



Eastern Area Planning Committee

Date: Wednesday, 2 August 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

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

To confirm the minutes of the meeting held on Wednesday 5th July 2023.

4. PUBLIC SPEAKING

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. [Guide to Public Speaking at Planning Committee](#)

The deadline for notifying a request to speak is 8.30am on Monday 31st July 2023.

5. PLANNING APPLICATIONS

To consider the applications listed below for planning permission.

6. P/FUL/2023/00735- 17 KING STREET, WIMBORNE MINSTER, DORSET, BH21 1DZ 13 - 38

Demolition of existing single storey attached garage, erection of detached double garage, subdivision of plot, and erection of new two storey four-bedroom dwelling.

7. P/VOC/2023/02149- AILWOOD COTTAGE, AILWOOD TO TABBITS HILL, CORFE CASTLE, BH20 5JA 39 - 52

Relief of condition 2 of PA6/78/784 (Erect extension to convert store to residential unit) to allow existing residential unit tied to the Ailwood Farm to be used as an independent dwelling (without compliance with condition 2 of PA6/78/784).

8. P/FUL/2023/01702- LAND AT SHERFORD DRIVE, WAREHAM, BH20 4EN 53 - 64

Installation of a Telecommunications Cabin in a 5m-by-5m compound, which will also house a power unit, air conditioning unit and a Footway 10 chamber.

9. 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.

10. 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 6 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.

There are not exempt items scheduled for this meeting.

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EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 5 JULY 2023

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

Apologies: Cllrs Mike Barron and John Worth

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

Elizabeth Adams (Development Management Team Leader), Lara Aintree (Senior Lawyer - Regulatory), Owen Clark (Strategic and Policy Team Manager), Ed Denham (School Admissions Manager), Ursula Fay, Hilary Jordan (Service Manager for Spatial Planning), Joshua Kennedy (Apprentice Democratic Services Officer), Anna Lee (Service Manager for Development Management and Enforcement), Megan Rochester (Democratic Services Officer), Steve Savage (Transport Development Manager), Naomi Shinkins (Planning Officer), Elaine Tibble (Senior Democratic Services Officer) and Alister Trendell (Project Engineer).

369. Declarations of Interest

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

370. Minutes

The minutes of the meeting held on Wednesday 3rd May were confirmed and signed.

371. Public Speaking

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.

372. Planning Applications

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

373. P/OUT/2023/01166- Land to the south of Ringwood Road Alderholt

The Case Officer gave members an update:

- 3G Sports pitch contribution- material however proportionate contribution would be in the range £101,673- £142,342 (applicant has offered £1million).
- Tennis contribution- can be considered material only as part of recreation ground extension.
- Public Art Contribution- not material.
- Change to recommended reason for refusal 4
- Updated Hampshire County Council Response
- Updated Dorset Wildlife Trust Response
- Updated Fordingbridge Town Council response
- Ellingham, Harbridge and Ibsley Parish Council response
- Additional public responses

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members. Photographs of the site plan, existing nearby settlement boundaries and existing agricultural buildings were included. Members were also shown special protection areas near the site. Details including proposed site access, illustrative masterplans, housing mix, existing nearby facilities, including doctor surgeries and local schools, and proposed employment uses were also provided. The Case Officer also informed members of the proposed phasing plans. In addition to this, concerns from National Highways were raised, members were informed that more data was needed, particularly clarity of bus services, long term viability and costing.

The presentation also included details of the proposed education provision which hadn't been accepted by Dorset Education. In addition to this, the Landscape strategy and integration of hedgerows were also outlined. The Case Officer also highlighted key concerns regarding site sustainability. Members were informed regarding the impacts on Habitats sites, and it was explained that an Appropriate Assessment had not been able to conclude that impacts on these could be adequately mitigated.

A Landscape and Visual Impact Assessment was explained, and members were informed that there were no visual impacts on the AONB. Other impacts arising on the AONB were explained. Photographs from southwestern and the southern end of Ringwood Road and predicted photographs of the site in several years' time were also shown to members of the committee. Details regarding the drainage strategy and planning obligations were also provided. The officer's recommendation was to refuse for the reasons set out in the officer's report.

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

Public Participation

Residents and the Parish Council's spoke in objection to the application. They felt as though the development was unsustainable and didn't feel as though it was in the right location, especially for the scale of the development. Concerns were raised regarding the large site bounded to have delays which would have further costing impacts. Mr S Godsell also discussed the reduction in affordable housing

and felt the applicants promise of a village centre was only dependant on retailers wanting to invest and buy plots in such a rural location. Another area of discussion from objectors was the impacts on highways. Mr C English informed members that if they chose to approve, there would be additional traffic which would cause chaos. He felt as though the impact on all roads had been underestimated and there would be detrimental harm to verges and banks.

Mr R Burden spoke for Cranborne Chase AONB Partnership. He felt that a development near the AONB setting should have been sensitively considered and that there had been no realistic proposals to avoid or mitigate the impacts. Objectors also raised their concerns around residents needing to own cars to get to and from Alderholt. This then impacts the environment and adds to their concerns around traffic. An hourly bus service would not be a good alternative; therefore, they didn't feel as though it could have possibly been considered as a sustainable development. Mr M Allen felt as though the development would be a small town on a green field site and didn't feel there was a local need.

Objectors also discussed their disappointment in the applicant for proposing a development that had not considered the needs of Alderholt, Mr S Butler informed members that Alderholt's need for social housing was low and felt as though they would be creating competition between the existing and proposed village centre. He also mentioned the impacts on education and felt that the school would be oversubscribed. Objectors informed members that they did not want this application and felt that the significant minor benefits were not outbalanced by the risks and hoped members would support the officer's recommendation to refuse.

Ms J Pickering spoke on behalf of the NHS and was not in support or objection to the application. She highlighted to members the pressures that NHS staff were currently under and discussed the health care services that were currently available to residents of Alderholt. Ms J Pickering informed members that the current Alderholt surgery was small and required a lot of renovations to make it more suitable for residents. In her presentation, she concluded how many additional NHS patients would be a result of the proposed development, she informed members that if the development was approved, additional work would need to take place and funding would need to be considered.

Both the applicant and agent spoke in support of the development. They believed that the site would deliver much needed homes with a mixture of housing types without impacting the green belt. Mr N Jacobs felt that Alderholt was capable of strategic growth and the development would help to enhance the sustainability of an area in Dorset as well as providing residents with a wide range of facilities. The Agent referenced the out-of-date local plan and highlighted to members that the applicant would ask to defer the application and work with officers to overcome any issues and make the necessary amendments.

The applicant, Mr M Hewett discussed the benefits of the development, in particular, the creation of a thriving community and additional doctor's surgery and school. He informed members that he had responded to the concerns raised by local schools. He highlighted the investment into education which would solve any issues previously raised by schools. Mr M Hewett also discussed the proposed introduction of an hourly bus service, allocated open space and 13km of

cycle ways to promote recreation. He felt as though the benefits to the community were significant and hoped members would grant a short extension to allow for more cooperation between himself and officers.

Cllr Errington spoke on behalf of Ellingham, Harbridge, and Ibsley Parish Council. It was reiterated to members that the proposed site was situated within a rural location and was far too excessive in scale and was not within a sustainable location. In addition to this, concerns were also raised regarding traffic and felt as though the completion of the proposed development would leave Alderholt in confusion as to whether it was a village or town. Cllr Errington hoped members would refuse the proposed development.

Cllr Logan spoke on behalf of Alderholt Parish Council. She fully conferred with the officer's recommendation to refuse as well as the concerns raised by the residents and other Parish Council. The Parish Council felt as though the site was within an unsustainable location and believed it was contrary to the NPPF. Cllr Logan confirmed that she had read the comprehensive report and believed that the proposed development should be refused for all reasons set out in the officer's report. In her presentation, Cllr Logan discussed the lack of connectivity and felt as though the proposed village centre would cause direct competition with Alderholt's existing facilities. She also felt as though the local road infrastructure was inadequate and the long-term adverse impacts would be detrimental. The Parish Council felt as though the impacts outweigh the benefits, therefore, they supported the officer's recommendation for refusal.

Members questions and comments

- Praised the officer's report and presentation.
- Roads are narrow and are not suitable.
- Added facilities would solve some issues but would not outweigh the significant drawbacks.
- Issues relating to transport and highways.
- Clarification around mineral extraction prior to construction.
- Maintenance of mature hedges.
- Alderholt remains very isolated.
- Inadequate road infrastructure.
- Concerns regarding surface water drainage.
- Questions regarding Alderholt being developed into a town.
- Clarification of the impacts that the proposal would have on education.

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 refuse planning permission as recommended, was proposed by Cllr Shane Bartlett, and seconded by Cllr Robin Cook.

Decision: To support the officer's recommendation for refusal, subject to the amended reason for refusal for affordable housing and viability.

374. **3/19/2077/RM- Land North of Ringwood Road, Alderholt, SP6 3HZ**

The Case Officer gave members an update:

- The Section 33 legal agreement facilitating Bickton Fish Farm credits to be used in the Dorset Council Area is now complete (dated 3 July '23)
- The applicant has included a clause within the Deed of Variation for this application to secure phosphate credits from Bickton Fish Farm as required by the recommendation.
- A compliance condition for landscape management will be added to the list of conditions:
 - The proposed development shall be carried out in accordance with the submitted Landscape Ecological Management Plan DD350.R01 REV D dated 31.03.23.
Reason: To protect the landscape character of the area and to mitigate, compensate and enhance/provide net gain for impacts on biodiversity
- Informative regarding construction hours and bonfires to be added:
 - The Construction Management Plan required by Condition 9 of PA 3/16/1446/OUT shall include the following details:
 - Hours of construction - 08:00 and 18:00 weekdays, 08:00 to 13:00 on Saturdays and no work on Sundays or Public Holidays
 - No bonfires on site at any time
- Clarifications in the officer report include:
 - 5.1: The site does not just comprise 'open land'. It includes Hawthorns (a dwelling) and various horticultural/ agricultural buildings.
 - 15.4.10: reference to the design code is incorrect.
 - 15.5.4, 15.5.8, 15.5.9, 15.5.13: to clarify, separate landscaping conditions are not required, approved landscape plans are listed in condition 1 and the landscape management plan condition has been added.
 - 15.7.2 – refers to a net increase of 44 dwellings – 45 dwellings are proposed but 1 dwelling replaces the existing dwelling associated with the nursery on site.

With the aid of a visual presentation including illustrative plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members. Members were informed of the history of the site and a table of proposed residential development was presented. Photographs including designs of the elevations and views of the site were included, in addition to this the Case Officer also discussed the inclusion of affordable housing and informed members of the reasons as to why there had been a reduction, which was approved at committee in February 2023.. House types and mix were also a point of discussion, members were informed that there would be a mixture of 1–4-bedroom dwellings.

The Case Officer outlined the refuse storage and collection as well as the proposed site access and drainage strategy. Members were informed that there would be 116 parking spaces, including 14 visitor spaces and additional cycle

stores. Details regarding landscaping, boundaries and protection of existing trees and hedging were discussed. The Officer's presentation also highlighted the proposed public open space across the site and informed members that the LEAP space was considered acceptable. Details of the nutrient neutrality assessment and SANG were also discussed. The officer's recommendation was to approve.

Public Participation

Mr C Walker spoke in objection of the application. He raised several concerns regarding phosphate mitigation and compared it to noise, smell, and chemical pollution. He did not feel as though the site was acceptable and hoped members would refuse the application.

