



Eastern Area Planning Committee

Date: Wednesday, 13 March 2024
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 - 10

To confirm the minutes of the meeting held on Wednesday 7th February 2024.

4. REGISTRATION FOR PUBLIC SPEAKING AND STATEMENTS

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

The deadline for notifying a request to speak is 8.30am on Monday 11th March 2024.

5. PLANNING APPLICATIONS

To consider the applications listed below for planning permission

- 6. P/OUT/2022/04113 - LAND OFF BLACKFIELD LANE, WEST MOORS, FERNDOWN, BH22 0NH** 11 - 72

Outline application for erection of a church / community hall & care home with associated parking & an area for biodiversity enhancement (all matters reserved except access and scale)

- 7. P/HOU/2024/00111 - 9 CAMPION GARDENS, WIMBORNE MINSTER, BH21 4FH** 73 - 84

Retain partial conversion of garage to ancillary living accommodation.

- 8. P/ADV/2023/07233 - HOLTON HEATH GARAGE, WAREHAM ROAD, HOLTON HEATH, BH16 6JW** 85 - 96

Erection of new advertising Totem Pole sign.

- 9. P/FUL/2023/06620 - LAND WEST OF THE PRIESTS HOUSE, OPPOSITE THE SHIP INN, DORCHESTER ROAD, WOOL, WAREHAM, BH20 6EQ.** 97 - 106

Retention of a VDSL sidepod cabinet.

10. URGENT ITEMS

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972
The reason for the urgency shall be recorded in the minutes.

11. EXEMPT BUSINESS

To move the exclusion of the press and the public for the following item

in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended). The public and the press will be asked to leave the meeting whilst the item of business is considered.

There are no exempt items scheduled for this meeting.

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EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 7 FEBRUARY 2024

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

Apologies: Cllrs Julie Robinson

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

Lara Altree (Senior Lawyer - Regulatory), Marianne Ashworth (Lawyer - Regulatory), Kim Cowell (Development Management Area Manager (East)), Andrew Douglas (Senior Tree Officer), Joshua Kennedy (Democratic Services Officer), Chris Mcdermott (Senior Housing Enabling & Policy Officer), Megan Rochester (Democratic Services Officer), Naomi Shinkins (Lead Project Officer) and Alison Turnock (Service Manager for Conservation)

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

58. Declarations of Interest

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

59. Minutes

The minutes of the meeting held on Wednesday 10th January were confirmed and signed.

60. Registration for public speaking and statements

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.

61. Planning Applications

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

62. TPO/2023/0089 - 2 Brune Way, West Parley, Ferndown, Dorset, BH22 8QG

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 location and details of the current and proposed tree preservation orders were shown. Members were informed that several objections had been made by residents regarding the protection order, as well as concerns of harming neighbouring properties, however, there was no evidence to support this.

Public Participation

Mr Bratchell spoke against the proposal. He felt that the TPO had been issued under false pretences and that nobody had taken the time to view or discuss the impacts on neighbouring properties. This had been an ongoing issue and after years of neglect the trees are imposing. Mr Bratchell discussed the damage that the trees were doing to his property, in particularly branches falling and damaging greenhouses, as well as being a result of constant maintenance on garage roofs. He informed members that this is something that he struggles to do now and is becoming dangerous for him to constantly clear up mess from trees on his property. He hoped members would consider the application carefully and asked that they remove the Tree Preservation Order to safely manage and maintain properties.

Mr Tyler requested that the committee remove the existing Tree Preservation Order on his property. He informed members that the trees were imposing and had been majorly neglected. This was shown through damaging the property structure and the flooding of garages. It was highlighted that pedestrians had been scared to walk in front of his property due to the damage that had been caused. Mr Tyler felt that it posed significant risks to neighbouring properties. He highlighted that there were no other TPOs on the road and felt singled out from neighbours which he didn't feel was fair. He urged the committee to remove the TPO in its entirety to ensure trees on his property could be maintained.

The Parish Councillor hoped the committee would retain the Tree Preservation Order as a safeguarding action. Cllr Manuel noted the statements and comments made from residents, however, still felt the order was necessary. It was highlighted that the Parish Council was not aware of the TPO on the site initially, but it did receive her support and she noted the importance of preserving the trees.

Members questions and comments

- Members thanked the officer for his report and presentation.
- The purpose of Tree Preservation Orders was future proofing.
- Noted that in the past the trees had been neglected which would hopefully be maintained in the future to mitigate further damage.
- Benefits and difficulties of upholding a temporary Tree Preservation Order.
- Members noted the importance of protecting significant trees through serving Tree Preservation Orders.
- Clarification as to whether consultation has been made with highways regarding impacts on footways.

- Confirmation as to whether the tree had damaged neighbouring properties and if this was the result of lack of maintenance.
- Proximity of tree to neighbouring property.
- Lack of assurance over impacts on neighbouring property.
- Questions regarding whether the tree was mature when existing dwellings were built.
- Clarification on the implications and liability of damage to properties.

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 representations; and what they had heard at the meeting, a motion to **approve** the officer's recommendation to confirm the TPO with modifications to the schedule and site plan as recommended, was proposed by **Cllr Alex Brenton, and seconded by Cllr John Worth.**

Decision: To confirm the TPO as modified.

63. **P/MPO/2023/06436 - Land at Ringwood Road Alderholt**

The Case Officer provided members with the following update:

- The emerging Local Plan had reached Regulation 18 of the (Town and Country Planning (Local Planning) (England) Regulations 2012 stage and included policy maps and proposed allocations towards meeting housing need. Therefore, as detailed under Paragraph 226 of the NPPF (December 2023), for decision-making purposes only, the Council was only required to identify a minimum of 4 years' worth of deliverable housing sites.
- The East Dorset area could not demonstrate a four-year supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF), with the current supply position standing at 3.9 years. This meant that applications involving the provision of housing, the policies which are most important for determining the application are deemed to be out of date and the application should be considered favourably unless the proposal conflicts with specified NPPF policies or the adverse impacts would significantly and demonstrably outweigh the benefits (NPPF paragraph 11).

