landscaping and amenity space) to reduce the number of beds from 80 to 68, reduce the size of the proposed building and amend elevations, landscaping and parking as required	Granted	03/07/2020

## 7.0 List of Constraints

- Within West Parley settlement boundary
- Green Belt (covers southern extremity of site)
- Heathland 400m Consultation Area
- Heathland 5km Consultation Area
- Rights of Way - Footpath E56/7 crosses site
- Airport Safeguarding zone
- Risk of Surface water flooding varies across site 1 in 30 – 1 in 1000
- Tree Preservation Orders – WP/52, Group Ref: T1; WP/55, Group Ref: W1; WP/18, Group Ref: A1
- Brambles Farmhouse Listed Grade II located adjacent to the site (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)

## 8.0 Consultations

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

### Natural England

- Confirmed no comments to make

### Bournemouth Airport

- No objection - the proposal does not appear to conflict with safeguarding criteria
- Standard advice notes on airport safeguarding criteria provided

### **Wessex Water**

- Surface water network has capacity to accommodate proposed additional flows. No objection to this connection.
- Applicant must submit a foul drainage strategy showing appropriate points of connection to the foul sewer network to enable the planning of any required sewer improvements
- Existing sewers must be protected during and after construction

### **DC - Natural Environment Team**

- No objection
- Suggest separation and privacy for plot 134 could be improved

### **Dorset and Wilts Fire and Rescue**

- Development would need to be designed and built to meet current Building Regulations requirements

### **DC - Policy - Urban Design**

Deferred to case officer.

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

- The only tree which is of merit is the Oak standing on the rear boundary of 292 Christchurch Road, Fortunately due to the current layout , this tree predominantly effects an area of open space adj. to plot 371. I'm fairly confident the proposed units in this area are sufficiently catered for in terms of tree dominance.

### **DC - Landscape**

Comments on initial submission:

- Issues relating to tree planting, lighting and services
- Insufficient tree soil volumes for trees in hard surfaced parking courtyard areas / between brick boundary walls and pavements
- Brindle keyblok paving may appear incongruous suggest another colour more appropriate
- Apparent non-compliance with design code parking parameters regarding landscape
- Insufficient landscaping/amenity in some parking courtyards

- Opportunities should be taken to introduce larger tree species within green links

Comments on amended plans:

- Additional planting is a small improvement
- Applicant has improved tree pit details and demonstrated that thought has gone into the approach to tree pit volumes
- Some potential mature canopy spread conflicts remain
- Conflicts with lighting columns mostly resolved
- Landscape design is similar to that of Phase 1
- Proposals could have been more attractive and of higher quality if trees had been a forethought and not an afterthought
- Appreciate comments must be weighed in the planning balance
- Little if any scope for further improvement of the scheme within the current layout/quantum of development and so little if any grounds for the continued objection to the discharge of landscape as a reserved matter

**DC - Highways**

- This Phase 2 proposal provides an estate road layout that, whilst not meeting with the Highway Authority's requirements for adoption (with regard to proposed carriageway widths), is acceptable in terms of design and safety for all road users.
- Parking numbers and location meet with the Authority's guidance
- Swept path analysis proves that a refuse vehicle can satisfactorily service this development phase.
- Cycle parking has been catered for, as has the provision of EV charging points
- No objection subject to the conditions placed on the outline

**DC - Street Lighting Team (East)**

- Any of roads being proposed for adoption as public highway must be lit
- Adoptable roads and footpaths should be kept to within the built area to reduce outward light pollution
- Lighting for footpaths will also be required if these are to be adopted

- Some areas have arrangements for off street parking / tree planting which will not allow for street lighting
- Planted and mature tree canopy size should be shown for each tree location
- Use of vertical traffic calming features will require permanent all-night street lighting to comply with the Road Hump Regulations

#### **DC - Dorset Waste Partnership**

- Development does not comply with DC Guidance for Developers

#### **DC - Rights of Way Officer**

No comments received.

#### **DC - Housing Enabling Team**

- Mix in accordance with S106
- No objection

#### **DC - Flood Risk Management**

- The reserved matters surface water drainage layout is acceptable to us (FRM) as a concept
- Therefore no objection
- Detailed review of surface water drainage strategy will take place for the discharge of conditions 22 & 23 of outline consent and the submitted Drainage Strategy should not become an approved document

#### **DC – Community Infrastructure Levy (CIL)**

- No comments to make

#### **West Parley Parish Council**

- Concern regarding density and scale of development
- Concern over lack of variety in design
- Insufficient parking
- Object to removal of children's playground provision
- Support comments of the Ramblers Association requesting that additional footpaths are dedicated as public rights of way
- Supports the views of the Dorset NET team regarding additional fencing and planting around plot 384

- Additional planting throughout the site would soften the appearance and mass of dwellings
- Support the Landscape Officer's comments regarding tree planting, lighting and services and the apparent non-compliance with the Design Code.
- Support the views of the Street Lighting Team. Concerns some areas of the estate will not allow a system of street lighting to be achieved
- Concern regarding road humps
- Support the Waste Team and their Guidance for Developers
- Request protected trees be retained and appropriate fencing and hand excavation be undertaken in accordance with the Tree Officer's opinion
- Concern that affordable housing provision is subject to a review on commencement of the 193<sup>rd</sup> dwelling. Site could have offered 50% affordable homes to address the needs in the initial Core Strategy
- Request case officer attaches a condition that all construction related vehicles must park on site and not on the public highway, verges or in privately owned car parks

### **Representations received**

#### **Non-Statutory Consultees**

##### Ramblers Association

- Welcome the sensitive treatment of the existing RoW (E56/7) and the provision of additional paths over the SANG
- Would like additional paths to be dedicated as public rights of way

##### East Dorset Environmental Partnership (EDEP)

###### *Comments on initial submission:*

- Clarity required over species proposed
- Little consideration of the need for shade and cooling in the selection of trees
- Welcome high proportion of native species
- Some plants are species known to be invasive locally and should be replaced with more appropriate species

###### *Comments on amended plans:*

- Welcome changes that have been made however appropriate management of shrubs required. Some invasive species remain on the planting list.

*[Officer Note: plant species of concern have since been replaced with alternatives]*

### **Representations received**

#### **All other representations**



Total - Objections	Total - Support	Total - Comment	Total – All Comments
1	0	1	2

### Issues Raised

- Concerns regarding impacts on surface water flooding and drainage in Church Lane
- Impacts of the development on highways and traffic flows
- Impacts on road safety
- Concerns regarding relocation of bus stops
- Concern regarding cumulative impacts of development in West Parley
- Comments regarding archaeology and investigations that may be required

## **9.0 Duties**

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

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

Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

## **10.0 Relevant Policies**

### Development Plan

10.1 The relevant policies from the Local Plan for the proposal are;

- KS1 Presumption in favour of sustainable development
- KS2 Settlement Hierarchy
- KS3 Green Belt
- KS4 Housing Provision in Christchurch and East Dorset
- KS8 Future Retail Provision
- KS9 Transport Strategy and Prime Transport Corridors
- KS10 Strategic Transport Improvements
- KS11 Transport and Development
- KS12 Parking Provision
- HE1 Valuing and Conserving our Historic Environment
- HE2 Design of new development
- HE3 Landscape Quality
- HE4 Open Space Provision

- LN1 The Size and Type of New Dwellings
- LN2 Design, Layout and Density of New Housing Development
- LN3 Provision of Affordable Housing
- ME1 Safeguarding biodiversity and geodiversity
- ME2 Protection of the Dorset Heathlands
- ME3 Sustainable development standards for new development
- ME4 Renewable energy provision for residential and non-residential developments
- ME6 Flood Management, Mitigation and Defence
- ME7 Protection of Groundwater
- FWP6 East of New Road New Neighbourhood, West Parley
- FWP5 West Parley Village Centre Enhancement Scheme

10.2 The Local Plan has retained certain 'saved policies' from the East Dorset Local Plan 2002 (the previous development plan for the district) and the relevant saved policies from this document are;

- DES2 - impacts from development
- LTDEV1 - External lighting
- DES6 - Landscaping

#### Other material planning considerations

10.3 Planning policy contained in the National Planning Policy Framework and National Planning Practice Guidance is relevant and is a material consideration to be considered in the planning judgement.

10.4 Of particular relevance to the proposal in respect of the NPPF are Section 5: Delivering a wide choice of high quality homes; Section 8: Promoting healthy and safe communities; Section 9: Promoting sustainable transport; Section 12: Achieving well-designed places; Section 13: protecting Green Belt land; Section 14: Meeting the challenge of climate change, flooding and coastal change; Section 15: Conserving and enhancing the natural environment and Section 16: Conserving and enhancing the historic environment.

#### Supplementary Planning Documents

- Affordable Housing SPD
- West Parley Conservation Area Appraisal

#### Community Infrastructure Levy (CIL)

10.5 As a New Neighbourhood making on-site SANG provision, the site is zero rated for Community Infrastructure Levy (CIL) charges. This is due to the need to avoid double counting of contributions required to mitigate the impact of residential development on protected European Heathlands where significant sites are required to provide SANGs, where heathland mitigation is also part of the monies collected via CIL.

## 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.

Considerations included within this application:

- As part of the Outline application a financial contribution has been secured towards increased capacity at a local doctor’s surgery
- The applicant submitted a note in support of Phase 1 setting out how the roads and pedestrian infrastructure within the development has been designed in accordance with guidance contained within the Department for Transport Inclusive Mobility (2021). This approach has been continued in Phase 2.
- This includes the provision of dropped kerbs and raised crossings to provide level access at all road crossings; the design and provision of footways which provide clear minimum widths, without obstructions, and gentle gradients along these footways and footpaths
- A step-free design approach has been taken across the pedestrian infrastructure
- Within shared surface footways arrangements to ensure people with disabilities or mobility impairments or pushing buggies have been accommodated through the inclusion of a delineated footway with a 0.25m upstand
- The residential dwellings and associated drives with parking spaces are designed in accordance with Part M of the Building Regulations

## 13.0 Financial benefits

For information, the outline application secured the following financial benefits.

What	Amount / value
Affordable housing	19% (73 dwellings), to be reviewed at 50% occupation
Funding towards education	£5,880 per eligible dwelling (two or more bedrooms)
Funding towards off-site highways works at the Longham mini-roundabouts (B3073 / Ringwood Road) and Ringwood Road./ New Road / Victoria Road signals junctions	£156,234
Funding towards a new consulting / nurses room at a nearby doctor's surgery	£24,000
Funding towards the Parish Council's Community Project at the West Parley Sports and Social Club	£130,000
Sustainable Alternative Natural Greenspace (SANG)	On-site SANG (SANG A) – 6.23ha Church Lane SANG (SANG B) – 15.8ha On-going management and maintenance of the SANG through a Management Company or through transfer to a suitable organisation
SANG Step In Maintenance Contribution	£20,000
SAMM Contribution	Flats (@ £179 per flat) & houses (@ £263 per house)
Play Area	Local Equipped Area for Play (LEAP) (to be included within SANG)
Allotments	0.23ha

In addition, the following benefits were secured under the Phase 1 reserved matters application would provide the following benefits.