The agent spoke in support of the application and praised the officer's report and comprehensive presentation. Mr R Lofthouse discussed the nutrient neutrality assessment as well as the agreed SANG. He also spoke of the housing mix which would be included across the site which he felt made a significant contribution to the local housing need. The agent praised the design as it was appropriate to the character and appearance of the area. Mr R Lofthouse assured members that they were committed to the site and completing the development.

The Parish Council addressed the committee and informed members that they had read the officer's report thoroughly. Cllr G Logan requested to review a slide from the officer's presentation and raised concerns regarding the footpath, therefore, she hoped officer's and members would agree for this not to be built on this site. Cllr G Logan also discussed the existing hedgerow as she was under the impression that it would be retained and enhanced. The Parish Council hoped that the boundary would be enhanced. Officers agreed an amended plan would be submitted to remove the footpath in question.

Members questions and comments

- Security of the site boundary raised concerns.
- Relocation of fish from Bickton fish farm.
- Pleased that the roads can be adopted.
- Clarification around the reduction of affordable housing.
- Clarification around communal drying areas in the apartment block.
- Concerns around additional on street parking and whether the width of roads would be sufficient.
- Questions regarding management of the attenuation pond.
- Clarification around cycle and pedestrian site access
- Members were pleased to see a mixture of housing types, particularly the inclusion of bungalows.

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 **grant** the officer's recommendation to approve planning permission as recommended with the addition of the amended plans to remove the footpath requested by the Parish Council, was proposed by Cllr Robin Cook, and seconded by Cllr Alex Brenton.

Decision: To grant the officer's recommendation subject to the conditions set out in the officer's report, additional condition and informative presented and the amended plans to exclude the footpath (delegated to officers).

375. **P/FUL/2022/07181- Purbeck Mineral and Mining Museum Norden BH20
5DW**

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members. Photographs of the proposed site, elevation designs and existing structures were also included. Members were informed that the site was within the AONB but there was limited impact due to screening. The Case Officer also discussed surface water flooding and the existing use of the site. No harm was identified; therefore, the officer's recommendation was to approve.

Public Participation

There was no public participation.

Members questions and comments

- Members praised the concise officer's report and presentation.
- Clarification of the roof line.
- Members felt that the proposal would be an excellent facility.

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 **grant** the officer's recommendation to approve planning permission as recommended, was proposed by Cllr Shane Bartlett, and seconded by Cllr Alex Brenton.

Decision: To grant the officer's recommendation subject to conditions set out in the officer's report.

376. **Urgent items**

There were no urgent items.

377. **Exempt Business**

There was no exempt business.

Decision Sheet

Duration of meeting: 10.00 am - 2.58 pm

Chairman

Application Number:	P/FUL/2023/00735		
Webpage:	https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=394281		
Site address:	17 King Street Wimborne Minster Dorset BH21 1DZ		
Proposal:	Demolition of existing single storey attached garage, erection of detached double garage, subdivision of plot, and erection of new two storey four bedroom dwelling.		
Applicant name:	The Salisbury Diocesan Board of Finance		
Case Officer:	Ellie Lee		
Ward Member(s):	Cllr Bartlett and Cllr Morgan		
Publicity expiry date:	3 May 2023	Officer site visit date:	22 September 2022 and 7 March 2023
Decision due date:	3 August 2023	Ext(s) of time:	Yes - 3 August 2023

1.0 This planning application has been referred to committee by the Head of Planning.

2.0 Summary of recommendation:

REFUSE for the reasons set out in section 17.

3.0 Reason for the recommendation:

- 3.1 Section 38(6) of the Planning and Compensation Act 2004 provides that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.
- 3.2 Paragraph 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.
- 3.3 The location is considered to be sustainable for new housing development in terms of local planning policy KS2.
- 3.4 The proposal's design, scale, impact on character, appearance and heritage assets (including the Wimborne Minster Conservation Area) would be unacceptable and are not justified by the limited public benefits. As such, the scheme is considered to be contrary to local planning policies HE1 and HE2, and contrary to national planning policies within the NPPF.

- 3.5 The proposal is not considered to result in any significant harm to neighbouring residential amenity or protected trees, subject to conditions.
- 3.6 The proposed access and parking on the site are considered acceptable, subject to a turning/manoeuvring and parking condition.
- 3.7 Insufficient information has been provided to demonstrate that the proposal can effectively deal with surface water in an area of high groundwater levels. It has not been demonstrated that the proposal will avoid increased flood risk result in flooding, so the proposal is contrary to local planning policy ME6 and NPPF policies within paragraphs 159 and 167.
- 3.8 No economic benefits of the proposal have been identified that would justify an exception to the proposal being contrary to local planning policies HE1 & HE2 and policies within section 16 of the NPPF.

4.0 Key planning issues

Issue	Conclusion
Principle of Development	Acceptable in principle in terms of local policy KS2.
Scale, Design, Impact on Character and Appearance	Unacceptable, for the reasons set out below.
Impact on Heritage Assets	Unacceptable, for the reasons set out below.
Impact upon Schedule Monuments	Acceptable, subject to a monitoring condition.
Impact on Neighbouring Amenity	Acceptable as no harm to neighbouring amenity, subject to conditions.
Impact upon Trees and Landscape	Acceptable as no harm to landscaping, trees, subject to conditions.
Access and Parking	Acceptable, subject to turning/manoeuvring and parking condition.
Flooding Risk	Unacceptable, due to insufficient information to demonstrate that the high groundwater levels would not result in flooding to the development's surroundings.
Impact upon Biodiversity	Accords with the Dorset Biodiversity Appraisal Protocol and local planning policies, subject to biodiversity enhancement condition.
Economic Benefits	No economic benefits of the proposal have been clearly demonstrated that would outweigh the harm to heritage assets and the character of the area within Wimborne Minster Conservation Area.

Dorset Heathland

Acceptable in principle, subject to mitigation via CIL

5.0 Description of Site

5.1 The application site is located within Wimborne Minster on the south-west side of King Street, within the grounds of The Rectory at 17 King Street. The site lies within the Wimborne Minster Conservation Area, has protected trees along its frontage and is within the Wimborne Minster Town Centre boundary.

5.2 The site is located to the east of the sports pavilion at Wimborne Cricket Club and is to the north-west side of the Model Town & Gardens.



5.3 The existing dwellinghouse is a two-storey detached building with an attached single storey wing to its north-west which includes a garage. The dwelling is generally screened from King Street by an abundance of trees, vegetation and walls, with the land levels sloping upwards away from the street.



5.4 The application site comprises of a large plot within an area of typically spacious, wide and large plots to the south-west of King Street. It is noted that the pattern of development differs on the opposite side of the street and to the north within Julians Road.

5.5 The submitted Design, Access, Heritage, and Planning Statement states that the existing rectory was built c. 1920s, but the ward member and the applicant consider this to be incorrect. There is also an abundance of trees and vegetation within the garden to the sides and the rear of the site, which further characterises the site.

6.0 Description of Development

6.1 The proposed new detached two storey 4 bedroomed dwellinghouse with its attached single storey garage, is located to the north-west side of the existing rectory building at 17 King Street (where the existing single storey north-west wing of the existing building is currently sited). The existing single storey wing to the north-west of the existing dwelling is proposed to be demolished.

6.2 The proposed materials are as follows:

Materials

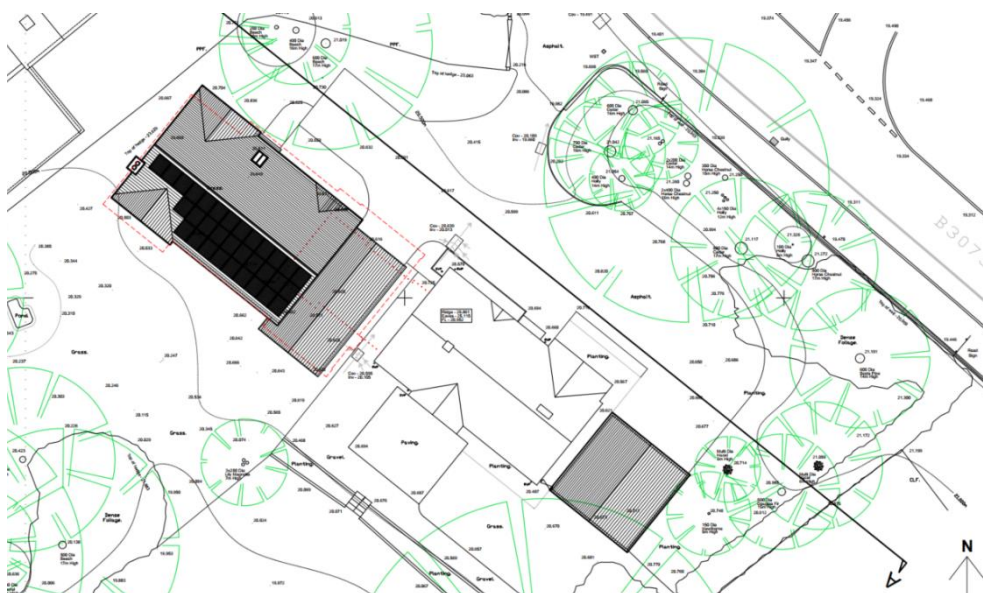
Walls - Red brick and white render

Roof - Plain tile to match adjacent dwellings

Windows/Doors - White uPVC to match adjacent dwellings

RWG - Black Plastic to match adjacent dwellings Bat Bo

6.3 A new single storey detached garage is also proposed to the south-east side of the existing rectory, which would serve the occupants of the existing dwellinghouse.



7.0 Relevant Planning History

Application No.	Description	Decision	Date
P/FUL/2022/05572	Demolition of existing single storey attached garage, erection of detached double garage, subdivision of plot, and erection of new two storey four bedroom dwelling.	Withdrawn	23/11/2022
P/TRC/2022/03547	<i>Tree works:</i> T1 Copper Beech: Reduce lateral limbs growing towards Wimborne Model Village by 1.5 metres.	No objection	07/07/2022
P/TRC/2022/02298	<i>Tree works:</i> G1 Willows: Coppice.	No objection	09/11/2021
P/TRD/2021/04530	<i>Tree works:</i> Willow: Remove split limbs.	Consent not required	09/11/2021
3/21/0223/TCA	<i>Tree works:</i> T2g Beech and Sycamore: Prune lower lateral branches to provide a 4m clearance over drive. T17 Beech: Remove crossing branches growing to the north at 7m above ground level. (Also major deadwood to be removed). T18g Goat Willow: Remove decayed and fractured stem on willow growing nearest boundary.	No objection	19/03/2021
3/21/0213/TTPO	<i>Tree works:</i> T10 Western Red Cedar: Prune lower lateral branches to provide a 4m clearance over drive.	Granted	26/03/2021
3/18/2358/TCA	<i>Tree works:</i> T1 Copper Beech - Raise canopy by removal of first 4 lesser primary branches	No objection	01/10/2018
13/582	<i>Tree works</i>	Objection	18/11/2013
13/327	<i>Tree works:</i> F1P2	No objection	18/07/2013
12/004	<i>Tree works:</i> Trees: F1	No objection	17/01/2012

8.0 List of Constraints

- Within the Wimborne Minster Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
- Tree Preservation Order (TPO) reference :EDDC/WIM/82

- Settlement Boundary; Wimborne/Colehill
- Location: Wimborne Minster Town Centre, Local Plan Policy: WMC1
- Dorset Heathlands - 5km Heathland Buffer
- Neighbourhood Area; Name: Wimborne Minster; Status Designated 13/02/2020
- Flood Zone 2 (*overlaps parts of the front north-east site boundary and the rear south-west boundary*)
- JBA – High risk of groundwater emergence; high groundwater levels - Within this zone there is a risk of groundwater flooding to both surface and subsurface assets. There is the possibility of groundwater emerging at the surface locally and groundwater may emerge at significant rates and has the capacity to flow overland and/or pond within any topographic low spots. (*Covers whole application site area*)
- Groundwater Source Protection Zone
- Natural England Designation - RAMSAR: Dorset Heathlands (UK11021); - Distance: 3906.28m from site
- Dorset Heathlands - 5km Heathland Buffer
- Scheduled Monuments:
 - The Leaze medieval site (List Entry: 1002441) Distance: 23.83m from site
 - Mound on The Leaze (List Entry: 1005573) Distance: 347.96m from site
- Business Improvement Districts: Wimborne BID
- Radon: Class: Less than 1%
- Contaminated Land (factory or works – use not specified)

9.0 Consultations

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

Consultees

1. Natural England (23/03/2023)

No objection, subject to mitigation

No objection, subject to securing appropriate mitigation for recreational pressure impacts on Habitats sites (European Sites).