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 site location, surrounding features as well as views from North and South from Ringwood Road were shown. Members were informed of the site history and were reminded of the outline application allowed at appeal, the reserved matters application which was approved in 2023 and the previous modification to affordable housing reducing it to 15% also approved in 2023. Included in the officer's presentation was details of the approved dwelling

mix with the inclusion of visual aids of sample one- and two-bedroom flats. The Case Officer highlighted the key planning issues and noted responses from consultees and local representatives. It was recognised that no objections had been raised from the Parish Council or Housing Officers. Comments from the Parish Council regarding the loss of 3 bed homes were noted but it was advised this was considered under the previously approved reserved matters application. Members were well informed that the loss of homes had been discussed, however, it was considered under previous modifications. The definition of first homes was outlined and the number of affordable homes agreed based on a viability assessment, was discussed. Members were informed that the details of the proposal before them would be secured by a section 106 legal agreement.

The officer's recommendation was to:

- a) Grant permission subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the legal services manager to amend planning obligations as follows:

-replace affordable for rent units with first homes.
- b) Refuse permission if the legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by (6 months from the date of committee) or such extended time as agreed by the Head of Planning.

Public Participation

The agent spoke in support and thanked the officers for their comprehensive report. He informed members that they had sought a registered provider, however, they had been unsuccessful finding a one to take the affordable rent homes on. This had been raised with MPs as well as Dorset Council. Members were informed that without provision for affordable housing, they had reconsidered and proposed affordable first homes which would only be sold to people with a local connection as set out by Dorset Council. Mr Lofthouse assured members that they were not seeking to reduce the number of affordable homes and the proposed would respond to local needs.

Members questions and comments

- Referred to Dorset Council's housing strategy which was recently approved.
- Questions raised why Dorset Council could not take the affordable to rent homes on and when this could happen in the future.
- Confirmation of local eligibility criteria.
- Clarification on discount for future sales.
- Significant number of residents in Dorset in need of housing.
- Members sympathised with the Local Ward member; however, it was noted that it was still affordable housing to purchase which would benefit residents.

- Families and key workers would benefit from the opportunity to buy homes at a discounted price in their local area.
- Considered as good homes in a needed area.
- Some members were disappointed and felt the proposal was a disservice.
- Substantially lower cost to help residents on the property ladder.
- Developer could have considered arrangements with Dorset Council.
- A motion to defer, was proposed by Cllr Dave Tooke, and seconded by Cllr Shane Bartlett. A vote was taken, and the motion was overturned.

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 **grant** as recommended, was proposed by **Cllr John Worth, and seconded by Cllr Robin Cook.**

Decision: To grant the officer's recommendation for approval.

64. **Urgent items**

There were no urgent items.

65. **Exempt Business**

There was no exempt business.

Decision Sheet

Duration of meeting: 10.00 - 11.59 am

Chairman

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Application Number:	P/OUT/2022/04113		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Land off Blackfield Lane, West Moors, Ferndown, BH22 0NH		
Proposal:	Outline application for erection of a church / community hall & care home with associated parking & an area for biodiversity enhancement (all matters reserved except access and scale)		
Applicant name:	Nick Aris		
Case Officer:	Naomi Shinkins		
Ward Member(s):	Cllr Dyer; Cllr Shortell		
Publicity expiry date:	7 Dec 2023	Officer site visit date:	Various 2022, 2023
Decision due date:	20 March 2024	Ext(s) of time:	20 March 2024

1.0 The application has been referred to committee by the nominated officer in accordance with the Council’s Scheme of Delegation Process.

2.0 Summary of recommendation:

Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to:

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

- Secure Biodiversity requirements including biodiversity management plan and step-in rights.
- Secure Dorset Heathland restrictions required by Habitats Regulation Assessment (HRA).
- Secure surface water drainage connection outside of the site boundary (or provide proof of ownership, where surface water drainage obligations would no longer be required).

OR

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

3.0 Reason for the recommendation:

- Principle of development is acceptable as set out in this report.
- The proposal is acceptable in its scale.
- The proposal is not considered to cause significant harm to neighbouring residential amenity that would warrant refusal (subject to detailed design at reserved matters stage).
- The proposal would not have an adverse impact on road safety.
- The proposal would provide appropriate mitigation for its impact on biodiversity and biodiversity enhancement would be provided.
- Other issues raised by consultees and local residents have been assessed and there are not any material planning considerations which would warrant refusal of the application.

4.0 Key planning issues

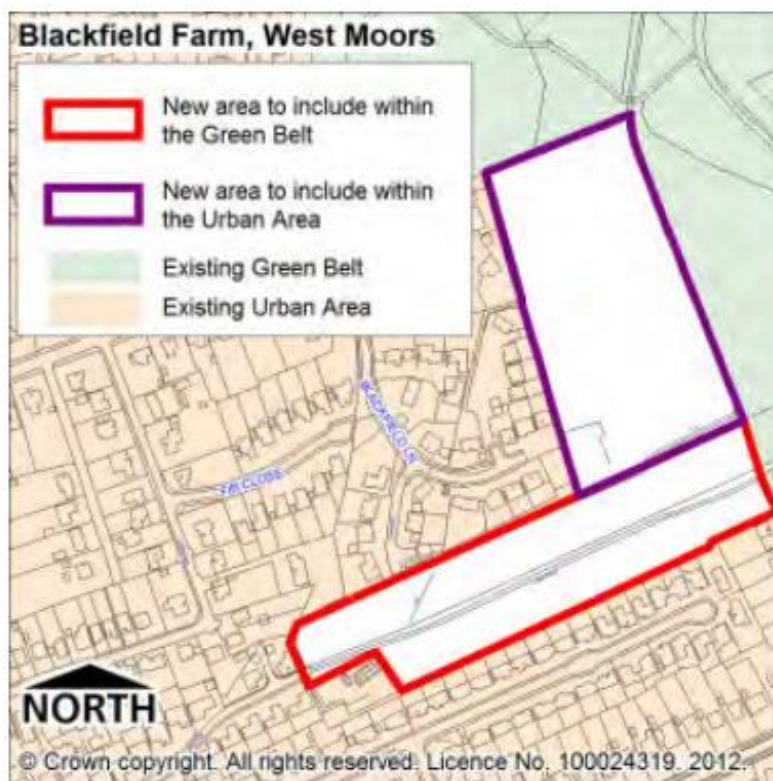
Issue	Conclusion
Principle of development	Acceptable – within the urban area, which is acceptable in accordance with Local Plan Policy KS2.
Scale	Acceptable - the proposed development will be appropriate in scale in relation to the surrounding area.
Impact on amenity	Acceptable - the proposed development will not have a significant adverse impact on neighbouring amenity that would warrant refusal subject to design details.
Highways safety	Acceptable- the proposed development will not have highways safety impacts.
Impact on biodiversity	Acceptable- There would be no adverse impact on biodiversity and biodiversity enhancements can be secured.
Impact on Dorset Heathlands	Acceptable- the proposed development is acceptable in relation to impact on Dorset Heathlands.