What	Amount / value
<b>Material considerations</b>	
Play areas	1 x Local Area for Play (LAP) 1 x Local Equipped Area for Play (LEAP) 1 x scooter track
Allotments	0.23ha, divided into 14 allotments with tool sheds, water stands, and raised beds for people with restricted mobility.
SANG	On-site SANG (SANG A) – 6.23ha

This Phase 2 reserved matters application would not provide any further benefits and is £0 rated for CIL.

<b>Non-material considerations</b>	
CIL	Zero-rated (£0)

## **14.0 Environmental Implications**

The site benefits from Outline consent. A condition placed on the outline application (Outline condition 24) requires the development to achieve at least 10% of the total regulated energy used in the dwellings in each phase from renewable sources. An Energy Strategy Statement was submitted and approved on 27 April 2021 regarding this condition.

## **15.0 Planning Assessment**

### **The principle of development**

- 15.1 The principle of development has been established through the granting of outline consent for a mixed use development at Land East of New Road (3/17/3609/OUT). Under this application all matters were reserved excepting access, and the new link road which will provide a new connection between New Road and Christchurch Road.
- 15.2 This application seeks approval of reserved matters relating to layout, scale, appearance and landscaping for Residential Phase 2 in accordance with the agreed parameter plans, Phasing Strategy and Design Code.
- 15.3 Parameters plans conditioned under the outline consent (Outline condition 2) set expectations regarding the distribution of uses across the site, along with building heights. This informed the approved Phasing Plan which provides for the foodstore and local centre/commercial uses, the SANG, and two phases of residential development.
- 15.4 A Design Code was approved by condition (Outline condition 5) refining the agreed parameter plans and setting further expectations regarding the design of built form and landscaping on the site.

### **Environmental Impact Assessment**

- 15.5 The site was screened for Environmental Impact Assessment (EIA) when being considered for allocation as a New Neighbourhood site and re-screened with an EIA Screening Opinion issued to the developer on the 30/04/2018. No EIA was deemed necessary as the effects of the development, in combination with the effects arising from other adopted development sites in the Local Plan, are considered unlikely to be significant in terms of the requirements of Regulation 5 of the Town and Country Planning (EIA) Regulations 2011. There has been no significant change to the environmental circumstances, and an EIA is not required.

### **Housing Mix**

- 15.6 Policy LN12 of the Christchurch and East Dorset Local Plan requires the size and type of new market and affordable dwellings to reflect local housing needs. The proposal includes a mix of housing types comprising 1, 2, 3 and 4-bedroom dwellings, including flats and houses, as set out below.

*Market Mix*

<b>Bedrooms</b>	<b>No. Units</b>	<b>% Units</b>
1 bed flat	0	0%
2 bed flat	16	12.2%
2 bed house	16	12.2%
3 bed house	76	58%
4 bed house	23	17.6%
<b>TOTAL</b>	<b>131</b>	<b>100%</b>

*Affordable Mix*

<b>Bedrooms</b>	<b>No. Units</b>	<b>% Units</b>
1 bed flat	3	17.6%
2 bed flat	11	64.7%
2 bed house	0	0%
3 bed house	3	17.6%
4 bed house	0	0%
<b>TOTAL</b>	<b>17</b>	<b>100%</b>

*Affordable Tenure*

<b>Bedrooms</b>	<b>Affordable rent</b>	<b>Shared ownership</b>
1 bed flat	2	1
2 bed flat	4	7
2 bed house	0	0
3 bed house	2	1
4 bed house	0	0
<b>TOTAL</b>	<b>8</b>	<b>9</b>

- 15.7 The affordable mix on site is in accordance with that agreed through Legal Agreement at the Outline stage.
- 15.8 Of the 148 dwellings proposed on Phase 1, 17 are affordable which equates to 11.5% of the Phase 1 dwellings. A viability review at the half way point of construction will determine whether the site can viably delivery any additional affordable dwellings.
- 15.9 The affordable dwellings are provided in clusters of no more than 15, with adequate distribution of these across the site. The detailing and materials of the affordable properties is in-line with that proposed for market housing, which will result in a tenure-blind development.

**Layout, Design and Appearance**

- 15.10 Policy HE2 of the Christchurch and East Dorset Local Plan requires that the design of development is of a high quality, reflecting and enhancing areas of recognised local distinctiveness. Paragraphs 124-132 of the NPPF require that planning decision support development that makes efficient use of land, using design codes to help ensure that land is used efficiently while creating beautiful and sustainable

places at an appropriate density. Paragraph 126-136 of the NPPF are also relevant, further setting out the benefits of high quality design and the use of design codes.

- 15.11 A Design Code and masterplan have been approved for the site to satisfy Condition 5 of the outline consent (3/17/3609/OUT). The Code sets out the design principles for the development and is intended to secure a high quality development.
- 15.12 The Code has been structured in line with the ‘characteristics of well designed places’ as defined in the National Design Guide.



- 15.13 The applicant has submitted a Design & Access Statement and Code Compliance Document (rev. B December 2022) which explains how the proposal conforms to the principles and requirements of the approved Design Code.

Context

- 15.14 The Design Code includes a contextual analysis of surrounding development and the landscape context in the local area. Elements identified within the existing context were developed into design cues for the proposals. These included:

<i>Building Types</i>	Wide range of building types to create a mixed and thriving community
<i>Roof Forms/Building Heights</i>	Mix of gable ended and hipped roofs 1-3½ storeys in height Steeper pitched roofs with plain tile finish Shallower pitch roofs with slate finish
<i>Fenestration</i>	White framed windows with a vertical emphasis
<i>Materials</i>	Predominantly red or orange brickwork

	Render used for landmark/ key buildings
<i>Details and Features</i>	Open porches Bay windows Roof dormers
<i>Boundaries</i>	Hedges and small areas of front amenity used to delineate public and private realms Street trees Larger trees and landscape towards edges of development
<i>Landscape</i>	Street trees Boundary evergreen hedges Decorative climbers Cottage planting Grass verges with path connections

15.15 These cues fed into subsequent sections of the Code.

### Streets & Movement

- 15.16 The new Link Road and access points into the site were consented in full at outline stage. This included access points to serve the residential development from the new link road, from a separate secondary access point to the south from New Road and from a separate access at Church Lane. The separate access points were not to be linked for vehicular traffic within the site, and the submitted layout meets this requirement.
- 15.17 The internal vehicular network provides for a street hierarchy away from the link road to include secondary streets, tertiary streets and shared drives. Pedestrian and cycle movements are more extensive than for vehicles to provide a permeable layout which places prioritises non-motorised users.
- 15.18 The Design Code includes detailed criteria for each street type, key elements of which are summarised below.
- 15.19 The primary avenue / link road has been consented in full, and will provide shared footway/cycleways with verges and street trees on either side of this street. The Design Code provides illustrates the consented details and identifies 2-4m defensive space to be provided between the road and buildings either side.
- 15.20 Secondary streets will be the widest within the site and are to include 5m and 3m wide verges. This will provide sufficient space to accommodate street trees along with street lighting and service corridors. Front gardens in this area will provide small defensible spaces.
- 15.21 Tertiary streets will be narrower than secondary streets and are to provide shared surfaces comprised of brindle pavements with delineated footways in contrasting blocks with a low height kerb. This is intended to ensure that the shared surfaces provide clear priority to pedestrians in these areas and to ensure that the footways meet inclusive mobility requirements. Smaller front garden areas will be provided



within the site, with larger front gardens where dwellings adjoin open space. Trees will be accommodated within parking areas.

- 15.22 Shared drives will be the narrowest street type. These were not expected to be suitable for refuse vehicle traffic however following comments from the Dorset Waste Team there has been some deviation from this approach to allow for through-routes in line with the DC Waste Guidance.
- 15.23 Shared drives will provide shared spaces with a low kerb to meet inclusive mobility requirements. These streets will typically be provided at the edges of the site, with large front gardens, and grass verges which extend into the wider parkland.
- 15.24 For all street types within the site visitor parking will be provided in small pockets of frontage or parallel parking.
- 15.25 Hard landscaping includes pavements within the shared surface tertiary streets and shared drives, following comments from landscape pavements are now in a charcoal colour. This is in accordance with the Design Code.

### Landscape

- 15.26 Within the residential development, each character area within the Code is defined through predominant species of trees, hedgerows and shrubs. Soft landscaping is varied by Character Area in accordance with the Design Code. The approach to Landscaping is very similar to that within approved Phase 1. The Council's Landscape Officer has advised that the approach could not be improved without altering the strategy regarding layout / quantum of development.
- 15.27 The open space within this phase includes a green link providing an open space / route from the link road/food store through to the SANG. This space will include parkland species trees. As part of the overall open space strategy for the site this link will promote and encourage access towards the SANG.
- 15.28 The SANG layout was approved as part of Phase 1 however in order to incorporate through-routes along the SANG boundary, some adjustments to the boundary between the SANG and Phase 2 are proposed. The adjustments are minor and Natural England do not object. The approach is considered acceptable.

### Built Form and Identity

#### *Density*

- 15.29 The design code sets parameters for the density strategy across the site through the proposed densities plan. This places high density (45-60dph) development adjacent to the link road and local centre phase, tapering through medium density (35-45dph) to low density (20-35dph) at the southern and eastern edges of the site. A small area of very low density housing will be provided adjacent to Church Lane. This density strategy places high density housing at those areas closest to commercial

uses and services, which is expected to bolster the viability of the existing local centre and proposed commercial uses on this site.

- 15.30 The submitted plans respond well to the density strategy, with densities of 60dph across the high density areas, 46dph across in the medium density area, 33dph in the low density area and 17dph in the very low density area.

#### *Scale*

- 15.31 The parameter plan approved under the outline application did not demarcate differing scales across the main residential area. Parameters allowed for landmark buildings up to 3.5 storeys, key buildings up to 3 storey and the remainder up to 2.5 storeys.
- 15.32 This approach has been further developed through the Design Code, with development along the link road generally 2.5 storey houses and 3 storey apartments with occasional 3.5 storey key buildings. Development adjacent to the food store also falls within this area.
- 15.33 Development across the remainder of the residential parcel is expected to be generally 2 storey, with occasional 2.5 storeys in key locations, as defined within the Code. Development of the three units adjacent to Church Lane is limited to 1.5 storeys.
- 15.34 The submitted proposals reflect the parameters of the outline consent and the subsequent Code, with the height of buildings increasing from the edges to the centre of the site. The proposed flatted blocks J and K are 3 storey, with eaves heights of 7.95m and a maximum height of 12.96m. Block H adjacent to the link road is a part 2.5 / part 3.5 storey block with an eaves height of 7.35/8.25m and a maximum height of 11.42/15.21m respectively. The blocks are in line with those consented as part of Phase 1.

#### *Character Areas*

- 15.35 The Design Code sets parameters for three character areas within the residential development – Primary Avenue / New Road edge, Green Streets / Lanes and Parkland / Green Links edge. Further details on the expectations within each phase and an assessment against the application is set out below.