2. DC - Highways (14/03/2023)

No objection subject to condition

The Highway Authority has no objection, subject to the following condition(s):
Turning/manoeuvring and parking construction

Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number 2518-P01C 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.

3. DC - Conservation Officer (05/05/2023)

Unable to support

Summary of Response:

- Proposal cannot be supported as it would result in harm, albeit less than substantial harm – to the character and setting of the Conservation Area, by virtue of design, location, and scale.
- The proximity and the design of the new development would result in harm to its significance as a non-destinated heritage asset.
- No viable grounds or public benefits have been submitted that outweigh the harm.
- Pre-application discussion is encouraged.

DC - Conservation Officer (27/06/2023)

Unable to support – Re-consult response

Summary of Response:

- It is acknowledged that the paragraph 2.1 of the applicant's Heritage Statement describes the existing building as an *"existing rectory c1920s two storey dwelling with a single detached garage to its north"*. Paragraph 2.4 of the same document confirms that the *"site, along with 18 Kings Street to the NE and the Wimborne Model Town and gardens to the SW, date to the pre-war period"*. Based upon the architecture of the building, there is no reason to doubt the building was built in 1958 but that is not set out in the application.
- It is not clear from the submitted Heritage Statement why a replacement Rectory is required, when there is already a Rectory on site, and it is not clear if the current building complies with the 'green book standards' and why it is not possible to retain the existing Rectory building for use by the Diocese. In addition, it is not explained why the new building is not being proposed to be built for sale on the open market (which could negate the need to restrict the new building to comply with the Diocesan standard). Furthermore, it is unclear if alternative building designs have been explored which would meet the Diocesan standard but appear ancillary and subservient to the existing Rectory on site. (Other paragraphs within the submitted Heritage Statement are also addressed by the Conservation Officer).
- With regards to economic and financial considerations, no details have provided within the application that set out the connection to the Minster or demonstrate how the proposed development has "serious impact on the wealth and prosperity of the town" and tourism in the area.
- In conclusion, the siting, form, scale, proportions and detailed design does not respect the historic context of the site or area. The placement on site and in close proximity to the existing dwelling does not protect significant views identified in the Heritage Statement submitted. The gap between buildings and large plot contributes positively to the historic character of the area and fails to register the historic connection with the water meadows to the south and west. The application does not demonstrate that the existing building is not capable of

erving the need of the Diocese. Furthermore, a case for enabling development has not been made.

- Pre-application discussion is encouraged to understand the scope of the project, establish the significance of the site and buildings and setting of heritage assets and explore alternative solutions.

4. DC – Archaeology (16/03/2023)

No objection, subject to condition

I have attached my comments on the previous application at this site (P/FUL/2022/05572). Those comments also apply to the present application, and so I again advise that the following condition should be attached to any grant of consent:

'The applicant shall make arrangements for archaeological observation and recording to take place during groundworks. Details of these arrangements shall be submitted to and approved in writing by the Local Planning Authority, at least one month before any work commences on the development site.'

Attached comments mentioned above:

The site of the proposed development lies on the western side of the Medieval town, so that it may lie within the suburbs of that settlement. Also, archaeological evaluation in 2004 of the site of the proposed cricket pitch to the southwest of the present site identified archaeological remains, principally of the Iron Age and Roman period. Taking this together, in my opinion there is a high potential for archaeological remains to survive within the present site.

However, I also note that part of the footprint of the proposed development would occupy areas that would have been disturbed when the present building was constructed. Hence it is likely that only parts of the proposed development would affect any archaeological remains.

In my opinion the appropriate mitigation for this potential level of archaeological impact would be archaeological monitoring of the groundworks.

5. DC - Trees (East & Purbeck) (03/05/2023) re-consult following receipt of requested information.

No objection subject to conditions

I have been to this site and reviewed the plans and arboricultural information. I am of the opinion that the development could be undertaken with relatively minimal impact on the surrounding tree cover if the recommendations from the arboricultural report are followed. There are some areas where construction is planned which are within root protection zones – we will want to confirm and agree the engineering solutions for these areas before work can commence and we will want to ensure there is adequate arboricultural supervision during arboriculturally sensitive periods. With that in mind, no objection subject to conditions:

1. Pre-commencement Meeting
2. Works in accordance with the AMS and TPP
3. Method statement for excavation and foundations

6. DC - Building Control East Team (22/02/2023)

No comment

7. DC - Env. Services – Protection (01/03/2023)

No comments or objections

8. DC - Dorset Waste Team

No comments received

9. Wimborne Minster Town Council (14/03/2023)

No objection, subject to trees

No objection provided that all tree analysis comments were observed and tree screening from the road was retained.

10. Wimborne Minster Ward Councillor- Councillor Shane Bartlett (07/06/2023)

Comment

- The committee need to take into consideration due to the peculiarities of fulfilling the Church of England's requirement to build in accordance with a "green book standard", so it can function and meet the requirements demanded by the Church of England.
- There appears to be some factual inaccuracies contained within the report which refers to *"this 1958 existing rectory as a 1920 house of architectural merit"*. This is not correct.
- There is a reasonable challenge to be made over what value and importance the existing rectory and proposed rectory have on the conservation area and what any perceived level of harm may be economic and financial considerations t need to be taken into account which could potentially have a serious impact on the wealth and prosperity of the town, significant impact consequences regarding tourism in the area, foot fall into the town/surrounding area and Dorset as a whole.
- The rector and the diocese of Salisbury are of the opinion that,
"Our plan involves the exchange of land and build cost amongst the three parties above to assist the finances of The Minster itself - which as we know is an ancient heritage building of the highest significance to the town. If this plan falls there will be consequences that are a matter of anxiety".
- The new rectory has to be of a particular minimum size to meet national Church of England clergy housing specification. It cannot be a small 'coach house' that the conservation officer requests.

Representations received

Site notices were displayed in three locations: two site notices within King Street and 1 at the gated entrance to Wimborne Cricket Club. The application was also publicised via a press advert.

No third party response were received during the consultation period.

10.0 Duties

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

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

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

11.0 Relevant Policies

Development Plan

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

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

- KS1 - Presumption in favour of sustainable development
- KS2- Settlement hierarchy
- KS11- Transport and Development
- KS12- Parking Provision
- LN1- Size and Types of New Dwellings
- LN2- Design, Layout and Density of New Housing Development
- HE1- Valuing and Conserving our Historic Environment
- HE2 - Design of new development
- HE3 - Landscape Quality
- ME1- Safeguarding biodiversity and geodiversity
- ME2- Dorset Heathlands
- ME6- Flood Management, Mitigation and Defence

Material Considerations

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.

Emerging Neighbourhood Plans

Wimborne Minster Neighbourhood Plan- In preparation – limited weight applied to decision making.

National Planning Practice Framework (NPPF)

Paragraph 11: Presumption in favour of sustainable development

Paragraph 47: Determining applications in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 100: Planning decisions should take opportunities to provide better facilities for users.

Paragraph 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.

Paragraph 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.

Paragraph 167: When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere... It should be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Para 199: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Para 200: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Para 202: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Other material considerations:

- Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (SPD)
- SPG15 Wimborne Minster Conservation Area (Conservation Area Appraisal) 2006

'When considering applications for new development, the Council as Local Planning Authority takes particular care to ensure that it fits in satisfactorily with the established character and appearance of the Conservation Area.

Positioning, massing, design and choice of materials are of particular importance, as well as the visual impact of 'building over' an area of hitherto open land. The special character of these areas stem not only from the age, disposition and architectural interest of the buildings, but also from the treatment of the spaces in between.

The presence of gardens, paddocks, soft verges, hedges and old boundary walls contribute greatly to the individual sense of place. Applications for new development must demonstrate that the proposal will harmonise with the Conservation Area i.e. that it will preserve or enhance its character.

Applications for new development must demonstrate that the proposal will harmonise with the Conservation Area i.e. that it will preserve or enhance its character.

...when considering such applications the local planning authority will pay particular attention to the following elements of the design:

The positioning of the building and its relationship with adjoining buildings, existing trees or other features;

1. *the proposed building materials, particularly the walls and roof, and their suitability to the area and in relation to neighbouring buildings;*
2. *the proportions, mass and scale of the proposal and their relationship with the area in general and adjoining buildings in particular.*
3. *whether the proposed development might adversely affect existing trees, hedges or other natural features of the site.*

In some cases it may be necessary to reproduce an historic style of architecture in order to match existing buildings. Generally, however, the Council encourages new construction to be designed in a modern idiom provided the criteria listed above are applied. Poor copies or imitations of architectural styles detract from the genuine older buildings and are normally discouraged’.

- Historic England’s guidance – Setting of Heritage Assets – Dec 2017

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 proposal would result in a net of 1 dwelling being provided, which will be required to meet building regulations. There may be some limited impact on persons with protected characteristics living in the locality during the construction period.

14.0 Environmental Implications

None

15.0 Planning Assessment

Principle of Development

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.

- 15.1 The location within the urban area of Wimborne Minster is considered to be sustainable for new housing development, in accordance with policy KS2 of the CED Local plan.
- 15.2 The site is also within the Wimborne Minster Town Centre Boundary, so CED policy WMC1 is relevant. Policy WMC1 (Wimborne Minster Town Centre Vision) defines the focus of where town centre uses may be appropriate, subject to compliance with other Local plan policies and national planning guidance.
- 15.3 Dorset Council has less than five years housing supply in the former East Dorset Area, so there is a presumption in favour of sustainable development as set out in paragraph 11d of the NPPF. This means that planning permission should be granted unless:

i. The application of policies in this Framework 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 this Framework taken as a whole.

Paragraph 12 of the NPPF states that '*the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making*'.

- 15.4 It is accepted that the development would make a positive contribution to housing supply, albeit modest by adding 1 additional dwelling. Further consideration of the proposal is provided in the relevant sections that follow.