5.0 Description of Site and Site History

- 5.1 Land at Blackfield Lane is located within the urban area of West Moors. The site is part of an area of agricultural land enclosed by mature hedgerows and situated east of properties at Blackfield Lane. To the north and east is the protected Dorset

Healthlands SPA site Holt & West Moors Heaths, which is currently used by the MoD. To the south of the site is the Castleman Trailway, a long distance public footpath, bridleway and cycleway. The site has been in Agricultural use but has not been cultivated for some time. It has since been left fallow and the site has regressed to its natural state.

- 5.2 The site is approximately 2 ha in size, and is generally flat, with a gentle fall from east to west. There are boundary tree belts to parts of the north, south and west. Edge vegetation to the east is generally hedgerow. The main part of the site is rough grassland.
- 5.3 The site is accessed through Blackfield Lane, a cul-de-sac serving residential properties. Currently there is a gated entry to the site at the corner on the south west.
- 5.4 The site was previously safeguarded for a future residential development; however, due to its proximity to the Dorset Heathlands this site is no longer considered to be appropriate for general needs housing (e.g. Use class C3). Consequently, the site has simply been identified within the Local Plan Part 1 (2014) as included within the urban area with the potential for development for other uses such as care facilities. The application site is set out in the Christchurch and east Local Plan under Policy VTSW8 as follows:



Map 11.9 Blackfield Farm Green Belt Boundaries, West Moors

'Land at Blackfield Farm will no longer be safeguarded from development and is included in the urban area.

Land which forms the Castelman Trailway to the south of Blackfield Farm will be included in the Green Belt'.

6.0 Proposal

6.1 The scheme submitted seeks Outline permission for the erection of a church / community hall & care home with associated parking and an area for biodiversity enhancement. All matters are reserved except **access and scale**. Revised plans were submitted in November 2023, reducing the scale of the care home from accommodating 80 bedrooms to accommodating 60 bedrooms.

The revised plans for the 60 bed care home form the basis for the assessment of this report.

6.2 Two buildings are proposed as follows:

Use	Approx. Floor Area	Number of storeys
D1 – non-residential institution (Church/community hall)	Approx 115 sqm	Single storey Approx. 5.5m to ridge
C2 – Residential Institutions	Approx 2313 sqm	Two storey Approx 7m to ridge

6.3 As the application is for Outline consent only (with all matters reserved except for access and scale) the proposed design details are unknown and would be determined under a Reserved Matters application if Outline consent is granted. It is noted that the submitted Design and Access Statement advises that the church / community hall and care home elements are likely to have a traditional appearance.

6.4 A site plan has been submitted, showing an indicative layout identifying the footprint of a 60 bed care home and a community centre, parking, areas for landscaping, boundary vegetation and access. However, as the layout is a reserved matter it will only be considered in terms of if an acceptable layout can be achieved for the quantum of development in principle.

7.0 Relevant Planning History

7.1 Planning history for the site includes:

3/20/1280/OUT- Outline application for a care home, church hall and industrial unit. Refused June 2021.

Reasons for refusal include the following and are detailed at the end of this report:

- Highways safety
- Impact on onsite ecology
- Impact on adjacent heathland ecology

3/19/1512/OUT- Outline application for a similar proposal to 3/20/1280/OUT, which was withdrawn in November 2019.

3/81/0786 - Outline application for residential development. Refused 1981.

3/88/1459 - Outline application for residential development (21 houses). Refused 1988. A subsequent Planning Appeal was allowed 1990 (**T/APP/U1240/A/89/132210/P7**) on the basis of a Section 278 legal obligation to improve visibility at the junction of The Avenue & Station Road (development and road works not completed).

8.0 Constraints

Special Area of Conservation - Dorset Heaths

Special Protection Area - Dorset Heathlands

Sites of Special Scientific Interest - Holt and West Moors Heaths

Ramsar Site - Dorset Heathlands

Grade 4 Agricultural Land

SSSI Impact Risk Zone

Green Belt (adjacent to the site)

Heathland 400m Consultation Area Description: Holt & West Moors Heaths

Airport Safeguarding - Applies: developments likely to attract birds and all developments connected with an aviation use

Dorset Minerals Consultation Area - Minerals Safeguarding Area

Tree Preservation Order - TPO Ref: WM/109, Group Ref: T26

Tree Preservation Order - TPO Ref: WM/71, Group Ref: T5

Tree Preservation Order - TPO Ref: WM/109, Group Ref: T25

Tree Preservation Order - TPO Ref: WM/109, Group Ref: T4

Tree Preservation Order - TPO Ref: WM/109, Group Ref: T24

9.0 Consultation Responses

- 9.1 The application was advertised by means of site notices and a press advertisement.
- 9.2 Revised information was submitted between September 2022 and July 2023, which was in response to highways, ecological and drainage consultee concerns raised. It was not considered necessary to consult beyond expert consultees in relation to revised information submitted, however all submitted information has been available on the planning portal and local residents have submitted responses to additional information submitted.
- 9.3 Revised plans were submitted in November 2023 reducing the scale of the care home from 80 beds to 60 beds. Additional site notices were erected around the site to

advertise this with a consultation expiry date of 7 December 2023. A statutory consultation period of 30 days was advertised for both site notices, however consultee and comments from the public were accepted beyond these periods in both instances.

9.4 553 local residents and members of the public submitted objections and comments to the various consultations. Due to the volume of comments received the following table provides a high level summary of concerns raised only throughout the course of the application process. Full comments are available online:

<p>Proposed Use</p>	<ul style="list-style-type: none"> • Size and density of development is not appropriate. • The site is not suitable for industrial/commercial uses as it is predominantly a residential area. • Inappropriate location and uses proposed on the site. • Overdevelopment of application site. • Another care home is not considered to be required in the area as there are already existing care homes nearby. • Another church/community hall is not considered to be required in the area. • Concerns that the community hall would not be for public use. • There are other more suitable sites for this development in the surrounding area. • Application site is next to Green Belt land and as such the proposed uses do not relate. • Development out of keeping with the adjoining residential neighbourhood. • Objection to private churches.
<p>Impact on character of the area</p>	<ul style="list-style-type: none"> • Development would result in a harmful visual impact. • Out of character with surrounding area and not appropriate. • Proposed care home too large. • Concerns over removal of trees on the character of the area. • Reference to the Special Character Area outside of the application site, to the west & north-west (Woodside Road, West Moors Special Character Area), the proposal’s impact on the SCA. • Reference to policies in the NPPF – para 130, and concerns that the proposal does not comply. • Reference to local policies, and concerns that the proposal does not comply (HE2, HE3). • Loss of countryside.