##### *Primary Avenue / New Road Edge –*

*‘An area that has the most urban character defining the existing and link road edges with street trees a key component.’*

- 15.36 Key expectations within this area include:

Wide tree-lined avenue along link road, narrow streets at rear	met
Denser streets of urban character. Predominantly 2 ½ storey terraced houses with 3-3.5 storey apartment buildings	met

Regular building line with almost continuous frontage and occasional setbacks. Generally formal composition of building typologies	met.
Predominance of gable ends	met for houses. Gable ends avoided on flatted blocks to reduce building mass.
Parking within plots with service road and in rear courtyards. Landscaped verges and parallel parking bays to New Road edge.	met
Metal railings to front garden boundary	met
Glazed open porches	met
Occasional brick plinths on key buildings	met
Predominantly yellow brickwork and render – occasional key buildings with full render or grey brickwork	met
Grey window frames	met
Grey tiled roofs	met

*Green Streets / Lanes –*

*‘The heart of the residential development with the most varied characteristics linking to the other character zones.’*

15.37 Key expectations within this area include:

Village character with hedges and grass verge frontages	Green Street character is achieved along the secondary street running north-south through this area. Character is less strong within tertiary streets although there are some areas with small incidental green spaces. Overall the response to this criteria is considered adequate.
Irregular building line with regular spacings between buildings. Formal composition of building typologies.	Irregular boundary line along ‘green street’, with more formal composition in Green Lanes.
Predominantly 2 storey semi-detached and detached houses with occasional short terrace and small apartment buildings	met
Predominantly gable ended roofs with occasional hipped roofs	met
Windows to provide rhythm through regular building heights and spacings	Irregular rhythm and heights within Green Lanes.

	More informal rhythm and heights within Green Street.
Defined front gardens	Green Street includes hedgerow boundaries. Boundaries and less defined in the Green Lanes with a mixture of hedge and shrub planting.
More informal tree planting	More tree planting along Green Street, more informal tree planting within Green Lanes
Parking varies with mix of on-plot, frontage parking and occasional rear courts. Minimal parking on Green Streets	met
Glazed open porches	met
Mix of yellow or red brickwork	met
Occasional key buildings with full render or grey brickwork	met
Mix of grey or green window frames	met
Mix of reddish brown plain tiles and grey tiled roofs	met

*Parkland / Green Links Edge -*

*'An area of looser landscape led development deriving its character from the transition to Church Lane and the open urban fringe beyond.'*

15.38 Key expectations within this area include:

Village character streets and lanes, with grass verges and more informal tree planting	Character is defined through parkland to one side and hedgerow and shrub planting to the other. Post and rail fencing has been added to reference a more rural character.
Predominantly 2 storey detached buildings	met
More irregular building typologies with varying gaps between buildings	met
Occasional examples of staggered and angled building alignment to the street	met
Predominantly hipped roofs	met
Varying front garden depths	met
On-plot garages and drive spaces	met
Glazed open porches	met
Bay windows	Bay windows are included in some key positions

	however are not a prominent feature within this character area.
Predominantly red brickwork and render panels	met
Occasional key buildings with full render or grey brickwork	met
Green window frames	met
Reddy brown plain tiles	met

### *Key Places and Buildings*

- 15.39 The Design Code identified accent building locations to assist with legibility and create architectural foci. Heights, architectural detailing and materiality of key buildings is expected to differentiate them from more general street elevations around them.
- 15.40 Six key places have been identified within the Code, with two located within this phase.

D - Shared surface square This small square terminates the Green Street (secondary route) at its northern end, creating an intimate shared surface area enclosed by apartments, small terraces and semi-detached houses.	An enclosed area has been created, which includes parking but provides more generous spacings and landscaping than the parking courts. The space is addressed by block K and the terraced/semi-detached housing. Overall, it is considered the space is successful.
E - Church Lane dwellings These three dwellings are accessed separately from the rest of the development and create an entrance to the development from the east. The houses are limited to 1-1½ storeys to be more in keeping with the character of the properties along Church Lane. Pedestrian and cycle links across the new open space provide more direct routes to the main part of the development, Parley Cross, foodstore and neighbourhood centre.	The three dwellings proposed include one 1-storey and two 1.5-storey bungalows. The bungalows and plot arrangements reflect the character of Church Lane. Pedestrian links are provided across the SANG with landscaping softening the footpath as it travels past the bungalows.

### Design and Layout Conclusion

- 15.41 The applicant has worked proactively with the Council both to create the Design Code and to develop and amend the detailed design and layout, in line with good practice as set out in paragraph 132 of the NPPF. The proposals are generally in accordance with the agreed Code and it is considered they will create an attractive and sustainable development.

### **Trees**

- 15.42 Paragraph 131 of the NPPF requires new streets to be tree-lined, with opportunities taken to incorporate trees into development and solutions found to ensure trees are compatible with highways standards.
- 15.43 Opportunities to incorporate trees have been taken across the site both within open space and within the residential character areas as set out above. This includes trees within verges, adjacent to streets, within parking courts and within front gardens. Following comments from Council's landscape and tree specialists structured tree pits have been proposed to support the growth and longevity of trees where soil volumes and natural irrigation are more constrained.
- 15.44 In accordance with Condition 16 of the outline consent, details of trees to be retained and protection measures have been submitted as part of this application. These details retain trees to the north of the site, backing onto dwellings along Christchurch Road, at the Church Lane entrance, and the central 'feature' oak tree. This approach is considered acceptable.

### **Residential amenity**

- 15.45 Policy HE2 of the Core Strategy states that new development should be compatible with or improve its surroundings in relation to nearby properties and general disturbance to amenity. The nearest neighbours to this phase are existing properties 292-298 Christchurch Road, and properties to the west of Church Lane backing on to the site.

#### **Christchurch Road**

- 15.46 Plots 367-371 back onto existing dwellings 292-298 Christchurch Road. These dwellings have a garden depth of 10m. Flats in Block K would be located 37m from the boundary. The rear gardens of the existing dwellings are approx. 35m so the relationships would be well within acceptable parameters.

#### **East of Church Lane**

- 15.47 Dwellings to the east of Church Lane back onto the site adjacent to the SANG area. Distances between the rear elevations of dwellings on Church Lane and the Phase 2 dwellings facing towards the SANG are approx. 75-100m. Distances between the proposed dwellings and garden boundaries are at least 40m. These relationships would be well within accepted parameters.
- 15.48 Along Church Lane, the three relationship between Plot 384 and no. 26 would be acceptable. Although the distance between the end gable of 386 and the boundary of 26 is only 5m, this is a gable end with no upperfloor windows proposed, and the scale and bulk would be acceptable. However, given the relationship a condition is proposed restricting permitted development rights for this plot.

- 15.49 The relationship between plot 386 and no. 20 Church Road is also considered acceptable. There is an oblique view from the dormer windows on 386 and the rear garden of 20 at a distance of 16m. This relationship is considered acceptable in planning terms.

#### Proposed properties

- 15.50 The amenity for the proposed properties is good. The dwellings meet the national minimum space standards, as required by Policy LN1.
- 15.51 Back-to back distances within perimeter blocks will provide adequate privacy to occupants. Flats are all dual aspect with resulting benefits in terms of light and ventilation. Many flats include balconies and blocks include landscaping and shared external amenity areas.
- 15.52 Gardens provided for proposed houses are adequate. Flats Over Garages (FOGs) include Juliette balconies and areas of external amenity space. While some of these areas are small they still provide valuable outdoor space for these units.
- 15.53 Outlook for the proposed dwellings is good with the principal outlook of dwellings either facing the street or landscaped parking courts.
- 15.54 The proposed dwellings will benefit from access to amenities provided on the site such as open space, play areas and allotments which would provide active recreational opportunities.

#### Levels

- 15.55 In accordance with Condition 23, details of finished ground and floor levels have been submitted as part of this application, and are considered acceptable.

#### Energy PV details

- 15.56 Condition 24 of the Outline consent required 10% of the development's energy requirements to be delivered through renewable energy. The agreed Energy Strategy submitted under Condition 24 of the outline consent provides that this requirement will be met through solar PV panels to 200 dwellings. The details and location of these has not been provided as part of this reserved matters application, as the applicant wishes to carry out a detailed review of the most suitable locations once the detailed layout is agreed. Consequently, a condition is proposed to allow for submission of this information post-consent (Condition 3).

#### Heritage

- 15.57 Brambles Farmhouse is a Grade II listed building situated approx. 60m from this phase.
- 15.58 Development is acceptable provided it accords with Policies HE1 to 3 of the Christchurch and East Dorset Core Strategy 2014 as well as sections 12 'Achieving

Well Designed Places' and 16 'Conserving and enhancing the historic environment' of the NPPF. Impacts on the setting of these heritage assets were considered at Outline stage with no harm identified.

- 15.59 The open character of land around Brambles Farmhouse is considered to make a positive contribution to its setting. Following the proposed development land to the west of the farmhouse would be utilised as part of the proposed SANG and so this open character would be retained. Consequently, no harm has been identified in relation to this asset as a result of the proposed development.

### **Drainage**

- 15.60 A SuDS and Drainage Strategy has been submitted to demonstrate that an appropriate drainage system can be accommodated within the proposed layout. The strategy includes a 'dry' SuDS system that can hold water after peak events and gradually release it. This is in accordance with the drainage approach agreed at the Outline stage. This approach was found acceptable under the Outline consent and there has been no material change to circumstances since this consent was granted.
- 15.61 Wessex Water have previously confirmed they are responsible for ensuring there is adequate foul drainage capacity to support the development.
- 15.62 The SuDS and Drainage Strategy is sufficient to demonstrate that a suitable surface water drainage scheme can be designed for the proposed layout. Full details of surface water drainage will be submitted for discharge as conditioned under the Outline consent (Outline conditions 21 & 22).

### **Bournemouth Airport**

- 15.63 Bournemouth Airport have confirmed they have no objection to this proposal. Conditions remain as placed on the Outline consent in response to the representations received from the Airport at that time, requiring the submission of a Construction Environmental Management Plan (CEMP), lighting strategy and surface water drainage strategy (Outline conditions 13, 20, 21 & 22).

### **Parking**

- 15.64 The Residential Parking Standards Calculator suggests a parking requirement of 236 allocated spaces, 59 unallocated spaces and 24 visitor spaces to serve the residential development, totalling 319 spaces. The proposal includes a total of 307 parking space, with 237 allocated and 70 unallocated spaces. This is considered acceptable and sufficiently within expected parameters. There is no objection from Highways to the parking strategy.
- 15.65 The scheme includes parking courts serving the flatted blocks within which parking spaces are unallocated. Locations of EV chargers are identified to serve all dwellings types including flats. This is an acceptable approach in accordance with the Residential Parking Standards.



### **Refuse collection**

- 15.66 Following comments from the Council's waste team the layout has been amended to reduce the number of vehicular cul-de-sacs within the development, which would require waste vehicles to reverse and turn around.
- 15.67 It is considered that although some instances where refuse vehicles would need to reverse short distances remain, on balance the layout is an appropriate response to the site and its constraints. Swept path analysis has demonstrated that a refuse vehicle can safely navigate the site to the satisfaction of the Highways Authority.

### **Other comments**

- 15.68 Concern regarding the quantum and targeting of contributions provided to support local infrastructure have been considered at the Outline stage. Appropriate conditions placed on the Outline consent, and obligations secured through S106, address these matters.