Scale, Design, Impact on Character, Appearance and Heritage Assets

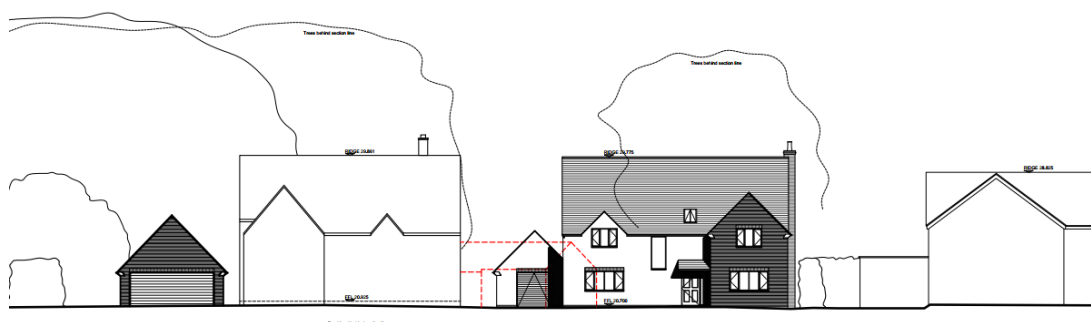
- 15.5 The application site is located within the Wimborne Minster Conservation Area (CA), which is characterised by spacious plots and generous spacing between neighbouring buildings.
- 15.6 The previous planning application ref: P/FUL/2022/05572 for a similar proposal was withdrawn on 23 November 2023. The current scheme proposes to sub-divide the plot to enable the erection of a new two storey rectory dwellinghouse, of a similar scale, form, footprint and design to that of the existing rectory on the site. Two new garages are proposed, a detached double garage with a ridge height of approx. 5.5m to serve the existing dwelling and single width attached garage with a ridge of approx. 4.7m to serve the new dwelling.
- 15.7 The Wimborne Conservation appraisal advises that: *'When considering applications for new development, the Council as Local Planning Authority takes particular care to ensure that it fits in satisfactorily with the established character and appearance of the Conservation Area.*

Positioning, massing, design and choice of materials are of particular importance, as well as the visual impact of 'building over' an area of hitherto open land. The special character of these areas stem not only from the age, disposition and architectural interest of the buildings, but also from the treatment of the spaces in between.

The presence of gardens, paddocks, soft verges, hedges and old boundary walls contribute greatly to the individual sense of place. Applications for new development must demonstrate that the proposal will harmonise with the Conservation Area i.e. that it will preserve or enhance its character'.

- 15.8 The proposed dwelling is taller than its neighbour to the north at 18 King street. Whilst the development will be partially screened by vegetation and trees at the front of the site, when viewed from the street scene this height differential with 18 King Street will be apparent.

NEW RECTORY - WIMBORNE MINSTER



- 15.9 The spaciousness of the plot and street frontage reflects the historic significance of this site. Infilling the plot with a built form extending across the full plot width

significantly alters the character and disposition of buildings on the site. The proposed dwelling and the introduction of two new garages measuring 4.7m and 5.5m in height will also diminish the spaciousness between properties to the south-western side of the street (King Street) and appear at odds with the established character of development in the immediate vicinity which is defined by these gaps and a hierarchy of form.

- 15.10 The heritage section of the submitted Design, Access, Heritage and Planning Statement sets out that the existing rectory building was erected c. 1920s, but an email from the Agent of 20 July 2023 confirms that the existing Rectory at 18 King Street was constructed in 1958.
- 15.11 A reference has been made in consultee comments 'There are economic and financial considerations that need to be taken into account which could potentially have a serious impact on the wealth and prosperity of the town of Wimborne Minster'. No information has been provided by the applicants for consideration in this respect.
- 15.12 Third party comments that the proposed new rectory has been designed to meet a minimum standard for the national Church of England clergy housing specification are acknowledged but these could be achieved through a different design.
- 15.13 Further comments regarding the provision of additional accommodation for a local worker carry limited weight as there is an existing rectory on the site to meet that purpose.

Design

- 15.14 The Conservation appraisal advises that '*Positioning, massing, design and choice of materials, as well as the visual impact of building are important factors in assessing the acceptability of new development*' within the Conservation Area.
- 15.15 The scale height, design and materials of the proposed dwelling, are a handed imitation of the existing 1950's dwellinghouse on the site. The proposed dwelling and garage extends across the full width of the plot and is higher than its neighbour at number 18. The street scene will be altered by its inclusion, with spaces between dwellings reduced and the character of the street altered. Rather than complementing the existing development, the proposal competes with it. Imitations of existing architectural styles and are generally discouraged by the Conservation Area Appraisal The submitted Heritage Statement acknowledges that there is variation of materials through the western part of King Street but the proposed scheme does not respond appropriately to this context as the design, including the materials, varies minimally from that of the existing dwelling on the site.
- 15.16 The two proposed garages on the site will further reduce the appearance and feeling of spaciousness between dwellings on the site and with neighbouring properties.

- 15.17 In weighing applications that directly or indirectly affect heritage assets, a balanced judgment is required, having regard to the scale of any harm and the significance of any heritage assets. In this case, the proposal to provide an additional dwellinghouse and 2 new garages, to contribute to the local housing supply is not judged to outweigh the harm to the character of the Wimborne Minster Conservation Area, arising from the design, footprint, scale, height and width of the proposed development.
- 15.18 The proposed new dwelling and associated development fails to establish a comfortable visual relationship with the existing dwelling, compounded by the similarity of the new dwelling to the existing rectory and the scale of the garaging. Furthermore, the proposed new dwelling would inhibit views through the plot to the trees to the rear of the site, and the proposed dwelling would be more visible from the street scene than the existing rectory. As such, the proposed dwelling would detract from the distinctive and established spacious character of the plot at 17 King Street.
- 15.19 For these reasons, the proposed development would result in harm to the character and setting of the Wimborne Minster Conservation Area (less than substantial harm) and would result in harm to the street scene of King Street for the reasons set out above. No viability or public benefits have been identified which outweigh the harm from the proposed development upon heritage assets, so the proposal is contrary to local planning policies HE1 and HE2, and NPPF paragraphs 130 and 120.

Impact upon Scheduled Monuments

- 15.20 The application site is near to scheduled monuments: 'The Leaze medieval site' (23.93m from the site) and 'Mound on The Leaze' (347.96m from the site).
- 15.21 The Council's Archaeologist has no objection to the proposed scheme, subject to condition that would ensure that the applicant undertakes archaeological observation and recording of the groundworks, with details of these arrangements to be submitted & approved in writing by the Local Planning Authority at least 1 month before commencement of development.
- 15.22 Therefore, subject to an archaeology condition, the proposal is not anticipated to result in harm to scheduled ancient monuments.

Impact on Neighbouring Amenity

- 15.23 Whilst the proposed development would result in 1 no. new dwelling and 2 no. new garages that would be in closer proximity to neighbouring dwellings than the existing development on the site, the proposed new dwelling would not have any upper windows within its side elevations. The upper windows within the rear elevation of the proposed dwelling may have some impact upon the amenity of neighbouring occupants in terms of privacy and overlooking, but only to the neighbouring garden

areas. Therefore, subject to conditions, the proposal is judged to have a limited impact upon neighbouring amenity that is not considered to be harmful to the occupants of neighbouring properties and accords with policy HE2 in this regard.

Impact upon Trees and Landscape

- 15.24 Wimborne Town Council have no objection to the proposals subject to tree analysis comments being observed and tree screening from the road is retained.
- 15.25 There are important trees at the front of the site which are subject to a Tree Protection Order TPO ref: EDDC/WIM/82 and the whole site is within the Wimborne Minster Conservation Area.
- 15.26 Following the initial consultation response from the Council's Tree Officer, an Arboricultural Survey, an Arboricultural Method Statement, an Arboricultural Impact Assessment and a Tree Protection Plan were received for consideration.
- 15.27 The Council's Tree Officer reviewed these additional tree documents and had no objection to the proposed scheme, subject to conditions including a pre-commencement meeting condition.
- 15.28 Therefore, subject to conditions, the proposal under consideration accords with local planning policy HE3 of the adopted Local Plan.

Access and Parking

- 15.29 The Council's Highways Officer has no objection to the proposals, subject to the imposition of a turning/manoeuvring and parking construction condition.
- 15.30 Therefore, subject to this condition, the proposal accords with local planning policies KS11 and KS12 of the adopted Local Plan.

Flooding Risk

- 15.31 The front north-eastern part of the site is partly overlapped by areas within Flood Zone 2 by a maximum of 2.4 metres, and the ground levels slope downwards towards the front of the site to the road. It is noted that the land levels are also lower to the rear/south of the site behind the proposed dwelling.
- 15.32 The majority of the application site lies within Flood Zone 1, but the whole application site also is at high risk of groundwater emergence, due to high groundwater levels.
- 15.33 The submitted Flood Risk Assessment (FRA) sets out that the proposed finishes floor levels are at least 1 metre above the area of flood risk, and that electrical points will be raised. However, the FRA does not mention the high groundwater levels on the site and how this is to be addressed.
- 15.34 Following a request by the Case Officer, a Conceptual Surface Water Drainage Scheme drawing ref: 2518-P06 was submitted for consideration on 3 July 2023,

along with a general specification (produced by RainActiv) for the proposed system to be used in the development. Subsequently, a revised Conceptual Surface Water Drainage Scheme drawing ref: 2518-P06 (revision A) was received on 17 July 2023.

- 15.35 Whilst it is noted that Wessex Water would appear to accept a discharge to the public surface water sewer at a maximum rate of 1 l/s in principle, no calculations have been submitted to Dorset Council for consideration (within this application) to demonstrate that the surface water discharge from the proposed development on the site will be no greater than existing run-off rate.
- 15.36 In addition to the above, no calculations have been provided that demonstrate how the required surface water attenuated storage volume requirement on site is appropriate for the proposed development.
- 15.37 The application site levels do not demonstrate a gravity fall to the proposed attenuation storage, as per the levels shown on the revised Conceptual Surface Water Drainage drawing. Furthermore, no drainage modelling to support the viability of this proposal has been submitted and the strategy does not take the proposed paved areas into account.
- 15.38 The application site should remain safe from flooding for the lifetime of the proposed development, and proposals should ensure that there is not a worsening of the surface water flood risk elsewhere. It is considered that the submitted strategy does not demonstrate this requirement.
- 15.39 As such, it is considered that insufficient evidence and clarification has been submitted to the Council, to ensure that the proposed Conceptual Surface Water Drainage strategy is both viable and deliverable at the site in order that a condition could reasonably be imposed. Furthermore, it has not been demonstrated that the site will remain safe for its lifetime without a worsened flood risk elsewhere.
- 15.40 Therefore, the proposed development would fail to accord with local planning policy ME6 and would fail to comply with policies 159 and 167 within section 14 of the NPPF.

Impact upon Biodiversity

- 15.41 As the application site is greater than 0.1ha it triggers the need for a Biodiversity Appraisal under the Dorset Council's Biodiversity Protocol. In this case no Biodiversity Plan has been submitted but a Bat Survey Report by Pete Etheridge of Greenwood Ecology & Countryside Management accompanies the application which has concluded that:

"The property was surveyed in accordance with current best practice guidelines and no evidence of bat presence or suitable roosting habitat was recorded. It is therefore considered that the proposed works can proceed in accordance with wildlife legislation & planning policy."

- 15.42 The Dorset Environmental Records Centre (DERC) identifies that there are bat records within 140 metres of the application site, and it is noted that to the rear of the site there is an abundance of open space.
- 15.43 On the basis that the site is in residential use the likely harm to protected species is sufficiently low that refusal on the grounds of biodiversity would not be warranted. However, an informative note has been added to inform the applicant that should a new application be submitted in the future then the scheme would benefit from a Dorset Council Natural Environment Team approved Biodiversity Plan and Certificate to confirm that the proposals accord with local policy ME1.