	<ul style="list-style-type: none"> • Area has been identified as a Priority Habitat by the EDEP and DWT. • Another greenspace lost in the area. • A car park and large open space in a remote location will attract illegal activities at night. • Concerns over the impact of development on the Castleman Trail.
<p>Neighbouring amenity</p>	<ul style="list-style-type: none"> • Harmful impact on neighbouring amenity from development in terms of privacy, overlooking, noise, pollution, well-being and living conditions of existing occupants. • Reduction in outdoor amenity space that residents can use outside of their homes. • Concern over proximity to Ministry of defence (MOD) land. • Concerns over impact on existing neighbouring amenity from use of new development. • Opening hours of proposed uses not clear, limits should be made on the times the church can be open • Concerns over disturbance, noise pollution, light pollution and air pollution as a result of the proposal and the impacts upon amenity for surrounding neighbours. • Concerns over the noise impact from and opening hours of the church. • The church will need soundproofing to protect care home residents from disturbance.
<p>Access, Traffic and Parking</p>	<ul style="list-style-type: none"> • Impact of additional traffic and parking as a result of the proposal. • Poor cycle access for the site’s workforce so impeding any climate change benefits. • New employment uses would increase parking demand & congestion. • Concerns over safety of pedestrians at the school, other pedestrians and cyclists. • Road safety concerns in relation to the proposal’s proximity to the school and associated vehicles that pass the school. • Existing access/roads are unsuitable & inadequate (too narrow) for large vehicles which would require access to the application site.

	<ul style="list-style-type: none"> • Additional vehicular movement, in particular large vehicles through the residential area would be excessive. • There is only one access point on to the application site, which is unsuitable. • Roads not suitable for large vehicles including emergency vehicles that may use the roads as a result of the proposal. • The junction to The Avenue from Station Road, and also the junction of Blackfield Lane from The Avenue are not suitable for large commercial vehicles. • Road junctions that provide access to the roads that lead to the site have poor visibility, are dangerous and have inadequate sight lines. • Public transport is now lacking, and the bus no longer serves the road during the day, as the road/junction is too narrow for the bus. • Current public transport is not sufficient to support the proposed development. • There have been a number of road traffic accidents in the area recently. • Concern that the access roads to the proposal would not be in line with government advice 'Manual for Streets'. • Insufficient parking provided. • Possible increase in damage to the road. • Submitted Transport Statement suggests articulated lorries will be prevented from the site, and concern over how this would be controlled. • Reference to previous appeal decision for the site (T/APP/U1240/A/89/132210/P7) and inspector's comments on the basis of approval subject to a S278 to improve visibility at the junction of The Avenue & Station Road and concerns regarding any larger development on the site. • In correct and/or misleading information submitted in relation to highways.
Housing Need	<ul style="list-style-type: none"> • Concerns that there is a lack of starter homes /affordable housing within the proposed scheme.
Infrastructure	<ul style="list-style-type: none"> • Lack of existing infrastructure for proposal. • Drainage issues in the area may increase, risking flooding.

	<ul style="list-style-type: none"> • Concerns existing infrastructure such as power and sewage connections do not have capacity to deal with the level and type of development. • Proposal would increase demand for appointments at the Doctors Surgery and put pressure on other local facilities such as the school.
<p>Ecology / Environment / Flooding</p>	<ul style="list-style-type: none"> • Blackfield Farm is within 400m of heathland. • Not appropriate development within a SSSI. • Not appropriate as in a Special Area of Conservation (Dorset Heaths). • Not enough analysis of the existing ecology and the potential harm to nature. • Insufficient mitigation provided. • Loss of habitats & vegetation. • Only solution is to de-zone the land for greenbelt • Harm to biodiversity in the natural wetland habitat, such as birds, reptiles, amphibians, hedgehogs, badgers, dormice, insects and invertebrates. • Flood risk may increase as a result of the proposal, as site may increase existing flooding risk to nearby dwellings. • Hazardous material storage and ground contamination. • Proximity to fuel storage/MOD fuel storage. • Proposal’s impact on global warming. • Reference to ecology reports that have identified this land as high value to local wildlife. • Reference to policies ME1 & ME6 in the Core Strategy and comments that the proposal does not comply. • May encourage further development adjacent to areas of high ecological importance.
<p>Trees</p>	<ul style="list-style-type: none"> • Concerns over the removal of trees • Concerns over whether Tree Preservation Orders (TPOs) of trees on adjacent sites have been considered.
<p>Construction</p>	<ul style="list-style-type: none"> • Concerns over increase in noise, air and light pollution, during and after construction and the impacts on neighbours.

<p>Other matters</p>	<ul style="list-style-type: none"> • Application information is unclear and the EIA contradicts the Design and Access Statement with information such as floor areas. • Incorrect and misleading information submitted across a number of documents. • Application lacks detail with so many matters reserved. • No benefits to the local area • Decrease in value of properties. • No need to build this development as more suitable properties will become available after the impacts of Covid-19. • Concerns regarding emissions from the proposed facility and how this will be monitored. • Concerns third parties previously consulted have not been consulted. • Concerns the application site is situated on contaminated land. • Proposal would increase the population of the local area. • Diminished quality of life for residents. • Builders and private individuals are profiteering from the local area. • Inadequate provision for families on lower income in the area. • Need homes to support low cost housing. • Existing care homes are not 100% full in the area. • Church buildings are vacant places of worship. Religious organisations should co-opt and share facilities – organised religion on the decline • Application will lead to building industrial units. • A safety analysis is needed for evacuation.
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9.5 Local residents have also submitted the following reports in objection to the proposed developments. These reports have been reviewed by the relevant consultees as set out in associated sections of this report.