## **16.0 Conclusion and planning balance**

- 16.1 The principle of development on this site, together with access and the link road design, was agreed with the outline planning permission. The reserved matters application accurately reflects and builds upon the outline approval.
- 16.2 The proposal provides housing, including affordable housing, that will make a significant contribution towards meeting local housing needs. The design and layout proposed is the result of an iterative design process, and will provide an attractive landscape led development with good standards of amenity for future occupants.
- 16.3 The resulting impacts on the amenity of neighbouring properties will be acceptable in planning terms.
- 16.4 Having had regard to the representations of objection and support and the advice of the various consulted parties, it is considered that on balance the benefits of the scheme significantly outweigh the impacts. Overall, within the parameters set by the outline consent, the proposal represents sustainable development.

## **17.0 Recommendation**

### **APPROVAL of Reserved Matters:**

Subject to the following conditions:

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

Proposed Site Layout Plan 22124-P101-T  
Site Layout SANG Line Plan 22124-P104  
Site Survey Plan 22124-S102-A  
Coloured Site Layout 22124/C101D  
Coloured Street Scenes AA-CC 22124/C102B

Coloured Street Scenes DD-FF 22124/C103B

Site Layout Parking Plan 22124-P105-H

Proposed Boundary Treatments 22124-P106-J

Site Layout Building Materials Plan 22124-P107-K

Mix and Tenure Plan 22124-P108-H

Building Heights 22124-P109-H

Plots 239-240- & 269-270 Proposed Plans and Elevations 22124-P110-B – Plots 239-240, 272-273

Plots 241-244 Proposed Plans and Elevations 22124-P111-C – Plots 241-244

Plots 245-247 Proposed Plans and Elevations 22124-P112-B – Plots 245-247

Plots 248 & 273 Proposed Plans and Elevations 22124-P113-B – Plot 248

Plots 260-262 Proposed Plans 22124-P114-C – Plots 263-268

Plots 263 & 266 Proposed Plans and Elevations 22124-P115-C – Plots 263-268

Plots 264-265, 267-268 & 271-272 Proposed Plans and Elevations 22124-P116-B – Plots 270-271, 274-275

Plots 274 Proposed Plans and Elevations 22124-P117-A – Plot 277

Plots 276, 277, 278 & 280 Proposed Plans and Elevations 22124-P118-C – Plots 279,284,346, 347

Plots 281, 289, 292, 307, 323 & 342 Proposed Plans and Elevations 22124-P119-C – Plots 283, 292, 295, 310, 326, 345

Plots 281, 287 & 334 Proposed Plans and Elevations 22124-P120-B – Plots 291, 337

Plots 283, 287, 300, 335 & 352 Proposed Plans and Elevations 22124-P121-C – Plots 286,290, 303, 338, 353

Plots 283, 304, 308 & 345 Proposed Plans and Elevations 22124-P122-B – Plots 287,308, 311, 348

Plots 285-286, 339-340, 353-354 & 355-356 Proposed Plans and Elevations 22124-P123-B – Plots 288, 289, 342-343, 356-357, 358-359

Plots 290, 292, 305, 306, 307 & 323 Proposed Plans and Elevations 22124-P124- A – Plots 278, 282, 293, 294, 296, 309

Plots 293, 322, 341 & 357 Proposed Plans and Elevations 22124-P125-B – Plots 297, 325, 344, 360

Plots 362-364 Proposed Plans and Elevations 22124-P126-B – Plots 365-367

Plots 301-302, 316-317 & 350-351 Proposed Plans and Elevations 22124-P127-B – Plots 304-305, 333-334, 353-354

Plots 303-304 Proposed Plans and Elevations 22124-P129-B – Plots 306-307

Plots 309-310 Proposed Plans and Elevations 22124-P130-A – Plots 312-313

Plots 311 & 361 Proposed Plans and Elevations 22124-P131-C – Plots 285, 314, 364

Plots 312-313, 332-333, 343-344 & 346-347 Proposed Plans and Elevations 22124-P132-A – Plots 280-281, 315-316, 335-336, 349-350

Plots 314-315 & 328-329 Proposed Plans and Elevations 22124-P133-B – Plots 317-318, 331-332

Plots 318-321 Proposed Plans and Elevations 22124-P134-B – Plots 321-324

Plots 325-327 & 358-360 Proposed Plans and Elevations 22124-P135-A – Plots 328-330, 361-363  
Plots 336-338 Proposed Plans and Elevations 22124-P136-A – Plots 339-341  
Plot 348 Proposed Plans and Elevations 22124-P137-A – Plot 351  
Plot 349 Proposed Plans and Elevations 22124-P138-A – Plot 352  
Plots 294-296 Proposed Plans and Elevations 22124-P139-A – Plots 298-300  
Plots 365-366 Proposed Plans and Elevations 22124-P140-B – Plots 301-302  
Plot 324 Proposed Plans and Elevations 22124-P141-B – Plots 319-320  
Apartment Block H – Plots 249-259 Proposed Plans – Sheet 1 of 2 22124-P142-C –  
Apartment Block H - Plots 249-262 Proposed Plans Sheet 1 of 3  
Apartment Block H – Plots 249-259 Proposed Plans – Sheet 2 of 22124-P143-C -  
Apartment Block H – Plots 249-262 Proposed Plans Sheet 2 of 3  
Apartment Block H – Plots 249-259 Proposed Elevations 22124-P144-C – Apartment  
Block H - Plots 249-262 Proposed Plans Sheet 3 of 3  
Apartment Block J – Plots 367-383 Proposed Plans – Sheet 1 of 2 22124-P145-D –  
Apartment Block H Plots 249-262 Proposed Elevations Sheet 1 of 2  
Apartment Block J – Plots 367-383 Proposed Plans – Sheet 2 of 2 22124-P146-D –  
Apartment Block H Plots 249-262 Proposed Elevations Sheet 2 of 2  
Apartment Block J – Plots 367-383 Proposed Elevations 22124-P147-B – Apartment  
Block J Plots 372-377 Proposed Plans  
Plot 384 Proposed Plans and Elevations 22124-P148-B Apartment Block J Plots  
372-377 Proposed Elevations  
Plot 385 Proposed Plans and Elevations 22124-P149-B Apartment Block K Plots  
378-383 Proposed Plans  
Plot 386 Proposed Plans and Elevations 22124-P150-B Apartment Block K Plots  
378-383 Proposed Elevations  
Plots 298-299 Proposed Plans and Elevations 22124-P151-D – Plot 385  
Plots 330-331 Proposed Plans and Elevations 22124-P152-A – Plot 327  
Plots 269, 276 Proposed Plans and Elevations 22124-P128B  
Adopted Road Plan 22124-S103  
Plot 384 Proposed Plans and Elevations 22124-P153-D  
Plot 386 Proposed Plans and Elevations 22124-P154-D  
Plots 370-371 Proposed Plans and Elevations 22124-P155-B  
Plots 368-369 Proposed Plans and Elevations 22124-P156-A  
Ancillary Buildings Proposed Plans and Elevations Sheet 2 of 2 22124-P191-C  
Ancillary Buildings Proposed Plans and Elevations 22124-P190-C Sheet 1 of 2  
Landscape Masterplan BELL24087 10C  
Landscape Proposals Sheet 1 of 6 BELL24087 11-E  
Landscape Proposals Sheet 2 of 6 BELL24087 11-E  
Landscape Proposals Sheet 3 of 6 BELL24087 11-E  
Landscape Proposals Sheet 4 of 6 BELL24087 11-E  
Landscape Proposals Sheet 5 of 6 BELL24087 11-E  
Landscape Proposals Sheet 6 of 6 BELL24087 11-E  
Tree volume analysis-Sheet 1 BELL24087\_13 A

Tree volume analysis-Sheet 2 BELL24087\_12 A  
Hard Landscape Proposals Sheet 1 of 6 BELL24087 12-B  
Hard Landscape Proposals Sheet 2 of 6 BELL24087 12-B  
Hard Landscape Proposals Sheet 3 of 6 BELL24087 12-C  
Hard Landscape Proposals Sheet 4 of 6 BELL24087 12-B  
Hard Landscape Proposals Sheet 5 of 6 BELL24087 12-B  
Hard Landscape Proposals Sheet 6 of 6 BELL24087 12-B  
Fire Tender Swept Path Analysis Sheet 1 of 2 BHW/E4955/030 B  
Fire Tender Swept Path Analysis Sheet 2 of 2 BHW/E4955/031 B  
Standard Refuse Vehicle Swept Path Analysis Sheet 1 of 2 BHW/E4955/032 B  
Standard Refuse Vehicle Swept Path Analysis Sheet 2 of 2 BHW/E4955/033 B  
Highway Layout Review Sheet 1 of 2 BHW/E4955/034 B  
Highway Layout Review Sheet 1 of 2 BHW/E4955/035 B  
Impermeable Areas Sheet 1 of 2 BHW/E4955/036 B  
Impermeable Areas Sheet 2 of 2 BHW/E4955/037 B  
Levels Strategy Sheet 1 of 2 BHW/E4955/040 B  
Levels Strategy Sheet 2 of 2 BHW/E4955/041 B

2. Prior to the commencement of any development hereby approved, above damp course level, and pursuant to the Energy Strategy Statement (Briary Energy (March 2021), full details of the Photo Voltaic panels and their positioning shall be submitted and approved in writing by the Local Planning Authority. All works are to be carried out in accordance with the approved details.

Reason: To help meet the UK's carbon emissions targets and comply with Policy ME4 of the Christchurch and East Dorset Core Strategy.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no enlargement(s) of the dwellinghouse hereby approved on plot 384, permitted by Class A and Class B of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To protect the amenity of neighbouring properties.

**Informatives:**

1. Informative: National Planning Policy Framework Statement

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

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

- offering a pre-application advice service, and

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

In this case:

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

2. Informative: This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.

3. Informative: It is recommended that areas providing for the drying of washing within the rear amenity courtyards of flatted blocks.