Public Benefits

- 15.44 Paragraph 202 of the NPPF states that '*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset [as in this case], this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*'.
- 15.45 Enabling development can be a useful tool to secure future funding to assist with the conservation of heritage assets. This is development that would not normally be granted permission due to conflict with local/national policies, except in circumstances when a proposed scheme secures the future conservation of a heritage asset. Historic England's '*Enabling Development and Heritage Assets*' guidance (June 2020) sets out that if a decision maker is to agree to an exception to planning policies, the submitted evidence will need to be clear and convincing. This guidance sets out a seven step approach that meets the requirement of NPPF paragraph 202, which should be proportionate and appropriate to the specific circumstances.
- 15.46 From the information submitted, there is insufficient information to connect the proposal to benefits to conservation of The Minster or to demonstrate the proposed development's impact upon the town and tourism in the area.
- 15.47 The Council would not be able to prevent the sale of the current Rectory in the event that permission is granted so there is no guarantee of additional social benefit arising from the proposed development.
- 15.48 As the information submitted does not clearly set out details of the financial benefits of the proposed development, it is not possible to fully assess the financial benefits of the scheme within this application. The proposal has not demonstrated that public benefits will outweigh the harm arising to heritage assets.

Dorset Heathlands

- 15.49 The application site is located approximately 3906.28m from protected Dorset Heathlands and is within the 5km Heathland Buffer zone.

- 15.50 Natural England has no objection to the proposed development, subject to securing appropriate mitigation.
- 15.51 The proposal for a net increase of 1 residential unit, in combination with other proposals in the area and in the absence of avoidance and mitigation measures, is likely to have a significant effect on protected sites. It has therefore been necessary for the Council, as the appropriate authority, to undertake an Appropriate Assessment of the implications for the protected site.
- 15.52 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 (CIL).
- 15.52 With the mitigation secured via CIL, 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 the application accords with local policy ME2.

Conclusions

- 16.0 The proposal would have unacceptable impacts upon the character of the Conservation Area, resulting in overdevelopment contrary to the spacious pattern of development within this area to the south-west of King Street, and the proposal would therefore not be compatible with its surroundings. The overall development would fail to establish a comfortable and acceptable visual relationship within the plot and its surroundings. As such, the proposal would be contrary to paragraph 130 of the NPPF and would result in less than substantial harm to the heritage asset of Wimborne Minster Conservation Area contrary to the aims of section 16 of the NPPF.
- 16.1 Insufficient information has been provided to demonstrate that the development would not result in an increase of flooding to the proposed development's surroundings from the site's high groundwater levels and potential future flooding.
- 16.2 In the light of the lack of 5 year housing land supply in the former East Dorset Local Plan area, the housing policies are out-of-date and the tilted balance at NPPF paragraph 11 d) applies. This means that permission should be granted unless policies within the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed or any adverse impacts would demonstrably outweigh the benefits. Footnote 7 relating to NPPF paragraph 11 d) sets out areas or assets of particular importance such as designated heritage assets, which would include conservation areas. However, in this instance the proposed development would result in harm to a designated

heritage asset (Wimborne Minster Conservation Area) which is not outweighed by any public benefits.

- 16.3 Therefore, the proposal is recommended for refusal, as the scheme is contrary to local planning policies HE1, HE2, and ME6 and also policies within paragraphs 130, 159, 167 and 200 of the National Planning Policy Framework.

17.0 Recommendations

Refuse permission for the reasons set out below:

1. The design, massing, height and siting of the proposed new buildings would result in overdevelopment of the spacious site within its immediate location, would detract from the character of the area, would not be compatible with its surroundings, and would harm the historic and architectural significance of the setting of the Wimborne Minster Conservation Area which is a heritage asset. No clear and convincing justification has been provided to justify this harm. Accordingly, the proposals would fail to enhance and conserve heritage assets and their significance, and settings would not be protected or enhanced. Furthermore, the proposal would not add to the overall quality of the area within King Street and would not be sympathetic to local character and history. No public benefits have been identified that outweigh the harm that would result from the development upon the Wimborne Minster Conservation Area and the proposals would therefore be contrary to policies HE1 and HE2 of the Christchurch & East Dorset Core Strategy 2014 and contrary to paragraphs 130 and 200 of the National Planning Policy Framework 2021. Furthermore, the proposal is contrary to Historic England guidance, in particular 'Enabling Development and Heritage Assets.'
2. The Council's records indicate that the application site lies within an area with high ground water levels where development may be at risk of flooding and the proposed development may result in surface water flooding to its surroundings. Insufficient evidence and clarification have been submitted to ensure that the proposed conceptual surface water scheme is both viable and deliverable on the site, to ensure that the proposed development on the site will remain safe for its lifetime without a worsened floor risk elsewhere. The benefits of the proposed development do not outweigh the harm from increased risk of flooding, and the application is contrary to Local Plan policy ME6 and policies within paragraphs 159 and 167 of the National Planning Policy Framework (2021).

Informative Notes:

1. 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/agent did not take the opportunity to enter into pre-application discussions.
- The applicant was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these concerns.
- The applicant was offered the opportunity to submit further information to overcome concerns identified by the case officer with regards to flooding.

2. The plans that were considered by the Council in making this decision are:

- 2518-S01 Location Plan
- 2518-P01C Proposed Site Plan
- 2518-P02C Proposed Floor Plan
- 2518-P03C Proposed Elevations (New Dwelling)
- 2518-P03 Proposed Elevations (New Garage)
- 2018-P05A Proposed Site Section

3. The applicant is advised that the site is in an area at high risk of groundwater flooding.

4. 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.

5. As the application site area is greater than 1 hectare, the applicant is advised to submit a Biodiversity Plan that has been approved by Dorset Council's Natural Environment Team (DC NET) with a Certificate of Approval from DC NET with any future application or appeal. An approved Biodiversity Plan will ensure that the proposals accord with the Dorset Biodiversity Appraisal Protocol in line with Natural England's Standing Advice and that the proposal accords with local planning policy ME1 and policies within section 15 of the NPPF.

6. The applicant is advised that bats are protected in the UK by Schedule 5 of the Wildlife and Countryside Act 1981 and Part 3 of Conservation of Habitats and Species Regulations 2017 (as amended). Work should proceed with caution and if any bats are found, all work should cease, the area in which the bats have been found should be made secure and advice sought from Natural England (tel: 0300 060 3900), website www.naturalengland.org.uk before proceeding.

Further information about the law and bats may be found on the following website
<https://www.gov.uk/guidance/bats-protection-surveys-and-licences>

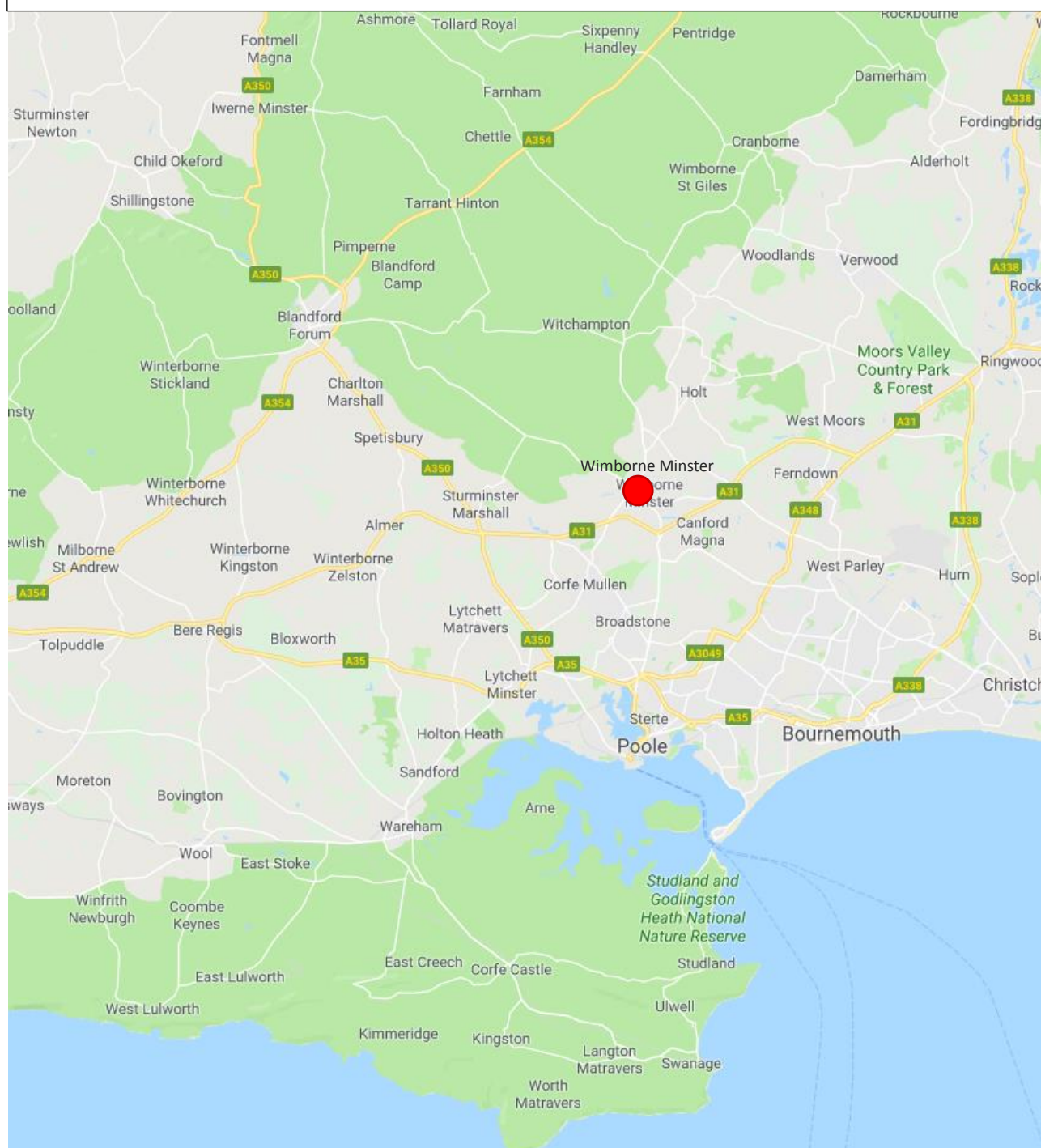
7. If planning permission is subsequently granted for this development at appeal, it is advised that a condition is imposed to cover the possibility that unexpected contaminated land could be found during development.

● Approximate Site Location

Application reference: P/FUL/2023/00735

Site address: 17 King Street, Wimborne Minster, Dorset BH21 1DZ

Proposal: Demolition of existing single storey attached garage, erection of detached double garage, subdivision of plot, and erection of new two storey four bedroom dwelling.



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Agenda Item 7

Eastern Area Planning Committee
2 August 2023

Application Number:	P/VOC/2023/02149		
Webpage:	Planning application: P/VOC/2023/02149 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Ailwood Cottage Ailwood To Tabbits Hill Corfe Castle BH20 5JA		
Proposal:	Relief of condition 2 of PA6/78/784 (Erect extension to convert store to residential unit) to allow existing residential unit tied to the Ailwood Farm to be used as an independent dwelling (without compliance with condition 2 of PA6/78/784).		
Applicant name:	Mr and Dr Hombersley		
Case Officer:	Fiona McDonnell		
Ward Member(s):	Cllr Brooks		
Publicity expiry date:	17 May 2023	Officer site visit date:	Desk study
Decision due date:	19 June 2023	Ext(s) of time:	Requested

This planning application has been referred to committee by Head of Planning, as nominated officer, under the Council's Scheme of Delegation.