Highways:

- Traffic Assessment Suitability Report - Sept 2022
- Response to DC Highways ‘no objection’ – May 2023
- Transport Technical Note 2 – July 2023

Flood Risk:

- Flood Risk Assessment (FRA) – Sept 2022

- FRA and Surface Water Management Review – March 2023

Impact on local residents:

- Environmental Impact Noise Assessment - Oct 2022
- Response to WSP Noise Impact Report – 8 October 2023

Ecology:

- Ecological Concerns – November 2022
- Ecological Concerns – July 2023
- BNG Review – September 2023

9.6 14 letters of support were also received with the following summary of comments (full comments available online):

- Will add to the local community subject to traffic calming measures
- The development would have less impact than a residential development
- There have been no accidents recorded at the junction to The Avenue
- Appropriate ecological mitigation can be secured
- The proposed will provide local jobs and employment
- The proposed industrial use is acceptable in residential areas
- Noise from churches is not generally an issue in residential areas
- A care home is potentially acceptable adjacent to Site of Special Scientific Interest (SSSI)
- Benefits of the proposed outweigh impacts.
- In need of these facilities to release much needed housing stock
- Will be a valuable contribution to the local economy and our community
- Local congregation will have less distance to travel
- Halls would not be rented to any third parties
- Traffic movement from the church will be minimal with sufficient parking on-site
- Hall is in keeping with the local area
- Gatherings are quiet

9.7 The following consultees have also commented on the application:

[The following is a summary only and full comments are available online]

9.7.1 – West Moors Town Council

Initial submission Sept 2022	<p>Objection</p> <ul style="list-style-type: none"> - Contrary to ME1 - sustainable transport, planning and flood risk and enhancing the natural environment - No local need for the development
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	<ul style="list-style-type: none"> - Environmental impacts – incompatible with residential development, impact on wildlife despite mitigation, impact SSSI, contaminated land concerns, objections from Environment Agency (EA), impacts local medical services, impact of visitors to care home - Highways safety concerns - Traffic noise/pollution concerns - Flood risk concerns - Fire risk concerns
Response to highways comments April 2023	Concerns regarding highways safety and why the development is now acceptable when this was previously a refusal
Response to revised design Nov 2023	<p>Objection</p> <p>Members feel the reduction in the scale of the development is marginal, so they strongly maintain their previous objection and all reasons for it. Request to go to committee if the Officers recommendations are at variance to the above.</p>

9.7.2 - Dorset Council Highways

Initial submission Sept 2022	<p>Defer</p> <p>Further information required</p>
Additional submission March 2023	<p>No objection</p> <p>With the submitted TRICS (Trip Rate Information Computer System) data confirming the low-level traffic generation in the AM and PM peak hours, and bearing in mind the uses proposed, the Highway Authority considers that the residual cumulative impact of the development cannot be thought to be "severe" when consideration is given to paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) - July 2021.</p> <p>Therefore, the Highway Authority has NO OBJECTION, subject to condition.</p>

9.7.3 - DC Trees & Landscape

<p>Initial submission July 2023</p>	<p>No objection subject to condition</p> <ul style="list-style-type: none"> - No insurmountable tree issues. - However, detail of services will be needed ensuring there's no conflict with the retained trees and also a landscaping scheme showing all details of proposed tree planting.
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9.7.4- Natural England

<p>Initial submission Sept 2022</p>	<p>Objection</p> <p>Further information required</p>
<p>Additional submission June 2023</p>	<p>Comments</p> <ul style="list-style-type: none"> - Habitats Regulations Appraisal (HRA) to be carried out by the Local Authority - Reconfirms the retained areas are significant ecological interest and functionally linked to adjacent protected sites. - Satisfied that the area should not be treated as priority habitat - Sand lizards to the northern boundary of the site but suitable provision provided on site - Appropriate mitigation provided including planting, wildlife pond, however, advise a sandbank is provided and secured by condition - Pet restriction to be secured appropriately - Impacts on nightjar to be considered - Ecological areas to be retained in perpetuity by an appropriate organisation and step-in rights included
<p>Additional submission in response to neighbour comments and HRA Jan 2024</p>	<p>No objection subject to condition</p> <p>Having considered the assessment by Dorset Environmental Records Centre (DERC) Natural England (NE) maintains its advice as set out in our previous response (email dated 28 June 2023). We would however recommend that the scheme is required to include the creation of a permanent sandy bank across the northern boundary to help provide further opportunities for the host of invertebrates reliant on sandy ground specialists. We would also reiterate our advice that any permission should secure the provision of appropriate monitoring of site condition and appropriate step in rights with funding necessary to ensure the long-term management of the retained acid grassland areas and ecological mitigation measures</p>

	<p>provided within the developed area. Further, provided these measures are in place it is reasonable to conclude that the scheme will be able to retain its current ecological function in relation to the adjacent Special Area of Conservation(SAC) / SSSI.</p> <p>No objection to submitted appropriate assessment.</p>
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9.7.5 - Natural Environment Team (NET)

<p>Initial submission Feb 2023</p>	<p>Comments</p> <p>Further information required</p>
<p>Additional submission July 2023</p>	<p>Comments</p> <ul style="list-style-type: none"> - Sand lizard licence advice required from NE - For the purposes of the Metric the grassland which covers much of the southern part of the site and northeast corner has been inputted as 'Other neutral grassland'. The central northern section is rapidly developing pioneer heathland which is to be retained and enhanced within the development. This has allowed the scheme to achieve sufficient compensation and net gain without the need for offsite or financial compensation. - No objection to management by the 'Brookfield Trust' subject to appropriate step-in rights being secured
<p>Additional submission in response to neighbour comments Jan 2024</p>	<p>Comments</p> <p>The grassland having not been classified as Priority Habitat was one of the concerns raised in a previous NET consultation response, because they are a material consideration in planning, and which prompted the National Vegetation Classification (NVC) survey to be undertaken. Despite the difference in interpretation of the NVC data for the grassland habitat, it is important to note that neither interpretation of the NVC data places the grassland as being a community that translates to a Priority Habitat. As such, we are satisfied that the NVC survey, and amended ecology documents, address this concern.</p> <p>In addition, the disparity in interpretation does not materially change the output of the Biodiversity Metric. Under the DERC interpretation the grassland as a whole, not being Priority Habitat, would be inputted as 'Other lowland acid grassland' which creates a reduction in the total net percentage change in habitat units from 19.82% to</p>