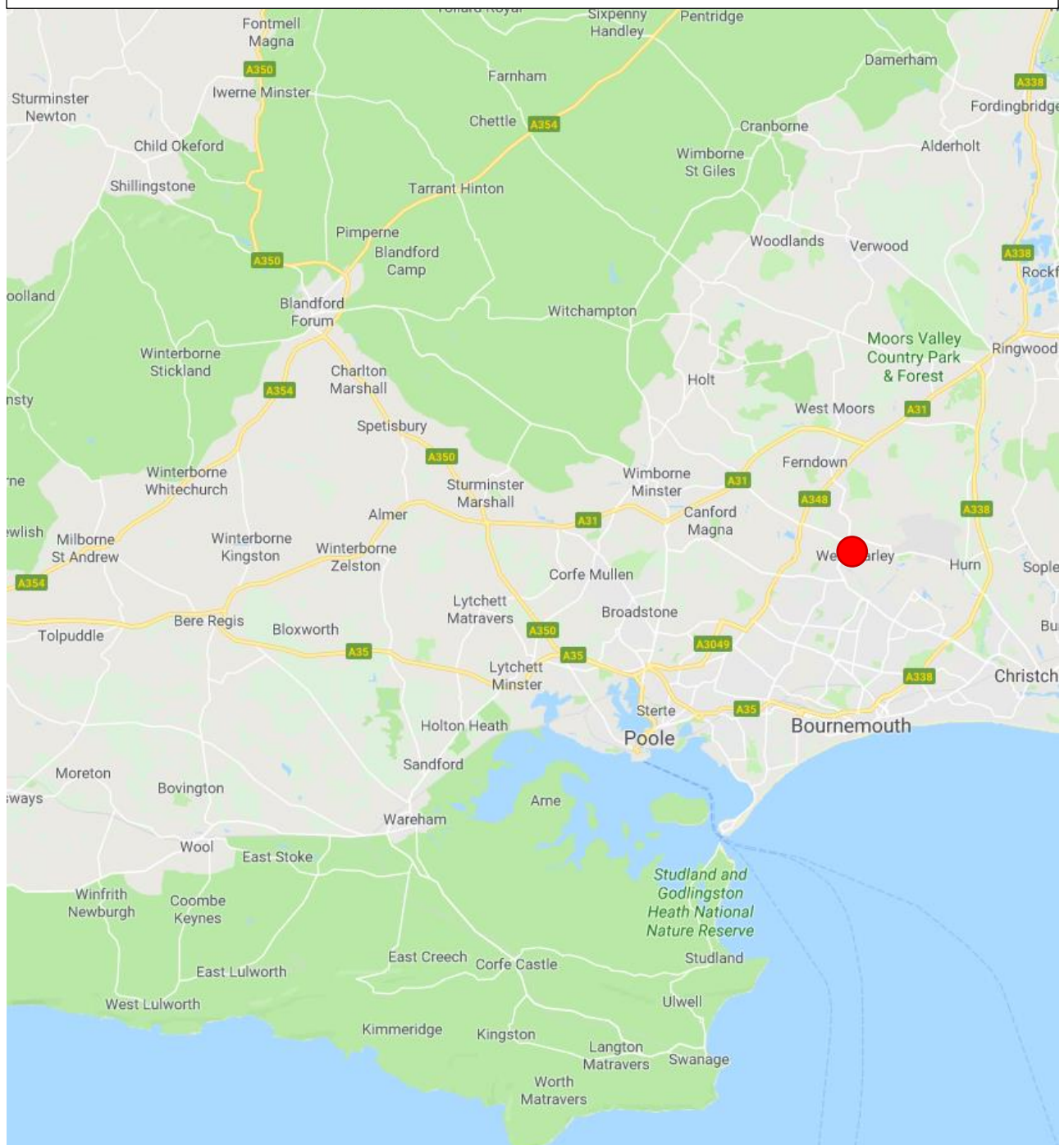
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● Approximate Site Location

Application reference: P/RES/2022/08041

Site address: Land East of New Road, West Parley

Proposal: Reserved Matters submission comprising layout, scale, appearance and landscaping pursuant to condition 1 of outline permission ref. 3/17/3609/OUT for Phase 2 comprising 148 dwellings (Use Class C3) with public open space and landscaping. Vehicular access off Christchurch Road and Church Lane as approved in the outline planning permission.



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# Agenda Item 9

Eastern Area Planning Committee  
3 May 2023

<b>Application Number:</b>	P/FUL/2022/07443		
<b>Webpage:</b>	<a href="https://www.dorsetcouncil.gov.uk/planning-application/P/FUL/2022/07443">Planning application: P/FUL/2022/07443 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>		
<b>Site address:</b>	Warlands, 71 Burnbake Road, Verwood BH31 6ES		
<b>Proposal:</b>	Erect 3 dwellings (amended scheme)		
<b>Applicant name:</b>	Dorset Developments J and R Limited		
<b>Case Officer:</b>	Fiona McDonnell		
<b>Ward Member(s):</b>	Cllr Coombs, Cllr Flower and Cllr Gibson		
<b>Publicity expiry date:</b>	13 March 2023	<b>Officer site visit date:</b>	8 February 2023
<b>Decision due date:</b>	14 April 2023	<b>Ext(s) of time:</b>	4 May 2023

1.0 The application has been referred to committee by the nominated officer

## 2.0 Summary of recommendation:

GRANT subject to conditions

## 3.0 Reason for the recommendation:

- Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The location is considered to be sustainable, and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application

## 4.0 Key planning issues

Issue	Conclusion
Principle of development	In accordance with policies

Impact on character and appearance of area	Acceptable in respect of its layout, scale, appearance -compatible with surroundings
Impact on residential and neighbours' amenity	Acceptable- acceptable separations distances, no harmful overlooking- compatible with surroundings
Impact on highways	No harm- adequate on site parking, unlikely to result in an adverse impact on road safety
Impact on potential flood risk, trees, and biodiversity	Acceptable- Flood risk low, DCNET certificate of approval issued, tree officer content.

## 5.0 Description of Site

- 5.1 The site is located on the north side of Bugdens Lane to the rear of 71 Burnbake Road. The rectangular plot of 0.18ha would be created by demolishing out-buildings and the rear return of 71 Burnbake Road. The existing bungalow at 71 Burnbake Road would be retained. The site is flat with amenity grassland. It is enclosed on three sides by mature hedgerow.
- 5.2 Bugdens Lane is an established residential private laneway defined by modest, rhythmically spaced bungalows facing towards the north and south, set back behind front gardens displaying a high level of landscaping. The exception is No.8 Bugdens Lane which is a 2-storey cottage orientated to face east.
- 5.3 The private laneway has a strong rhythmic building line with consistent eaves heights. There is no footpath or street lighting along the lane. The prevailing built form of bungalows sets the context for the development and helps to maintain a sense of openness and a rural-like ambience.

## 6.0 Description of Development

- 6.1 3 x chalet bungalows with 2 in-curtilage parking spaces each are proposed. Properties are orientated to face onto Bugdens Lane. There is separation distance of at least 4m between dwellings; and the chalet bungalows have a height of 5.6m. Each bungalow is different in design.
- 6.2 Plot one is closest to Burnbake Road, a 3 x bedroom chalet bungalow with an integral garage measuring 3m x 6m is proposed. A master bedroom with ensuite bathroom is located on the ground floor and 2 x bedrooms are accommodated at first floor level served by a front and rear dormer window and a rooflight. Ground floor accommodation measures 100sqm and first floor measures 40sqm totalling 140sqm. Rear private amenity space measures 130sqm.
- 6.3 Plot two, the middle plot, again has a master bedroom with ensuite at ground floor level and 2 x bedrooms at first floor level served by front and rear dormers and side rooflights. The house is bigger than plot one with ground floor measuring 120sqm and first floor 55sqm totalling 175sqm. 2 parking spaces are included; and rear amenity space provision is 136sqm.

6.4 Plot three is situated adjacent to number 8 Bugdens Lane. It has 4 x bedrooms. 3 bedrooms are located on the ground floor (GF) and 1 x master-en suite bedroom is situated at first floor (FF) level served by a front and rear dormer and rooflight. The total floorspace of the dwelling is 155 sqm (115sqm GF & 40sqm FF). Rear amenity space provision is 160sqm. 2 in-curtilage parking spaces are included.

#### 6.5 Proposed dwellings

	Plot Area	Plot Width	Max House width	House height	House footprint	Floor-space	Density of development DPH
Plot 1	355sqm	12.9m	10.5m	5.6m	115sqm	140sqm	28 dph
Plot 2	365sqm	13.3m	9.3m	5.6m	125sqm	175sqm	27dph
Plot 3	405sqm	15.7m	10.5m	5.6m	115sqm	155sqm	25dph

#### Existing dwellings

	Plot area	Footprint of bungalow	Density of development Dwelling per hectare
11 Bugdens Lane	455sqm	112sqm	22dph
13 Bugdens Lane	471sqm	121 sqm	21dph
15 Bugdens Lane	630sqm	141sqm	16dph

#### 7.0 Relevant Planning History

Application	Description	Decision	Date
3/13/1081/OUT 75 Burnbake Road, Verwood, BH31 6ES	Demolish Existing Dwelling And Construct Five New Two Storey Houses, Two Single Garages, One Double Garage, Along With Associated Access, Driveway And Parking (As revised by plan 4877-PL-002 Site Plan A2 Rev D to move unit 5 to the south and provide revised refuse store and turning head)	<b>GRANTED</b>	07/04/2014
3/14/1089/REM 75 Burnbake Road, Verwood, BH31 6ES	Erect 5 dwellings - Reserved Matters seeking to agree Appearance, Landscaping & Scale	<b>GRANTED</b>	10/03/2015
P/FUL/2022/05046 71 Burnbake	Erect 4no 4 bedroom detached houses with integral	<b>REFUSED</b>	10/10/2022

Road, Verwood, BH31 6ES	garages and associated parking and access		
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## 8.0 List of Constraints

Within Verwood Settlement Boundary.

Verwood: General Policies Apply.

Dorset Heathlands - 5km Heathland Buffer

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

## 9.0 Consultations

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

### Consultees

**Dorset Council - Rights of Way Officer** (received 15 December 2022)

- No objection- an informative is recommended

**Dorset Council – Highways** (received 12 December 2022)

- No objection subject to conditions

**Dorset Council Natural Environment Team** (9 January 2023)

- Certificate of approval granted for Biodiversity Plan

**Dorset Council Tree Officer** (received 14 March 2023)

- No objection subject to inclusion of a condition

**Verwood Town Council** (received 22 December 2022 & 9 March 2023)

Objection. Concerns raised are;

- Too many access points onto Bugdens Lane
- Access should be onto Burnbake Road
- Hedge should be retained
- Overdevelopment
- Height in comparison to other properties
- Visual impact

- Relationship to nearby properties

### **Dorset Council - Verwood Ward members**

No comments received.

### **Representations received**

The application was advertised by means of site notices and readvertised following amendments.

<b>Total - Objections</b>	<b>Total - No Objections</b>	<b>Total - Comments</b>
From 8 properties	0	0

Third party objections relate to the following:

- Harmful to the character of the area
- Prominent development
- Loss of privacy/ overlooking of neighbouring properties
- Dwellings too close to Bugdens Lane
- Overdevelopment
- Loss of hedge
- Harmful to character of private laneway
- Insufficient parking provision
- Photographs in Design & Access Statement not representative of area
- Access should be from Burnbake Road.

## **10.0 Relevant Policies**

### **Duties**

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

## **Development Plan Policies**

### **Adopted Christchurch and East Dorset Local Plan 2014:**

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

KS1 - Presumption in favour of sustainable development  
KS2- Settlement hierarchy  
KS12- Parking Provision  
LN1- Size and Types of New Dwellings  
LN2- Design, Layout and Density of New Housing Development  
HE2 - Design of new development  
HE3 - Landscape Quality  
ME1- Safeguarding biodiversity and geodiversity  
ME2- Dorset Heathlands

## **Other Material Considerations**

### **National Planning Policy Framework:**

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

Other 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

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

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

## **11.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

## **12.0 Public Sector Equalities Duty**

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

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

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

The road on which the development is to be sited is a private road without footways or streetlighting. As a cul-de-sac, it would only be used by the properties along the lane so the highway authority cannot insist upon improvements. The surface could present a limitation for access by those with mobility issues.

## **13.0 Financial benefits**

<b>What</b>	<b>Amount / value</b>
Non Material Considerations	
Council Tax	£12,288 per annum
	Total £78,222

## 14.0 Planning Assessment

14.1 The proposal seeks approval to erect 3 dwellings. The main planning issues for this application are:

- Whether the development is acceptable in principle
- Impact on the character of the area
- Impact on residential amenity
- Impacts on highways
- Impact on flood risk, biodiversity and trees

These and other issues will be considered below.