2.0 Summary of recommendation:

GRANT subject to conditions

3.0 Reason for the recommendation:

- In the absence of a 5 year housing land supply, National Planning Policy Framework guidance advises if policies important for determining an application are out of date, the presumption is in favour of sustainable development in line with paragraph 11d of the NPPF, so long as it is considered that assets of particular importance are not negatively impacted
- The public benefit of modest contribution to housing supply outweighs less than substantial harm caused by breaking up the historic curtilage of designated heritage asset Ailwood Farm.
- The location is considered to be sustainable, and the proposal is acceptable in terms of visual impact on the AONB and landscape Character area.
- There is not considered to be any significant harm to neighbouring and residential amenity.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable in accordance with NPPF paragraph 11d in the absence of a 5 year housing land supply; and policy SD of the Purbeck Local Plan Part 1.
Impact on character of the area and heritage assets	Acceptable
Impact on residential and neighbouring amenity	Acceptable
Impact on biodiversity and flood risk	Acceptable

5.0 Description of Site

Ailwood Farm is located approximately 3km to the east of Corfe Castle on the northern side of Sandy Hill Lane. The farm is set within the Dorset Area of Outstanding Natural Beauty (AONB).

The farm group comprises the main farmhouse, known as Ailwood Farm (a Grade II Listed Building), which is set within an extensive curtilage. To the east of the farmyard sits a range of stable/barn buildings, and Ailwood Cottage, which is the subject of this application.

Ailwood Cottage sits on the northern side of Sandy Hill Lane and comprises a one bedroom, living room, kitchen, bedroom and bathroom. To the north east of the cottage is an area of outdoor amenity space measuring just 20sqm. Parking for vehicles is provided informally alongside the road and a further 2 parking spaces are available also within the farmyard.

Ailwood Cottage is currently used for holiday accommodation purposes and the agent asserts that this use has occurred continuously for more than ten years. However, without a certificate of lawfulness application to confirm that the use is immune from enforcement action this cannot be recognised as an established fall-back position.

The cottage sits in a rural position, with other farm complexes scattered here and there. The nearest farm complex situated 100m to the east. The cottage is located in close proximity to the village of Harmans Cross (1.5km) which has two shops, a post office, and village hall. The village has a regular bus service to Swanage, Wareham, Poole and Dorchester, and a rail link to Swanage.

6.0 Description of Development

Planning permission is sought to allow the existing residential unit tied to the Grade II listed Ailwood Farm by a condition to be used as an independent one bedroom dwelling.

Condition 2 of permission 6/1978/0784 reads:

'The proposed residential unit shall be occupied in association with the main house Ailwood Farm, and not as a separate independent unit'

7.0 Relevant Planning History

In 1978 under application reference - 6/1978/0784, permission was given to erect an extension to convert an outbuilding used for storage to a residential use at the cottage but condition 2 expressed that use must be associated with the main farmhouse. The reason at that time was that *'the proposal is within an area where it is the normal policy of the LPA to resist new development in the interests of visual amenity and road safety unless it is to meet a local need. Further, the curtilage of the building does not provide for parking or open amenity space as required for its occupation as an independent dwelling unit'*.

In 2007, application 6/2007/0467 sought relief of condition No.2 of PP 6/78/0784 to use the unit as an 'independent unit of accommodation'. The application was refused on the basis that: *'The proposal constitutes development in the open countryside and the applicant has provided no exceptional justification for the removal of this condition. Therefore, the development is contrary to the Bournemouth, Dorset and Poole Structure Plan, settlement policy 1 (Development in the countryside), Purbeck District Local Plan Final Edition QL4 (Development in the countryside) and advice contained in PPS7 (Sustainable Development in Rural Areas).'*

8.0 List of Constraints

- Heathland Consultation Area – 5km Heathlands Buffer
- Grade: II Listed Building: AILWOOD FARM HOUSE, INCLUDING ATTACHED OUTBUILDING ON LEFT (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
- Area of Outstanding Natural Beauty: Dorset AONB (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

9.0 Consultations

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

Consultees

1. Natural England

No comments received

2. Dorset Council – Highways

No objection raised

3. Dorset Council – Conservation Officer

To remove the condition would contribute to the break-up of an historic curtilage. However, this is at the lower end of the scale in terms of harm to heritage assets versus public benefits.

4. Corfe Castle Parish Council

No objection but request a certificate of lawful use be applied for as the 1978 application gave permission for a store to be converted to the cottage to be used as residential accommodation. However, condition 2 stipulated that it was only to be used in conjunction with the main house. This current application seeks to remove the condition and allow the cottage to be used independently of the Farmhouse. The point is made that the cottage has had a number of users over the years since 1978 and for the past 10 years it has been used as holiday accommodation. The proposal therefore does not seek to create a new residential unit in a rural location, as it is already in existence by virtue of the 1978 permission. The Cottage now sits separate from the farmhouse, with its own amenity area and parking and is effectively an independent dwelling. It seems that the precedent has been made and the cottage is in fact independent so there is no sound reason to object to this application.

5. South East Purbeck Ward Councillor- Cllr Brooks

If the building has indeed been used as a residence and more recently as holiday lets with the restrictive covenant in place, what is the need to remove it now, unless it is to bring it to full market value. The covenant was put on to ensure that a separate new dwelling was not permitted in a sensitive area and I cannot see that these circumstances have changed.

Representations received

The application was advertised by site notice. No third party representations have been 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.

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.

11.0 Relevant Policies

Development Plan

Adopted Purbeck Local Plan Part 1 2012

Policy SD – Presumption in favour of sustainable development

Policy LD – General location of development

Policy CO – Countryside

Policy D – Design

Policy LHH – Landscape, Historic Environment and Heritage

Material considerations

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 (<https://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:

Policy H1: Local Housing Requirement
Policy E12: Design
Policy E2: Historic Environment

Other material considerations

National Planning Policy Framework

Section 2: Achieving sustainable development

Section 4: Decision-making

Section 5: Delivering a sufficient supply of homes

Section 12: Achieving well-designed places

Section 14: Meeting climate change, flooding, and coastal change

Section 16: Conserving and Enhancing the Historic Environment

Supplementary Planning Guidance/Documents

Dorset AONB Management Plan 2019-2024

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (SPD)

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 proposal will enable the pre-existing dwelling to be used as an independent unit. This is not judged to have any disadvantage to persons with protected characteristics.

14.0 Financial benefits

What	Amount / value
Material Considerations	
None	
Non-Material Considerations	
Cil contribution	
Council Tax	Band B £1826.19 (currently paying £998 business rates for use as holiday accommodation)

15.0 Planning Assessment

The proposal seeks to remove a planning condition that would allow it to be used as an independent dwelling unit. The main planning issues for this application are:

- The Principle of Development
- Impact on Heritage Assets
- Impact on the Dorset AONB
- Impact on residential and neighbours’ amenity

These and other issues are explored below.

The Principle of Development

- 15.1 The proposal is for a rural dwelling in an isolated location. Under Local Plan Policy LD- General Location of Development, this site is located in the countryside near Corfe Castle where development is only permitted in exceptional circumstances as set out in Policy CO - Countryside.
- 15.2 Policy CO states the reuse of rural buildings as housing may be permitted provided it would lead to an enhancement of the immediate setting. This is aligned with NPPF para 80 which requires that planning decisions should avoid the development of isolated homes in the countryside unless they meet one of the exceptions which include ‘c) *the development would re-use redundant or disused buildings and enhance its immediate setting*’.

15.3 The original permission sought to reuse an extended store but since this time the building has been converted to an annexe and is not redundant or disused. Enhancement to the setting as required by policy CO is difficult to judge retrospectively; since there is a fall-back that the building can continue to be used for ancillary residential purposes. No physical changes are proposed so no benefits are anticipated to which weight can be given.

15.4 In this case, therefore, the development would not be considered to enhance the immediate setting which would remain unchanged, so the proposal to create an unfettered dwelling would conflict with policies LD and CO and NPPF para 80 because it is not in a sustainable location.

Impact on Heritage Assets

15.5 Ailwood Cottage is within the curtilage of Grade II listed building Ailwood Farm. The Council has a statutory duty under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) 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.

15.6 Local Plan Policy LHH requires that proposals will (inter alia) conserve heritage assets and that decisions will balance the impacts, relative to the significance of the asset affected, against other sustainability criteria. NPPF para 189 also requires that heritage assets are conserved in a manner appropriate to their significance.

15.7 The listing for Ailwood Farm House identifies it as a 17th century building with rubble stone walls, asbestos slate roof and stone mullioned windows. Changes had taken place by 1985 when the listing was made- an original cart entrance had been infilled for a new entrance with twentieth century fenestration.

15.8 The outbuilding which is the subject of this application sits to the east of the dwelling and is not mentioned in the listing but is judged to lie within the curtilage of Ailwood Farm. The Council's Conservation Officer has considered the changes that have taken place to the building which was formerly a barn and has had a lawful use as a residential annexe since approximately 1978. Changes including the installation of a concrete tiled roof and suburban style windows have resulted in the loss of historic fabric, reducing the heritage value of the building and the value of its contribution to the setting of Ailwood Farm as a Grade II listed building.

15.9 The main impact arising from independent residential use would be the apparent subdivision of the historic curtilage of the listed farmhouse, affecting the historic functional link between the buildings. The cottage already benefits from parking provision and a modest amenity space so its independent use is not anticipated to result in any further operational development that would harm the setting of the listed building. A condition can remove permitted development rights to prevent further changes. In the light of the evolution of the site the Council's Conservation Officer has advised that subdivision would result in harm (less than substantial harm) to the heritage asset.

15.10 NPPF para 202 states '*Where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should*

be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. The public benefit of the scheme is the provision of one additional dwelling to housing supply. Usually this might not be sufficient to warrant any harm to a listed building but in the light of the 1.23 year supply it is judged that the public benefit of an additional dwelling would outweigh the less and substantial harm arising from the apparent subdivision of the building's historic curtilage.

Impact on Dorset Area of Outstanding Natural Beauty

- 15.11 Ailwood Cottage is located within a rural part of the Dorset Area of Outstanding Natural Beauty (AONB) within the Corfe Valley Character Area. Local Plan policy LHH requires that the landscape is conserved and the NPPF paragraph 176 establishes that great weight is to be given to conserving and enhancing landscape and scenic beauty.
- 15.12 The Corfe Valley Character Area planning guidelines seek to conserve the pattern of development and promote the use of previously developed land. Farmsteads of limestone are a key characteristic, but it is important to reduce noise and light impacts associated with dwellings. The proposal seeks permission to use existing accommodation as an independent residential dwelling. As previously explained no operational development is necessary for this to take place; the building already benefits from parking spaces and a modest garden area to the north and east.
- 15.13 Compared to an annexe, the proposal could be associated with an increase in traffic movements but as a 1 bedroom dwelling no significant change to the character of the rural roads is anticipated.
- 15.14 The proposed change from annexe to independent dwelling is not anticipated to result in any harm to the Dorset AONB.

Impact on residential and neighbouring amenity

- 15.15 The 1 x bedroom unit has a footprint of 55sqm which complies with the minimum gross internal floor area set out in National Space Standards of 50sqm. A small but private outdoor amenity area is available 4.5 x 4.5m. 2 x parking spaces are available to the rear of the cottage which can be secured by condition. Residential amenity provision is acceptable.
- 15.16 There will be no change to impacts on neighbouring amenity as a result of a permanent residential use at the cottage with the building line of Ailwood farmhouse set behind that of the cottage maintaining privacy for both and no significant windows on either the farmhouse or cottage causing demonstrable harm from overlooking. The proposal therefore complies with Local Plan policy D.

Impact on biodiversity

- 15.17 The change of use to independent residential unit would not entail any operational development so will cause no harm in terms of impact on biodiversity.