	<p>18.18%. This difference is not, in our view, significant for the purposes of decision making, and we advise that the Ecological Impact Assessment (EclA), Biodiversity Net Gain (BNG) Assessment and Biodiversity Metric can be relied upon.</p> <p>The Landscape and Ecological Management Plan (LEMP) describes proposals to manage the grassland in a way that sees a transition to a mosaic of acid grassland and lowland heathland with management actions including removing Scot's Pine, restricting Heather coverage, and a cut and collect regime aimed at reducing nutrient load. Given the nature of the management actions, and that the target habitat in both scenarios would be 'Other lowland acid grassland' in 'Good' condition, it appears unlikely that the recommendations given in the LEMP would differ significantly on the basis of the two different interpretations of the grassland habitat present. Given this we advise that this document can also be relied upon for decision making.</p>
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9.7.6 - Dorset Wildlife Trust

<p>Initial submission Sept 2022</p>	<p>Objection</p> <ul style="list-style-type: none"> - Scope reduced, however care home footprint increased and landscape buffer lost - Nesting birds should be explicitly addressed in mitigation plan - Environmental Statement (ES) not updated to reflect 2012 invertebrate surveys - Supporting habitat will be lost resulting in impact on retained habitats - Native planting welcomed, however concerns regarding maintenance and management - Concerns regarding sedum roof and non-native species - Soil management not considered in the submitted Construction Ecological Management Plan (CEMP). - Net gain assessment not available. - Consider that the development of the site at this proximity to the adjacent heathland and the additional pressure put on the retained habitats on site by the partial development of the area is unlikely to result in a favourable balance when it comes to ensuring that there is no long-term negative impact on biodiversity.
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9.7.7 - East Dorset Environment Partnership

<p>Initial submission Sept 2022</p>	<p>Objection</p> <ul style="list-style-type: none"> - No policy requirement allocating the land for residential development
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	<ul style="list-style-type: none"> - No local need for the proposed - Concerns regarding recreational use of retained acid grassland - Cumulative impact assessment incomplete - Concerns regarding ecology survey information submitted - Net gain assessment not available - Unacceptable loss of Priority habitat - Concerns regarding the use of grasscrete and ecological impacts - Concerns regarding footpaths through retained acid grassland - Landscaping requires further consideration - Concern regarding drainage - Changes suggested for LEMP
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9.7.8 - Wessex Water

Initial submission Jan 2023	<p>No objection</p> <ul style="list-style-type: none"> - Surface water disposal to the foul sewer is not permitted - Wessex Water to review foul sewer network should permission be granted due to capacity issues
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9.7.9 - Lead Flood Authority (LLFA)

Initial Submission Sept 2022	<p>Holding objection</p> <p>Further information required</p>
Additional submission May 2023	<p>No objection subject to condition</p> <ul style="list-style-type: none"> - The applicant has provided evidence that a surface water connection into the watercourse on the southern boundary of the site is achievable. Proposed drainage is acceptable subject to securing the connection via land ownership or legal agreement. - The applicant has provided calculations that show that the required surface water attenuation volume can be delivered on site. - The applicant has provided an acceptable level of detail, for outline stage, to demonstrate that a suitable surface water management scheme is deliverable for these proposals. - Conditions for surface water management details required.
Updated Response Sept 2023	<p>No objection subject to condition</p> <ul style="list-style-type: none"> - the amendments made to the above response have not resulted in any fundamental change to the LLFA’s position with regards to the proposed scheme.

	<ul style="list-style-type: none"> - Highlight that the withdrawal of our holding objection is subject to the applicant securing a surface water outfall connection and maintenance agreement through a Section 106 or evidence of land ownership where the connection is required.
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9.7.10 - Dorset Council Environmental Health (EH)

Initial submission Oct 2022	<p>No objection subject to condition</p> <ul style="list-style-type: none"> - Air Quality Assessment (AQA) - No objection to submitted AQA - Church noise – noise mitigation measures as set out in Noise Impact Assessment (NIA) required - Plant noise – to be conditioned as per NIA - Odour – condition required for kitchen extraction systems - Lighting – detailed scheme to be secured by condition - Construction management – CMS to be secured by condition - Contaminated Land – assessed by separate consultant (see below) - Traffic noise – assessed by independent consultant (see below)
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9.7.11 – WSP (independent traffic noise consultant)

Response to neighbour NIA Nov 2023	<p>Comments</p> <p>For reasons set out in the ‘WSP’ NIA report, notwithstanding the lack of detailed analysis, the Applicant’s NIA presents a more accurate and reasonable overall assessment compared to the Residents NIA.</p>
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9.7.12 – WPA (contaminated land consultant)

Initial submission Sept 2022	<p>Comments</p> <p>Further reporting required</p>
Additional submission Dec 2022	<p>No objection subject to condition</p> <ul style="list-style-type: none"> - The report from ‘CGL’ dated Jan 2019 indicates appropriate site investigation, risk assessment and advice following assessment concerning land contamination. - No contaminant linkages of concern have been identified and there are no recommendations for further consideration.

	<ul style="list-style-type: none"> - 'WPA' notes, however, that the development will be subject to a watching brief and a sign off report confirming any discovery and action concerning unexpected finds is to be expected.
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9.7.13 – Building Control

<p>Initial submission Aug 2022</p>	<p>No comment</p>
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9.7.14 – DC Urban Design

<p>Initial submission Aug 2022</p>	<p>No comment</p>
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9.7.15 – DC Landscape

<p>Initial submission Sept 2022</p>	<p>Objection</p> <ul style="list-style-type: none"> - Scale of indicative development would overwhelm the site - Opportunities to successfully integrate such Development into this Site are constrained by the ecological sensitivities
<p>Revised design Nov 2023</p>	<p>Objection</p> <ul style="list-style-type: none"> - Limited changes - Previous comments remain – limited opportunities for meaningful landscape - Given the ecological sensitivity of the Site – and the related landscape constraints I would advise that this layout would fail to create a suitably safe, attractive, and stimulating environment for Care Home residents. The only 'views' would be orientated over the car parking areas. Shading is likely to be an issue for the eastern and southern aspects. - The design of care home external areas is specialised with a need to concentrate on specific landscape design principles centred around improving the quality of life for residents. The layout as shown would provide limited opportunities for such design. - I also note that, within the LEMP para.6.5, it is suggested that the grassland will be accessible to residents and staff from the Care Home –via a single 'mown path' comprising of only 'one loop' and running to the rear of the Building - in order to