### Principle of Development

14.2 The site lies within the Verwood urban area and so the principle of development of the site for additional dwellings is acceptable subject to compliance with all other relevant policies- including Local Plan policy LN2 which requires new housing development to maximise the density of development to a level that is acceptable for the locality. 71 Burnbake Road is a large plot and the principle of severance and developing the rear for housing is considered acceptable.

14.3 Notwithstanding compliance with the Local Plan housing policies, it is noted that since the East Dorset Local Plan area can no longer demonstrate a 5 year housing land supply, these policies are considered to be out of date and the presumption in favour of sustainable development set out in para 11 of the NPPF is triggered. This means that permission should be granted unless:

- i. The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

### Impact on the character of the area

14.4 The character of the area is defined by modest, rhythmically spaced bungalows set back behind front gardens displaying a high level of landscaping. The private laneway has a strong rhythmic building line with consistent eave heights. There is no footpath or street lighting along the lane. The prevailing built form of bungalows sets the context for the development and helps to maintain a sense of openness and a rural-like ambience.

14.5 Although the proposed development sits to the rear of 71 Burnbake Road, development is orientated onto Bugdens Lane and accessed from Bugdens Lane. Objection has been received from neighbours and the Town Council to the use of Bugdens Lane. Preference has been expressed for the access of the development to



be from Burnbake Road, but that is not the proposal under consideration. The application has to be considered on its own merits.

- 14.6 The proposed layout and pattern of development is considered acceptable, with plots generally similar in size and orientation to the prevailing built form of Bugdens Lane. In existing plots opposite to the proposed development on Bugdens Lane, bungalows are set further back, however, on entering Bugdens Lane, a substantial red brick garage at no.71 sits in front of the proposed chalet bungalows. No. 8 sits approximately 1m behind the building line formed by the proposed development. This stepped arrangement is considered acceptable. The building line is considered congruous, preserving the character of the area.
- 14.7 Separation distances between the three proposed plots are now more akin with existing bungalows than the refused application, with 4m separating plot 3 and plot 2; and 3.7m between plot 2 and plot 1. Separation distances at the bungalows opposite range from 5m to 6m between plots. The shorter separation distances are considered acceptable as the new housing respects the character of the area whilst ensuring the best use is made of the land to deliver housing in accordance with CS policy LN2 - whereby it is encouraged to maximise the density of development to a level which is acceptable locally.

Separation Distances					
Existing properties	No.11- No.13 5.5m	No.13- No.15 6.5m			
Refused application	No.8 - Plot 4 8m	Plot 4 – Plot 3 1.6m	Plot 3 – Plot 2 0.8m	Plot 2 - Plot 1 0.8m	Plot 1 - no.71 2.5m
Proposed application	No.8- Plot 3 7.5m	Plot 3- Plot 2 4.1m	Plot 2 -Plot 1 4m	Plot 1 - no.71 6m	

- 14.8 Each chalet bungalow has a ridge height of 5.6m. The maximum ridge height of the existing bungalow at 71 Burnbake Road is 6.3m, and no. 8 Bugdens Lane is 5.7m. The scale, height, style and bulk of the proposed development blends with adjacent neighbouring dwellings.

- 14.9 The previous reason for refusal read:

*1. The proposed development would be harmful to the character of Bugdens Lane, which is occupied by low pitched roof bungalows. The proposed development will be highly visible, prominent and incongruous due to its layout and scale, which is indicative of a cramped and overdeveloped site. The height and spacing of the four two storey dwellings and their narrow plots will negatively contrast with and detract from the character of Bugdens Lane contrary to Policy HE2 of the Christchurch and East Dorset Local Plan and paragraph 130 of the National Planning Policy Framework.*

- 14.10 It is considered that with a reduction in number of dwellings from four to three, and reduction of height, scale and massing of dwellings, the proposal has overcome this reason for refusal. Plot size and increased in separation distances between plots allow the proposed development to integrate with the existing built form. The proposal is compliant with CS policies LN2- design layout and density of new development and HE2- design of new development.

### **Impact on neighbouring and residential amenity**

- 14.11 The proposal introduces new first floor accommodation, Numbers 2 & 3 Oakleaves are to the rear of proposed development. A separation distance is proposed of some 21m between windows, and this is considered acceptable to prevent a harmful impact on privacy. To the front, a separation distance of 24m is in place between first floor windows no. 11 Bugdens Lane and front windows of plot 3. With regards to the provision of amenity space, it is considered that the area proposed is acceptable, with the smallest of the rear gardens measuring 120sqm. This compares favourably with existing properties at nos. 11 & 13 where rear gardens cover an area of 127sqm and 135sqm respectively.
- 14.12 The second reason for refusal of application P/FUL/2022/05046 read:  
*2. The proposed dwellings on account of the close proximity to Bugdens Lane would suffer harmful levels of overlooking from those using the lane to the detriment of the amenity of future occupants of the proposed dwellings. Future occupants of the dwelling on plot 4 will suffer harmful overlooking of rear amenity space from residents at no. 8 Bugdens Lane. Outlook to the rear of 71 Burnbake Road is harmed with boundary treatment at plot 1 close to the rear elevation. The proposal is therefore contrary to HE2 of Christchurch and East Dorset Local Plan as it would be incompatible with its surroundings and paragraph 130 of the National Planning Policy Framework as it would not provide a high standard of amenity for future users.*
- 14.13 The existing dwelling at 8 Bugdens Lane to the west is a 2 storey cottage. It is orientated so a first floor window could overlook the rear gardens of the proposed dwellings, particularly plot 3. The chalet bungalow at plot 3 has been designed so that a gable-ended kitchen protrudes on the boundary with no.8, thus preventing overlooking of a section of the rear amenity space of plot 3. Overlooking issues from first floor windows at 8 Bugdens Lane have been overcome with the extended kitchen gable allowing for a private space in the rear garden of plot 3.
- 14.14 With regard to no. 71 Burnbake Road - a separation distance of 5.5m is now in place with the new boundary fence of plot one. This is considered acceptable as the refused application offered a separation distance of 2-3m. There are no rear windows at first floor level at no. 71, so overlooking of rear amenity space of plot 1 will not occur. Significant amount of amenity space remains available to the front and side on no. 71 Burnbake Road.
- 14.15 It is not considered that the outstanding issue- potential overlooking of the dwellings from those using Bugdens Lane- would sustain a refusal having regard to the separation distances and changes to the design. The proposal has overcome the previous reason for refusal and accords with policy HE2 in respect of amenity.

### **Impact on Highways**

- 14.16 The proposal has been assessed by the Highways Officer and considered in terms of its impact on highway safety and access.
- 14.17 Three new vehicular accesses will be created off Budgens Lane to service the properties. Proposed plot one offers a garage (dimensions 3m x6m) and is shown to have a single in-curtilage parking space. Plots 2 and 3 offer 2 spaces per dwelling. This level of parking provision is judged to meet the criteria set out in the Dorset Residential Parking Study Guidance and the proposal is within the settlement where refusal on the grounds of insufficient visitor parking could not be justified.
- 14.18 Neighbour comments have included concerns relating to highway safety and increased traffic as a result of the development, however the right to use the private highway and its maintenance is not a planning consideration and the Highway Officer has raised no objection on the grounds of highway safety. The proposal is judged to accord with policies KS11- transport and development- and KS12- parking provision.

### **Impact on Flood Risk**

- 14.19 The site is located in Flood zone 1 which is the lowest area of flood risk. There is a low risk of surface water flooding at the site and no risk of ground water emergence on site as water levels are 5m or more below ground. It was not considered necessary to request a flood risk assessment as the level of risk is considered to be low and the site is unlikely to flood.

### **Impact on Biodiversity and Trees**

- 14.20 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 3 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.
- 14.21 The appropriate assessment has concluded that 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 HIP provision and SAMM via the Community Infrastructure Levy.
- 14.22 With the mitigation secured the development will not result in an adverse effect on the integrity of the designated site so in accordance with regulation 70 of the Habitats Regulations 2017 planning permission can be granted; the application accords with Policy ME2.

- 14.23 The ecological impact appraisal and biodiversity mitigation plan (BMP) has been submitted and found to be acceptable by DCNET. A DCNET certificate of approval was issued on 09.01.2023. The BMP recommends that two bat boxes and two bird boxes will be incorporated into the design proposals. This will provide additional roosting and nesting opportunities for bats and breeding birds in the area.
- 14.24 A new native hedgerow along the northern site boundary and between the new residential units will include species *Acer campestre*, *Viburnum opulus*, *Ligustrum vulgare*, *Taxus baccata*, and *Prunus spinosa*. The existing hedge along Bugdens Lane is to be retained in part and retention of amenity grassland will result in an increase in habitat that is of ecological value.
- 14.25 The submitted arboricultural method statement and plan indicates there are no significant trees on site. The tree officer is content with the proposal but has conditioned a soft landscaping plan to be submitted and implemented prior to occupation.

## 15.0 Conclusion

The proposal is considered to be acceptable in respect of its layout, scale, appearance. Acceptable separations distances are in place to ensure no harmful overlooking and that the proposed development is compatible with its surroundings. Adequate on-site parking has been provided and no adverse impact on road safety is anticipated.

The proposal is judged to overcome the reasons for refusal of the previous scheme. The development will make a positive contribution to housing land supply to which weight is given, and no harm has been identified which would significantly and demonstrably outweigh this benefit. The application accords with the Development Plan as a whole.

## 16.0 Recommendation

### **Grant subject to the following conditions:**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission. Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans: S201-Site location plan, Proposed site plan P 201G, Proposed Plot 1 P210C, Proposed plot 2 P211D, Proposed Plot 3 P212C, Proposed street scene C202B Reason: For the avoidance of doubt and in the interests of proper planning.
3. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number P201 G 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

4. Prior to development above damp proof course level, a soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November – March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years.

Reason: In the interest of visual amenity.

5. Prior to development above damp proof course level, details (including colour photographs) of all external facing materials for the walls and roofs shall have been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.  
Reason: To ensure a satisfactory visual appearance of the development.

6. 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 09.01.2023 must be strictly adhered to during the carrying out of the development.

The development hereby approved must not be first brought into use unless and until the mitigation, compensation and enhancement/net gain measures detailed in the approved biodiversity plan have been completed in full, unless any modifications to the approved Biodiversity Plan as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority.

Thereafter approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.