- 15.18 The site lies beyond 400m but within 5km of internationally protected Dorset Heathland. As the proposal will result in a net increase in residential units a likely significant effect on the heathland has been identified but an appropriate assessment has concluded that the impacts can be effectively mitigated via the proposals set out in the Dorset Heathlands Planning Framework 2020-2025.

Impact on flood risk

- 15.19 The Cottage is located in an area of low risk of flooding from both surface water and ground water, so the flood risk potential is low.

The Planning Balance

- 15.20 A previous application to remove condition 2 was refused in 2017 because of the unsustainable rural location. Whilst this issue remains pertinent, the Council's lack of 5 year housing land supply for the Purbeck Area means that the tilted balance must be applied.
- 15.21 Following Dorset Council's Five-year housing land supply document publication in April 2023 it is acknowledged that for the period 2022 to 2027, the Purbeck Local Plan area does not have a sufficient supply to meet the five-year supply requirement as required by national policy. The Purbeck area can demonstrate a supply of deliverable sites equivalent to 1.23 years.
- 15.22 National Planning Policy Framework paragraph 11 advises that where policies important for determining an application are out of date, the presumption is in favour of sustainable development in line with paragraph 11d of the NPPF, as long as assets of particular importance are not negatively impacted and the benefits are not demonstrably outweighed by any adverse impacts.
- 15.23 In this case the following harm has been identified:
- Siting of a dwelling in an unsustainable location
 - Less than substantial harm to a listed building arising from loss of historic functional link with its former outbuilding.
- 15.24 Due to the very low housing land supply in the Purbeck area, it is judged that the degree of harm arising is insufficient to demonstrably outweigh the social and economic benefits associated with the use of an existing annex as an independent 1 bedroom dwelling.

16.0 Conclusion

For the above reasons it is judged that the proposal is sustainable development in accordance with NPPF para 11 so permission can be granted for the accommodation without imposition of condition 2 but with new conditions to confirm the plans, secure parking and remove permitted development rights for extensions and outbuildings in the interests of the AONB and the setting of the listed building.

17.0 Recommendation

Grant subject to the following conditions:

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

S2302 01B Location Plan

S2302 02 Site Plan

S2302 03 Existing Floor Plans and Elevations

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

2. At least one of the existing parking spaces on the site to the north of Ailwood Cottage shown on plan S2302 02 must be kept available for parking associated with Ailwood Cottage at all times.

Reason: In the interests of highway safety and to reduce the need for additional hardstanding in the interests of amenity.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 there shall be no extensions to the property or additional windows or doors under Part 1, Classes A or C of Schedule 2 or any outbuildings under Part 1, Class E of Schedule 2.

Reason: To protect the visual amenities of the Dorset AONB and the setting of the listed building.

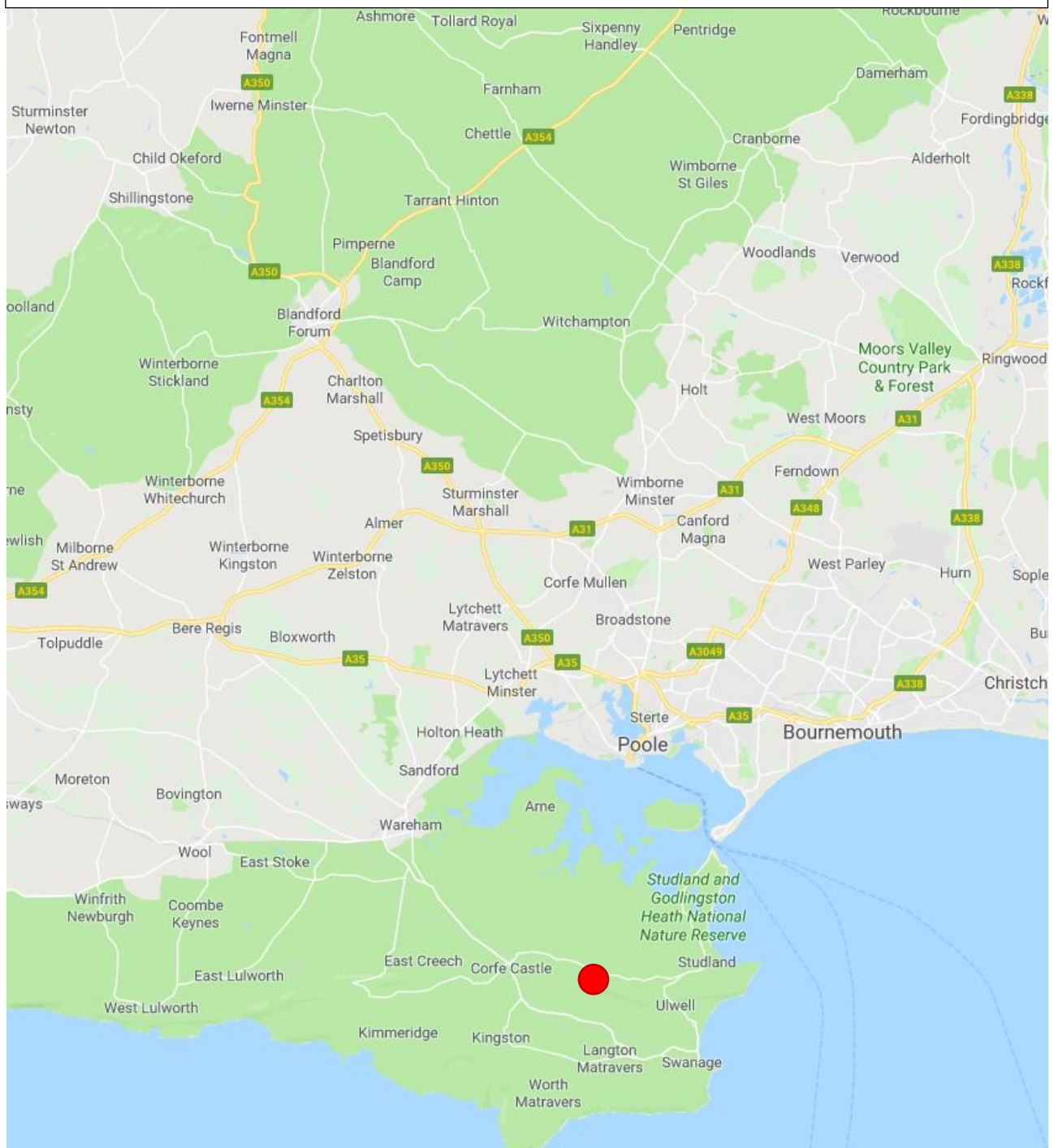
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● Approximate Site Location

Application reference: P/VOC/2023/02149

Site address: Ailwood Cottage, Ailwood To Rabbits Hill, Corfe Castle, BH20 5JA

Proposal: Relief of condition 2 of PA6/78/784 (Erect extension to convert store to residential unit) to allow existing residential unit tied to the Ailwood Farm to be used as an independent dwelling (without compliance with condition 2 of PA6/78/784).



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Agenda Item 8

Eastern Area Planning Committee
2 August 2023

Application Number:	P/FUL/2023/01702		
Webpage:	Planning application: P/FUL/2023/01702 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Land to the East of 27 Sherford Drive, Wareham, BH20 4EN		
Proposal:	Installation of a Telecommunications Cabin in a 5m-by-5m compound, which will also house a power unit, air conditioning unit and a Footway 10 chamber		
Applicant name:	Jurassic Fibre		
Case Officer:	Cari Wooldridge		
Ward Member(s):	Cllr Ezzard, Cllr Holloway		
Publicity expiry date:	04 August 2023	Officer site visit date:	28 April 2023
Decision due date:	28 July 2023	Ext(s) of time:	28 July 2023

1.0 This planning application is required to be considered by the Planning Committee as Dorset Council is the freeholder of the land within the red line site boundary.

2.0 Summary of recommendation:

The committee be minded GRANT planning permission subject to the conditions set out in section 18 of this report.

3.0 **Reason for the recommendation:** as set out in paras 16 – 17 of this report and summarised as follows:

- Section 38(6) of the Planning and Compensation Act 2004 provides that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.
- Paragraph 11 of the National Planning Policy Framework (NPPF) sets out that decisions should apply a presumption in favour of sustainable development where it accords with an up to date development plan.
- The provision of high-speed broadband infrastructure is supported by paragraph 114 of the NPPF.
- The appearance of the development, although functional in character, would not result in harm to the general character and appearance of the area.
- Although located in an area of groundwater flood risk, the nature of the development is 'less vulnerable' and would not result in increased risk to life or safety.
- The proposal would deliver wider sustainability benefits.

- 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	Acceptable in principle within the settlement boundary. Proposal would support the provision of high-speed internet access in accordance with policies SD and LD of the Purbeck Local Plan 2012 and paragraph 114 of the NPPF. Whilst contrary to Policy GS1 of the Wareham Neighbourhood Plan, the benefits of the proposed high quality and reliable communications infrastructure necessary for full fibre broadband connections is considered to outweigh the level of harm that would be caused and is therefore acceptable in accordance with Paragraph 114 of the NPPF.
Scale, design, impact on character and appearance of area	The kiosk would have a functional appearance with a green powder coated external finish and enclosed in a compound by timber fencing with planting around the perimeter to soften and screen the impact. Acceptable in accordance with Policy D of the Purbeck Local Plan 2012.
Impact on neighbouring amenity	No harmful impact on neighbouring amenity.
Flood Risk	The site is in Flood Zone 1 (low risk) but an area of groundwater flood risk. Due to the less vulnerable nature of the development, it would not give rise to increased risk and would deliver wider sustainability benefits.

5.0 Description of Site

- 5.1 The application site is located on an area of grassland that provides an open buffer between residential development on Northmoor Park to the west and the A351 to the east. Whilst open in character to the north, west and south, vegetation screens the site to the east along the boundary with the A351.

6.0 Description of Development

- 6.1 The proposal is for the siting of a metal kiosk which will house equipment for data exchange necessary for high-speed fibre broadband provision. The kiosk will be constructed of steel and finished externally in powder coated moss green. It will be sat on a concrete slab and will measure 3.2m wide x 2.2m deep with a flat roof

height of 2.35m. The total height of the kiosk and concrete slab will be approx. 2.5m above ground level.

- 6.2 The kiosk will be sited with a telecom underground chamber and air conditioning condenser unit within a compound of 5m x 5m. A 1.8m feather edged timber fence will secure the compound with planting around the exterior to provide screening and soften the functional appearance of the structures. The submitted planning statement advises that on completion, access to the site will be on an ad hoc basis for maintenance.

7.0 Relevant Planning History

None.

8.0 List of Constraints

Statutory Settlement Boundary: Wareham

Wareham Neighbourhood Plan - Status 'Made' 08/11/2021

Right of Way: Footpath SE2/6 - Distance: 10.38

Poole Harbour Nutrient Catchment Area

Poole Harbour Recreation Zone

Site of Special Scientific Interest (SSSI) impact risk zone

Dorset Heathlands - 5km Heathland Buffer

Poole Harbour Catchment Area

Risk of Groundwater Emergence; Groundwater levels are between 0.025m and 0.5m below the ground surface.; Within this zone there is a risk of groundwater flooding to both surface and subsurface assets. There is the possibility of groundwater emerging at the surface locally.

Dorset Council Land (Freehold): Land for Wareham Bypass (06292 06329 06342 06343 06361-06374 08688) - Reference 09665

9.0 Consultations

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

Consultees

DC - Highways (received 12/04/23)

If the applicant intends to park on the proposed site, then a suitable scaled drawing must be submitted showing precise details of the means of vehicular access to the site to conform with accepted design criteria and be constructed to the specification of the Highway Authority together with geometric turning and parking arrangements and appropriate visibility splays as per Manual for Streets.