	<p><i>'restrict disturbance'</i>. I would advise that this would be wholly impractical and would fail in creating a satisfactory environment for residents.</p> <ul style="list-style-type: none"> - With reference the 'Post Development Habitat Plan' – I note the buffers of 'dense scrub' running along the eastern and southern peripheries – with acid grassland habitat predominating the remainder of the open space. This would fail to provide a satisfactory 'outlook' for residents. This would appear to conflict with local Policy HE2, and NPPF Para.130.
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9.7.16 – DC Environmental Assessment Officer

	Comments
Initial submission Sept 2022	<ul style="list-style-type: none"> - Minor issues with Environmental Statement (ES) submitted but concludes ES is still acceptable

9.7.17 - The following consultees were also consulted and no response was received:

- Dorset Crime Prevention
- Ministry of Defence
- Dorset Waste Services
- DC Rights of Way Officer
- DC Economic Development
- Ramblers Association
- Dorset Social Care Team
- NHS Dorset (Dorset Integrated Care Board- ICB)

10.0 POLICY AND OTHER CONSIDERATIONS

Development Plan:
Christchurch and East Dorset Core Strategy 2014
East Dorset Local Plan 2002 (saved policies)

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

- 10.2 The following policies are of particular relevance in this case:
- KS1 Presumption in Favour of Sustainable Development
 - KS2 Settlement Hierarchy
 - KS11 Transport and Development

- KS12 Parking Provision
- VTSW8 Blackfield Farm Green Belt Boundaries, West Moors
- ME3 Sustainable Development Standards for New Development
- ME4 Renewable Energy Provision for Residential and Non-Residential Developments
- ME1 Safeguarding Biodiversity and Geodiversity
- HE2 Design of New Development
- LN3 Affordable housing
- LN6 Housing

'Category C2 health and care related development proposals New social, care or health related development proposals, or major extensions to existing developments, within the C2 use classification will not be subject to Policy LN3 however they will be required to demonstrate that any impacts upon, or risks to, the strategic aims and objectives of Dorset County Council and NHS Dorset health and social care services have been taken into account and mitigated against'.

- LN7 Community Facilities and Services

EDLP saved policy HODEV3 supports the delivery of specialist accommodation within settlements. Policy DES11 looks to ensure developments respect their surroundings.

10.3 Other Material Considerations

Supplementary Planning Documents/Guidance:

Dorset Heathlands Planning Framework 2020 - 2025 SPD (DHPF)

National Policy

The National Planning Policy Framework (NPPF) December 2023 and National Planning Practice Guidance (NPPG)

Paragraph 11d of the NPPF sets out the presumption in favour of sustainable development.

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

Most relevant NPPF sections include:

- Section 12 Achieving well-designed and beautiful places
- Section 14 Meeting the challenge of climate change, flooding and coastal change

- Section 15 Conserving and enhancing the natural environment

11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

12.0 Public Sector Equalities Duty

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

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

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

The proposal would result in a church / community hall and ‘close care’ care home being provided which will be required to meet Part M regulations. Details in relation to this will be provided at reserved matters stage, however, no disadvantage to persons with protected characteristics is anticipated.

13.0 Financial benefits

What	Amount / value
Material Considerations	
n/a	n/a
Non Material Considerations	
Community Infrastructure Levy (CIL)	£210,862.05 (subject to RM details)
Estimated annual council tax benefit	TBC
Estimated annual New Homes Bonus per residential unit (for first 4 years)	n/a

14.0 Climate Implications

- 14.1 The proposed will result in a new development on a greenfield site. While the development will be new build, given the relatively low scale development, the

proposal is not considered to have a significant impact on climate change. An area for biodiversity enhancement is retained on site and will be secured by legal agreement. The use of renewable energy sources will be considered at reserved matters stage as recommended under this Outline application.

15.0 Planning Assessment

15.1 Application Type and Environmental Impact Assessment

15.1.1 As the application is for outline consent only except for **access and scale**, the main issues relation to this application are considered to be:

- The Principle of Development
- Design with regards to scale only (all other design matters reserved)
- Access, Highway Impact & Parking
- Trees
- Drainage
- Local Amenity
- Biodiversity

15.1.2 As noted previously, an application for a similar development, 3/19/1512/OUT, was submitted in 2019. This application was screened for Environmental Impact Assessment (EIA) requirements under Regulation 5 of the Town and Country Planning (EIA) Regulations 2017 following this submission. It was considered that the application would require an EIA for the following reasons:

- The proposal represents Schedule 2, 10 Infrastructure Projects and (b) Urban Development Projects, and is, therefore, Schedule 2 development for the purposes of the Regulations.
- The proposed development is to be located on land at Blackfield Lane on the edge of the West Moors Urban Area, and is not located in a 'sensitive area' in terms of the Regulations but is located adjacent to a 'sensitive area'.

15.1.3 An EIA has been submitted with this application and has been reviewed by the Dorset Council EIA Officer. Under the definition of the 'Environmental Statement' it was confirmed that the submission meets the requirements of Regulation 18(3) and Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. However, this is subject to comments from the statutory consultees who consider the technical aspects of the assessment. These matters are dealt with further under the relevant sections of the officer report set out below.

15.1.4 Based on the screening opinion, it is noted the scope of the EIA submitted is focused on Ecology matters. The EIA Officer has confirmed the submitted EIA is in line with the required regulations.