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

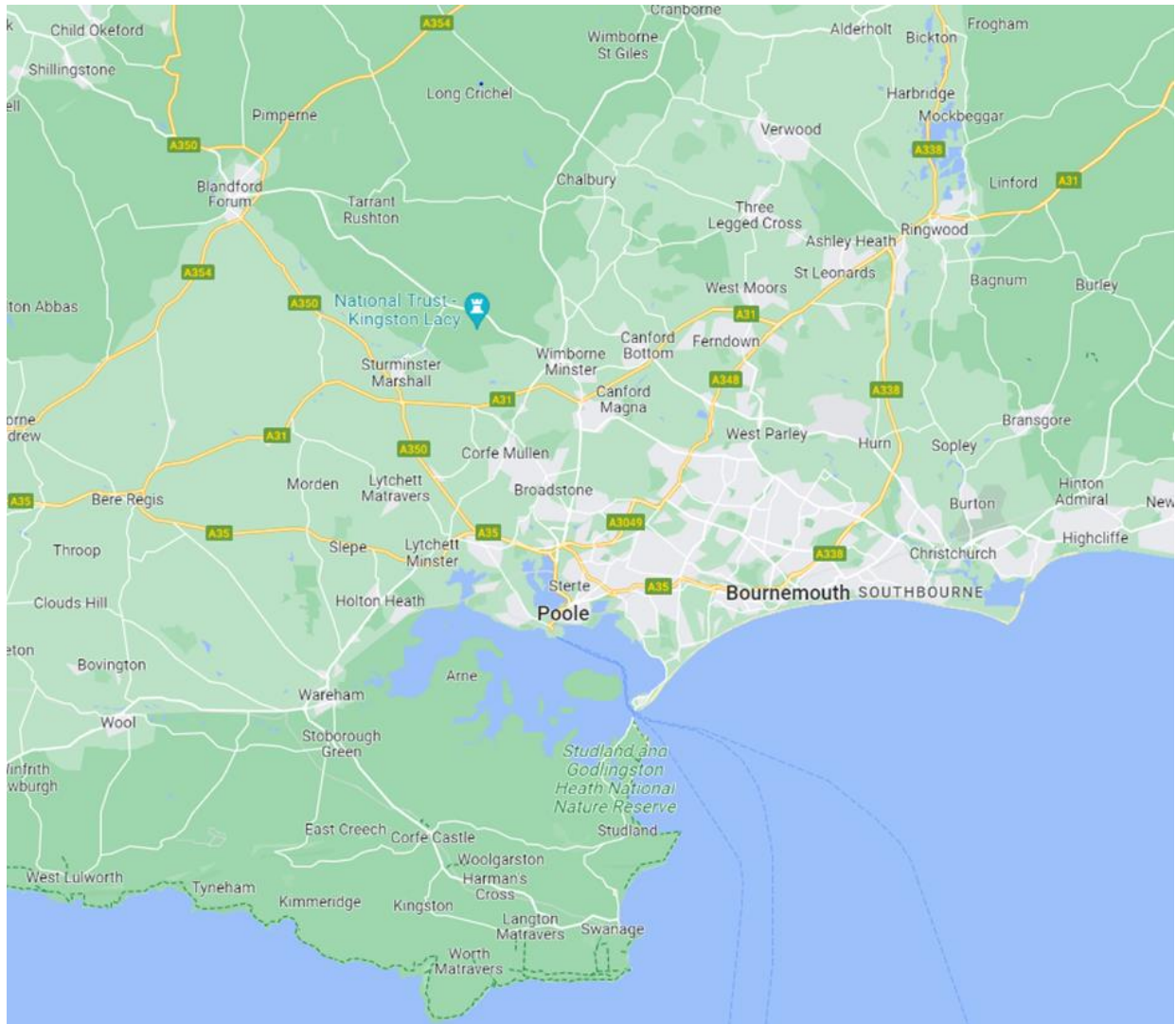


Approximate Site Location 

Application reference: P/FUL/2022/07443

Site address: Warlands, 71 Burnbake Road, Verwood, BH31 6ES

Proposal: Erect 3 dwellings- amended scheme.



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<b>Application Number:</b>	P/FUL/2023/01030		
<b>Webpage:</b>	<a href="https://www.dorsetcouncil.gov.uk/planning-application/P/FUL/2023/01030">Planning application: P/FUL/2023/01030 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>		
<b>Site address:</b>	Knoll Beach Ferry Road Swanage BH19 3AQ		
<b>Proposal:</b>	Disabled persons WC and changing building		
<b>Applicant name:</b>	Mr Mark Foxwell		
<b>Case Officer:</b>	James Brightman		
<b>Ward Member(s):</b>	Cllr Brooks		
<b>Publicity expiry date:</b>	15 April 2023	<b>Officer site visit date:</b>	23/03/2023
<b>Decision due date:</b>	18 April 2023	<b>Ext(s) of time:</b>	05/05/2023

**1.0** The reason for this application coming to committee is that Dorset Council is the applicant.

**2.0 Summary of recommendation:**

GRANT subject to conditions

**3.0 Reason for the recommendation:** as explained in paras 16.1 to 16.14 at the end of this report:

- The location is considered to be sustainable, the proposal is acceptable in its design and general visual impact and there are no material considerations which would warrant refusal of this application

**4.0 Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	Acceptable, as proposal would be close to existing facilities and recreational uses
Scale, design, impact on character and appearance	Acceptable, as no harm anticipated for Area of Outstanding Natural beauty (AONB) or general character and appearance of the area
Impact on amenity	Acceptable, as the proposal would not result in any harmful impacts on general amenity of users of the site
Impact on landscape & Heritage Coast	Acceptable, as no harm would result for the AONB and Heritage Coast

Impact from ground water flooding	Acceptable, as a Flood Risk Assessment is submitted to advise that flood proofing/resilience measures will be included in the building
Accessibility by disabled persons	Acceptable, as the proposal would provide an accessible changing and WC facility for disabled persons

## 5.0 Description of Site

- 5.1 The site is immediately to the east of the existing public changing rooms/toilets building at Knoll Beach and to the south of the National Trust shop/café building. There are extensive car parking areas to the north west and south.
- 5.2 The site is relatively level and there are trees to the south which grow in an area of raised land adjacent to the application site's boundary with the car park.

## 6.0 Description of Development

- 6.1 It is proposed to construct a flat roofed single storey building to provide a 'Changing Places' accessible WC which includes washing and changing facilities. The building would have a footprint of 3.5m x 4.8m with a height (from ground level) of 2.81m.
- 6.2 The roof will be dark grey with black base board, PVCu soffits and rainwater goods. The walls would be Cedral Lap grey/brown composite timber effect cladding. There would be single yellow steel door.
- 6.3 The supporting design and access statement advises that 'Changing Places' go beyond the provision of standard accessible toilets and are solely intended to support the needs of profoundly disabled users stating that there is a lack of 'Changing Places' facilities nationwide.
- 6.4 The building will be constructed from a modular system off site and can be easily relocated or removed if/when required. All surface water and foul drainage will connect into existing mains system on site. The building will be located adjacent to the existing shower facilities and minor groundworks will be required using a lightweight slab to match the level of the adjacent building.
- 6.5 A changing place toilet is much larger than a regular accessible toilet and is better equipped, including items like a height adjustable adult changing bench, a ceiling track hoist, a peninsular toilet with space for two assistants and a backrest on the toilet seat. The application explains that the aim is to provide everyone, regardless of their access needs, disability or reliance on the assistance of carers or specialist equipment, to be able to use a toilet facility with dignity and in a hygienic way.

## 7.0 Relevant Planning History

**6/1977/0219** - Decision: GRA - Decision Date: 22/07/1977

Re-site 50 beach huts and 3 kiosks to avoid erosion.

**6/1985/0257** - Decision: GRA - Decision Date: 07/06/1985

Erect temporary building for use as shop/information display.

**6/1985/0876** - Decision: GRA - Decision Date: 30/01/1986

Retain temporary building for use as shop/information display (renewal).

**6/1986/0844** - Decision: GRA - Decision Date: 04/02/1987

Retain temporary building for use as information display/shop (renewal).

**6/1987/0735** - Decision: GRA - Decision Date: 29/10/1987

Erect information centre, shop, cafe, public toilets, Coastguard lookout and Warden's office to replace existing facilities.

**6/1988/0203** - Decision: GRA - Decision Date: 08/04/1988

Retain and re-site temporary building for use as information point/shop (renewal).

**6/1988/1223** - Decision: GRA - Decision Date: 06/01/1989

Site temporary building for use as information point/shop (renewal).

**6/1989/0911** - Decision: GRA - Decision Date: 24/11/1989

Site temporary building for use as information point/shop (renewal).

**6/1990/0182** - Decision: GRA - Decision Date: 14/05/1990

Erect single-storey building to comprise information area, shop, kitchen and ancillary offices.

**6/1990/0632** - Decision: GRA - Decision Date: 05/11/1990

Site temporary building for use as information point/shop (renewal).

**6/1999/0151** - Decision: GRA - Decision Date: 26/04/1999

Erect store extension.

**6/2001/0183** - Decision: GRA - Decision Date: 30/04/2001

Relocate 32 beach huts and remove 60m of gabions from the shoreline.

**6/2002/0933** - Decision: GRA - Decision Date: 29/01/2003

Provision of parking meters and associated signage to car parks.

**6/2005/0426** - Decision: GRA - Decision Date: 20/06/2005

Station 3 temporary buildings for seasonal use as First Aid/Information, Shop Storage and Ice Cream Sales

**6/2006/0238** - Decision: GRA - Decision Date: 12/04/2006

Extend path across the sand to start of beach.

**6/2008/0522** - Decision: GRA - Decision Date: 05/09/2008

Insert new door to east elevation, install external umbrellas and erect building on west elevation

**6/2010/0387** - Decision: GRA - Decision Date: 10/08/2010

Erect staff room hut and install drainage scheme for w.c.

**6/2011/0339** - Decision: GRA - Decision Date: 28/07/2011

Erect local telecommunication masts on roof of Knoll Beach Cafe, Knoll Beach Study Centre and Middle Beach Lookout Hut.

**6/2011/0419** - Decision: GRA - Decision Date: 30/08/2011

Erect extension to cafe and carryout alterations to doors and windows, install flue for wood burning stove. Site a portacabin for staff facilities, and a portacabin for food preparation (March to October only), extend existing portacabin for stock storage, erect a timber visitor and information kiosk, and a timber food and drink kiosk, all for a temporary period of 5 years.

**6/2013/0155** - Decision: GRA - Decision Date: 01/05/2013

Erect timber framed glazed veranda. Replace existing entrance fencing with timber posts. Replace existing parasols with four new parasols. Erect willow screening to pumping station & new refuse station. Erect flagpole.

**6/2017/0711** - Decision: GRA - Decision Date: 01/02/2018

Siting of porta-cabin connected to the main building to extend kitchen facilities.

## **8.0 List of Constraints**

Purbeck Heritage Coast

Dorset heathlands - 400m heathland buffer (Studland & Godlingston Heaths)

Nutrient Catchment Areas/Poole Harbour Recreation Zone

Groundwater levels are between 0.025m and 0.5m below the ground surface. There is the possibility of groundwater emerging at the surface locally.

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

Eastern Area Planning Committee  
3 May 2023

Natural England Designation - RAMSAR: Poole Harbour- approx 3.3km away  
Site of Special Scientific Interest (SSSI)

## **9.0 Consultations**

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

### **Consultees**

**Studland Parish Council** (received 21 March 2023)

No objection

**South East Purbeck Ward Member – Cllr Brooks** (received 10 March 2023)

No objection

### **Representations received**

The application was advertised by site notices. No public representations were received.

## **10.0 Duties**

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

## **11.0 Relevant Policies**

### **Development Plan**

Adopted Purbeck Local Plan Part 1

Policy SD – Presumption in favour of sustainable development

Policy D – Design

Policy LHH – Landscape, Historic Environment and Heritage

Policy CO – Countryside

Policy DH – Dorset Heathlands

Policy PO – Poole Harbour

Policy FR – Flooding

Policy TA – Tourist Attractions

### **Emerging Dorset Council Local Plan**

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](http://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck-local-plan/purbeck-local-plan-latest-news)).