The red line should be extended to include the proposed site access to the boundary of the adopted maintainable public highway.

Wareham Town Council (received 14/04/23)

No objection.

Representations received

The application was advertised by means of a site notice. A single third-party representation has been received in support of the proposal but noting that planting around the fence would help it to merge into the surroundings.

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 2012

Policy SD: Presumption in favour of sustainable development

Policy LD: General location of development

Policy CF: Community facilities and services

Policy FR: Flood Risk

Policy D: Design

Wareham Neighbourhood Plan

Policy GS1: Protection of Local Green Spaces

Material considerations

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 (<https://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:

Policy E4: Assessing flood risk
Policy E12: Design
Policy I7: Community facilities and services.

National Planning Policy Framework

Section 2: Achieving sustainable development

Section 4: Decision-making

Section 10: Supporting high quality communications

Section 12: Achieving well-designed places

Section 14: Meeting climate change, flooding, and coastal change

Other material considerations

Purbeck Design Guide SPD

Wareham Townscape Character Appraisal

Purbeck Strategic Flood Risk Assessment 2018

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.

It is considered that the proposed development would not disadvantage persons with protected characteristics. The proposed development has the potential to enhance outcomes for all, including persons of protected characteristics, by way of improved high speed internet access.

14.0 Financial benefits

The proposal would not deliver any direct financial benefits to the local economy. However, indirectly the proposal would provide enhanced internet access to local business and services with potential local economic and community benefits.

15.0 Environmental Implications

The proposal may lead to increased CO2 emissions through the equipment operation. However, provision of high-speed internet access may reduce the requirement for unnecessary journeys by way of private transport.

16.0 Planning Assessment

Principle of development

- 16.1 The application site is located within Wareham settlement boundary where the siting of new development is supported in accordance with policies SD and LD of the Purbeck Local Plan 2012. The provision of telecommunications infrastructure to support communications is not subject of a policy in the Local Plan or Neighbourhood Plan. However, policy 114 of the NPPF advises that:

Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.

The general principle of the proposed development is therefore considered to be acceptable.

- 16.2 However, the made Wareham Neighbourhood Plan (NP) includes policy GS1 – Protection of Local Green Spaces. This states that development will only be considered in line with national planning policy on Green Belts on identified local green spaces. The land on which the kiosk and compound are proposed to be located are identified on the policies map as ‘Area C – Various green spaces on Northmoor Park and Northport’.



- 16.3 In order to understand NP policy GS1 it is necessary to consider the National Planning Policy Framework which provides national policy on development affecting the Green Belt. Paragraph 147 notes that *‘inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.’* Paragraph 148 advises that *‘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.’* Whilst paragraph 149 advises that *‘A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.’*
- 16.4 The proposed development does not fall within any of the exceptions listed in paragraphs 149 and 150 of the NPPF. As such, the construction of the proposed kiosk and associated compound must therefore – in line with Neighbourhood Plan Policy GS1 and the above NPPF paragraphs – be considered inappropriate development.
- 16.5 It must therefore be considered whether the potential harm to the Green Space by reason of the proposed inappropriate development together with any other harm (see below), is clearly outweighed by other considerations.
- 16.6 In the absence of Local and Neighbourhood Plan policies in respect of communications infrastructure, officers must refer to the NPPF. As advised above, paragraph 114 advises that planning decisions should support the expansion of electronic communications networks, including full fibre broadband connections. It is noted that the proposal will enable the operator to introduce ultrafast fibre broadband with Fibre to the Premises (FTTP) connections to the community of Wareham, offering higher download speeds and faster connections by delivering fibre straight to the home/business. Given the extent of green space within Northmoor that is subject of Policy GS1 of the Neighbourhood Plan, it is considered that it would be difficult to find an alternative site located outside the policy areas which would be suitable to provide the kiosk and compound. Officers therefore consider that the potential harm to the Green Space, by reason of the inappropriate development together with any other harm (see below), is clearly outweighed by the benefits of the provision of

advanced, high quality and reliable communications infrastructure necessary for full fibre broadband connections in Wareham.

- 16.7 In summary, whilst contrary to Policy GS1 of the Wareham Neighbourhood Plan, the benefit of the proposed communications infrastructure development is considered to outweigh the level of harm caused to the green space together with any other harm (see below) and is therefore considered acceptable. A condition can be imposed to require removal of the compound and structure if its use ceases.

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

- 16.8 The proposed kiosk is functional in appearance being a metal structure sited on a concrete base with a timber boarded compound fence for security and screening. The kiosk would be finished in powder coated green with a similar external finish to other telecommunication kiosks and cabins across the Council area. The green finish will enable the cabin to recede into the greenery of the surrounding area which consist of grassland between the residential development of Northmoor and the road. The kiosk and supporting infrastructure will be enclosed by 1.8m high timber fencing which will be finished in a dark colour with planting around the exterior to screen.
- 16.9 The area of green space on which the compound and cabin will be located is maintained but does not provide any particular use forming a buffer between the residential development of Northmoor and the A351. There is no other infrastructure sited on the green space in this location.
- 16.10 Wareham Town Council has raised no objection to the proposal. A single representation of support has been received from a neighbour but requesting that some screen planting is provided. This has been agreed by the planning agent to be in the form of planting such as Red Robin shrubs. A condition can be included on the consent requiring the full approval of a planting plan.
- 16.11 In summary, the proposed development is not considered to result in demonstrable harm to the character and appearance of the area and is considered to accord with Policy D of the Purbeck Local Plan.

Impact on neighbouring amenity

- 16.12 The kiosk and compound are single storey in nature and are located a sufficient distance from nearby residential dwellings to have minimal impact, being limited to visual only. There is no demonstrable harm to neighbouring amenity.

Flood risk

- 16.13 The site is in Flood Zone 1 (low risk) but an area of groundwater flood risk. Due to the less vulnerable nature of the development, and the siting on grassland away from neighbouring residential properties, the proposed development would not give rise to increased flood risk to the site or neighbouring areas. The proposal is considered to accord with Policy FR of the PLP 2012.

17.0 Conclusion

17.1 Whilst contrary to Policy GS1 of the Wareham Neighbourhood Plan, the benefits of the proposed high quality and reliable communications infrastructure necessary for full fibre broadband connections is considered to outweigh the level of harm that would be caused to the Northmoor Green Space and the very limited identified harm to the character and appearance of the area. The proposal is therefore acceptable in accordance with Paragraph 114 of the NPPF.

18.0 Recommendation

Delegated authority be given to officers to issue the decision following the expiry date of local publicity advising that the proposed development does not accord with the provisions of Policy GS1 of the made Wareham Neighbourhood Plan (Development Plan), and subject to no representations being received that raise new material planning considerations and are contrary to the recommendation of approval.

Approve subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
A Block Plan
A Location Plan
JFL.115.103 P2 Compound Elevations

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

2. 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).

3. Prior to development above ground level, precise details of the colour and finish of the kiosk and compound fencing shall be submitted to, and approved in writing by, the Local Planning Authority, Thereafter, the development shall proceed in accordance with such details as have been agreed and shall be retained and maintained as such.

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

4. Prior to completion of the development hereby approved, a soft landscaping / planting scheme for the perimeter of the compound 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. The telecommunication cabin and compound shall be removed from the site and the land reinstated to grassland upon cessation of the use of the structures for telecommunication purposes.

Reason: To protect the long-term openness of the green space.

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:

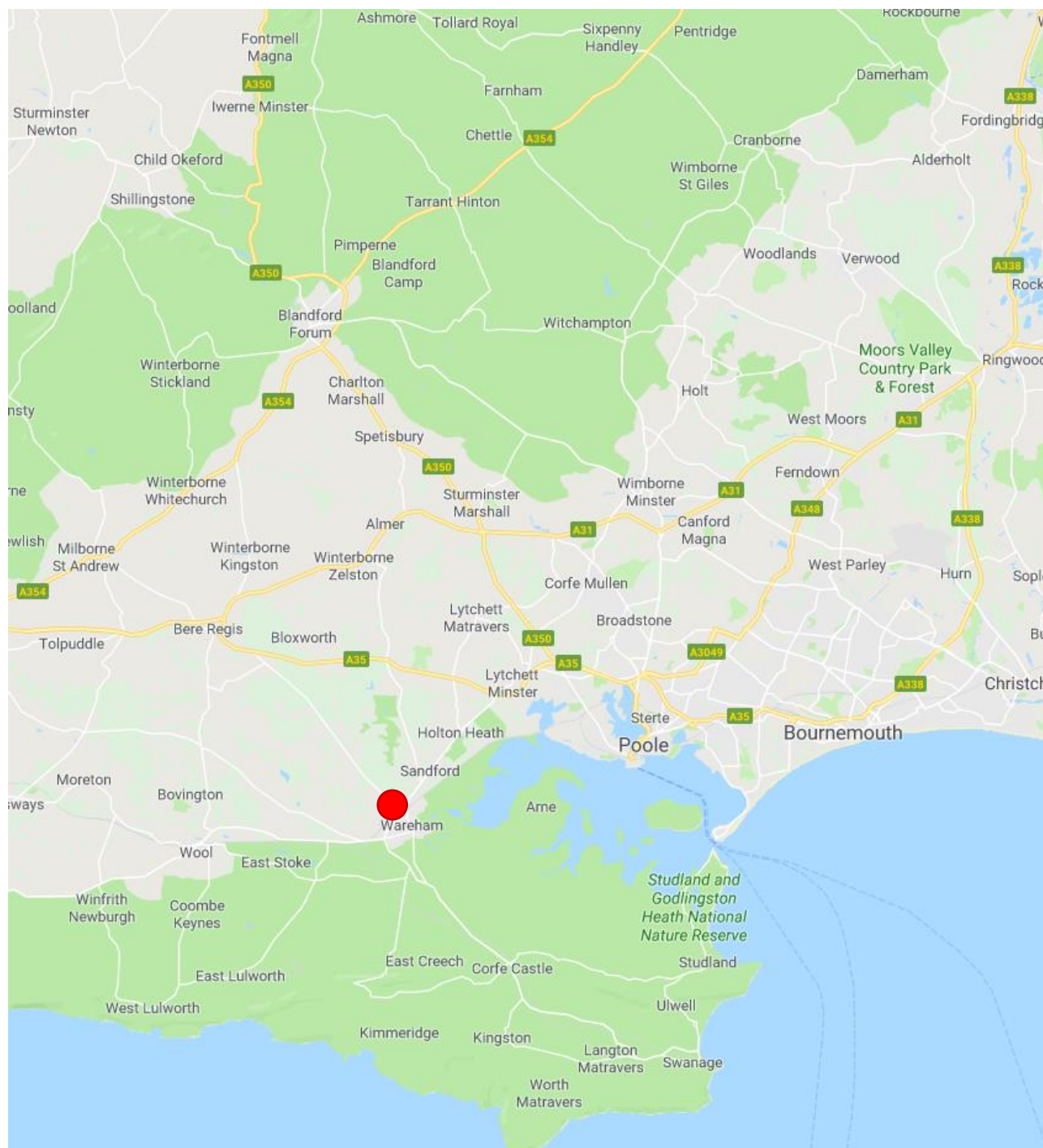
- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

● Approximate Site Location

Application reference: P/FUL/2023/01702

Site address: Land to the East of 27 Sherford Drive, Wareham, BH20 4EN.

Proposal: Installation of a Telecommunications Cabin in a 5m by 5m compound, which will also house a power unit, air conditioning unit and a Footway 10 chamber.



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