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

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

E1: Landscape

E12: Design

E4: Assessing flood risk

### **Material Considerations**

#### NPPF

Para 11: Presumption in favour of sustainable development

Para 47: Determining applications in accordance with the development plan unless material considerations indicate otherwise

Para 98: Opportunities for sport and physical activity is important for the health and well-being of communities

Para 100: Planning decisions should take opportunities to provide better facilities for users

Para 130: Planning decisions should ensure developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users

Para 154: New development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change. Care should be taken to ensure that risks can be managed through suitable adaptation measures

Para 159: Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Para 174: Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, b) recognising the intrinsic character and beauty of the countryside, c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate

Para 176: Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas

Para 178: Within areas defined as Heritage Coast, planning decisions should be consistent with the special character of the area and the importance of its conservation.

### **Other material considerations**

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Nitrogen Reduction in Poole Harbour SPD Adopted

Consultation Report - Nitrogen Reduction in Poole Harbour SPD

Consultation Statement - Nitrogen Reduction in Poole Harbour SPD

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

## **12.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

## **13.0 Public Sector Equalities Duty**

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

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

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

The relevant considerations under the PSED are:

- Access - The proposed changing facility would meet the needs of people with protected characteristics by providing an appropriate facility for disabled persons to use whilst enjoying Knoll Beach and its environs.

## **14.0 Financial benefits**

None

## **15.0 Environmental Implications**

None



## 16.0 Planning Assessment

### Principle of development

- 16.1 The principle of the development is acceptable as it would represent a small-scale ancillary facility for visitors to Knoll Beach and the immediate area and the site's countryside location is essential.
- 16.2 The site lies outside a settlement boundary and the proposal would comply with Policy CO of the Purbeck Local Plan Part 1 as it comprises small-scale outbuildings within the curtilage of existing buildings where a countryside location is essential and the proposal would not have a significant adverse impact on the environment.

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

- 16.3 The proposed building is small in scale with a footprint area of 3.5m by 4.8m and an overall height of 2.81m and would use a dark grey roof covering with grey/brown horizontal board timber effect cladding for its walls. This simple design of structure, its scale and proposed external materials are considered appropriate for the building's context and no adverse impact on the character and appearance of the area would result from the proposal. Therefore, the proposal accords with Policies CO & D of the adopted Purbeck Local Plan Part 1.

### Impact on amenity

- 16.4 The proposal would enhance the amenity of disabled persons who use Knoll Beach and the surrounding area and there would be no adverse effects on the amenity of users of the adjacent buildings and outdoor spaces given the small scale of the building. Therefore, the proposal accords with Policy D of the adopted Purbeck Local Plan Part 1.

### Impact on landscape (AONB)

- 16.5 The proposed building is small in height and scale, is an appropriate design for its purpose and uses external materials that would be sympathetic to its context and would sit comfortably in its surroundings with no adverse visual impact upon the character and appearance of the immediate area. No adverse impact on the AONB would result and the proposal accords with Policy LHH of the adopted Purbeck Local Plan.

### Impact from ground water flooding

- 16.6 The Design & Access Statement advises that all surface water and foul drainage will connect into the existing mains system on site and on this basis, there would be no additional surface water drainage into the ground at the site.
- 16.7 The site is not in an area with a high risk of surface water flooding but is in an area of high groundwater levels (levels are between 0.025m and 0.5m below the ground

surface) and within this area there is a risk of groundwater flooding to both surface and subsurface assets. The mapping extract below shows the light purple shaded area for this zone (site indicated by the red arrow), with the light blue area in a lesser risk zone and the yellow area to the east (towards the sea) in the highest risk zone.



- 16.8 Annex 3 of the National Planning Practice Guidance (NPPG) advises that changing rooms are a water-compatible development and on this basis the proposal is considered to be an appropriate development in an area with a high risk of ground water flooding. Consequently, there is no need to undertake a Sequential Test to ascertain whether there are any reasonably available sites appropriate for the proposal in areas with a lower risk of flooding as set out in paragraphs 161 & 162 of the NPPF.
- 16.9 It is necessary for the building to be located in the proposed position as it is close to existing facilities and the adjacent land is level and easy to negotiate. The building is not intended to be habitable and the site is appropriate for a water-compatible use.
- 16.10 The applicant has provided a Flood Risk Assessment (FRA) received 29/3/2023 that advises flood proofing / resilience and resistance techniques will be included in the proposed building to accord with the Communities & Local Government advice 'Improving the flood performance of new buildings' (2007) <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>. The applicant has also specified the flood resilience measures and a condition is advised to require these.
- 16.11 FRAs need to show that development will be safe for its users for the intended lifetime of the development, without increasing flood risk elsewhere, and be sufficiently flood resistant and resilient to the level and nature of the flood risk.
- 16.12 As flood proofing / resilience and resistance techniques will be included in the proposed building, the proposal would be safe for its intended lifetime and would accord with Policy FR of the adopted Purbeck Local Plan.



Accessibility by disabled persons

16.13 The proposal is designed to be accessible by disabled persons and will enhance the changing and WC facilities for disabled persons visiting Knoll Beach and the immediate area.

Impact on Sites of Special Scientific Interest (SSSIs)

16.14 The site for the proposed building is not within any SSSI but lies approx.65m from the nearest SSSI (the beach to the east). The building would have no physical impact on the SSSIs from its construction/assembly on site and as it would not result in additional visitors to the site, it does not fall to be considered as a use that would increase nutrients into the Poole Harbour catchment area and there is no requirement to demonstrate nutrient-neutrality. The proposal would accord with Policies BIO, DH and PH of the Purbeck Local Plan.

## **17.0 Conclusion**

17.1 The proposal would not have any adverse impact on the AONB, character and appearance of the immediate area, Heritage Coast, SSSIs and amenity of visitors to the site and would be constructed to provide resilience to ground water flooding and is compliant with local and national planning policy.

## **18.0 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:

Drawing No. RADPT.0001 Rev 1: Planning Drawings

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

3. The building hereby approved shall incorporate the following flooding resilience measures prior to first use:

- Waterproof flooring (including 150mm up the walls)
- Floor gully to allow any water in the building to flow out via waste pipes
- Multipanel Hydrolock walling to prevent water reaching the plasterboard / timbers / insulation
- Sealed floor insulation to prevent water penetration
- Waterproof paint for the steel frame of the building
- Ventilation behind the cladding to allow walls to dry out easily

- Moisture resistant Insulation inside the walls
- Finished floor level to be higher than adjacent ground levels

Reason: To mitigate against the risk of groundwater flooding to the building.

4. Before using any external facing and roofing materials in the construction of the development, details of their manufacturer, colour and type shall have been submitted to and approved in writing by the Local Planning Authority (LPA). All works shall be undertaken strictly in accordance with the details as approved, unless otherwise agreed in writing with the LPA.

Reason: To ensure the development uses external materials appropriate for its context.

### **Informative Notes:**

1. Informative: National Planning Policy Framework Statement

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

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

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

In this case:

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

2. 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.
3. In respect of Condition 3, flood proofing / to be included in the proposed building should accord with the Communities & Local Government advice 'Improving the flood performance of new buildings' (2007)  
<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

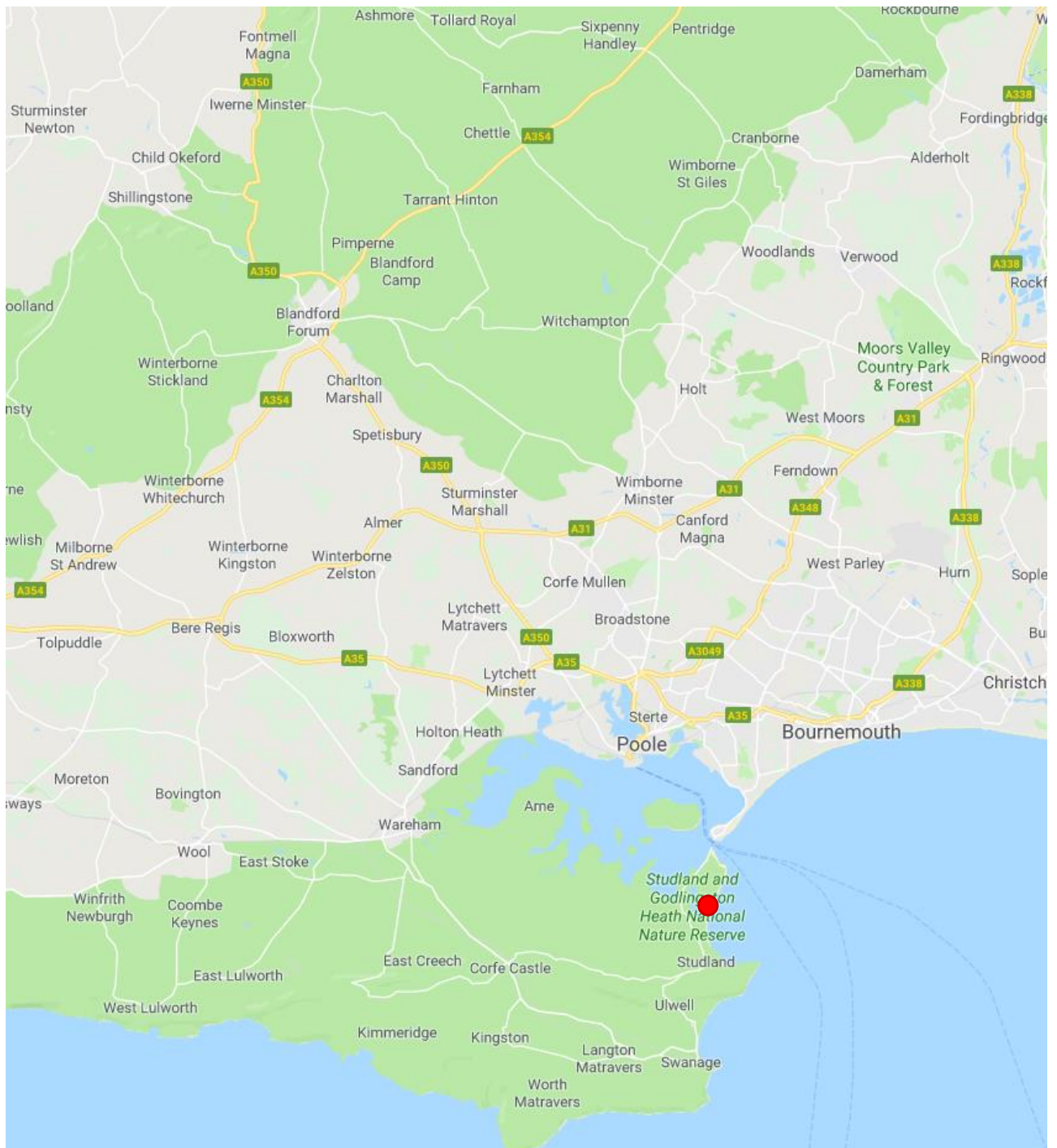
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● Approximate Site Location

Application reference: P/FUL/2023/01030

Site address: Knoll Beach, Ferry Road, Swanage, BH19 3AQ

Proposal: Disabled persons WC and changing building



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