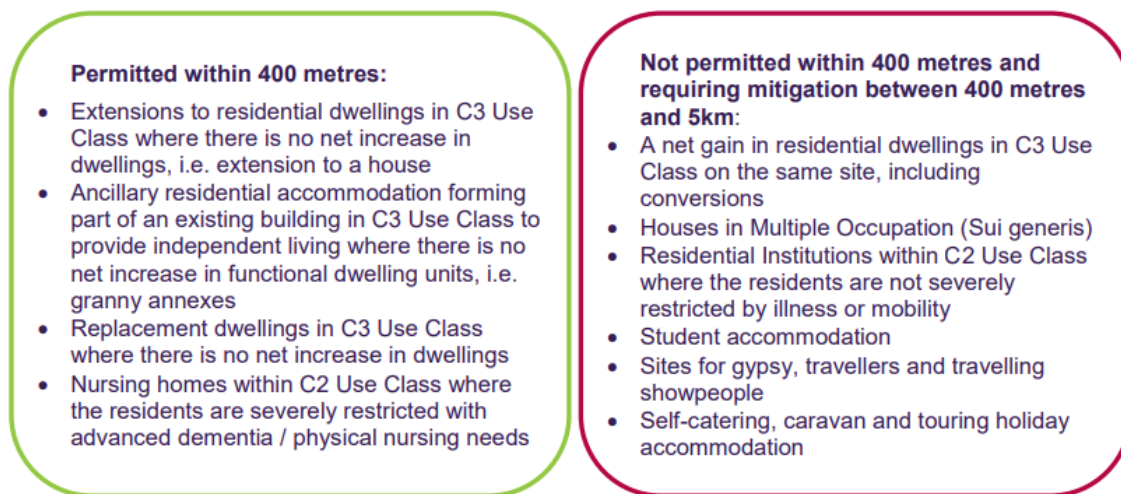
15.2 Principle of development

- 15.2.1 This site is within the urban area of West Moors and is identified within the Local Plan (2014) as being suitable for development for non-residential uses.
- 15.2.2 The principle of developing this site for uses such as a church / community hall may be acceptable; however, any proposals will need to have regard to the requirements of policies and the impacts on neighbours. Policy LN7 of the Local Plan (2014) supports the development of new community facilities within the urban area of West Moors. The policy does aim to cluster community facilities and services together, however, places of worship, often serve a specific community and their siting doesn't rely on proximity to other community uses.
- 15.2.3 In principle, this site could be suitable for the development of a C2 care home, as long as the development will be unlikely to increase recreational impacts on the heathlands. However it is noted a needs assessment has not been submitted with the application, identifying the need within this area.
- 15.2.4 The Dorset Council Adult Social Care team and NHS were consulted but no response was received. Policy LN6 of the CED Local Plan 2014 sets out the Council's strategy on housing for vulnerable people, which includes older people and saved East Dorset Local Plan policy HODEV3 supports the delivery of specialist accommodation within settlements. The Bournemouth Christchurch and Poole (BCP) and Dorset Local Housing Needs Assessment, produced as part of the evidence base for the new Dorset Local Plan, identifies a clear need for provision of additional nursing and residential care bedspaces, with 2,769 required across Dorset for the 2021-38 period (paragraph 10.41, page 187). It is considered this is a material consideration in the decision-making process.
- 15.2.5 Taking into consideration the contribution that this proposal could make to the identified need for specialist elderly accommodation, the provision of this accommodation to meet an identified need carries significant weight.
- 15.2.6 Further to the provision of specialist accommodation for older people, the current housing land supply is also considered. The emerging Local Plan has reached Regulation 18 of the (Town and Country Planning (Local Planning) (England) Regulations 2012 stage and includes a policies map and proposed allocations towards meeting housing need. Therefore, as detailed under Paragraph 226 of the NPPF (December 2023), for decision-making purposes only, the Council is only required to identify a minimum of 4 years' worth of deliverable housing sites. The East Dorset area cannot demonstrate a four-year supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF), with the current supply position standing at 3.9 years. This means that for applications involving the provision of housing, the policies which are most important for determining the application are deemed to be out of date and the application should be considered favourably unless the proposal conflicts with specified NPPF policies or the adverse impacts would significantly and demonstrably outweigh the benefits (NPPF paragraph 11).
- 15.2.7 Planning Practice Guidance (PPG) notes:

Local planning authorities will need to count housing provided for older people, including residential institutions in Use Class C2, as part of their housing land supply. This contribution is based on the amount of accommodation released in the housing market..... ([Housing supply and delivery - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/housing-supply-and-delivery) - Paragraph: 035 Reference ID: 68-035-20190722)

- 15.2.8 The Government’s ‘Housing Delivery Test Measurement Rule Book’ advises a ratio of 1.8 is applied to ‘other communal accommodation’, which includes care homes. This is based on the national average datasets for these types of communal accommodation. On this basis, it is estimated that the provision of 60 care home bedrooms has the potential to release approx. 33 units of accommodation within the district, contributing to the housing supply. This would contribute to help deliver a sufficient supply of homes within the Local Plan area, where there is currently an insufficient housing land supply, and carries significant weight.
- 15.2.8 The site is adjacent to protected Dorset Heathlands. The principle of a (class C2) ‘close care’ care home (Nursing Home) that meets the requirements of Dorset Heathlands Supplementary Planning Document 2020-2025 (set out in the extract below) is not unacceptable in planning terms and therefore does not form a reason for refusal.

Figure 3: Uses that are generally permitted and not permitted within the 400 metres heathland area or which require mitigation if between 400 metres and 5km:



Each of the above uses will be determined on a case by case basis and not all uses are covered.

15.3 Design – Scale

- 15.3.1 As noted previously, this application is for outline consent with all matters reserved except for **access and scale**. Therefore, in terms of design, the only matter for consideration is scale where all other matters such as appearance, landscaping and layout would be determined under a reserved matters application if outline consent were granted.

- 15.3.2 In terms of scale, Policy HE2 of the Core Strategy states that new development must in various respects, including its visual impact, be compatible with or improve its surroundings. Policy DES11 of the Local Plan states that development will only be allowed where, in terms of its form amongst other things, if it would respect or enhance its surroundings. Paragraph 135 of the NPPF 2023 developments are sympathetic to local character, including the surrounding built environment and landscape setting.
- 15.3.3 Officers raised initial concerns regarding the scale of the proposed footprint, which accommodated an eighty bed care home. The revised design was submitted in November 2023, which reduced the footprint to a care home that would accommodate sixty bedrooms. The following assessment is based on the reduced design.
- 15.3.4 The Town and Country Planning (Development Management Procedure) (England) Order 2015 defines scale as: *'the height, width and length of each building proposed within the development in relation to its surroundings.'* In terms of scale an indicative plan has been submitted as follows:

Use	Approx. Foot print	Number of storeys	Width	Length
Church/ community hall (indicative design only)	115 sqm	Single storey (5.5 m high)	11m	11m
Care home (indicative design only)	1150 sqm	Single and double storey (3-7 m high)	12-52m (L shape plan)	72m (L shape plan)

- 15.3.5 Third party concerns have been raised that proposed is over development of the site and out of keeping with the character of the area. It is noted these concerns have not been overcome by revised plans submitted in November 2023, reducing the care home to sixty beds.
- 15.3.6 The application site is located within the urban area of West Moors and the area adjacent is predominantly residential, comprising traditional two storey detached dwellings on medium to large plots. The boundary to Pine Walk is well screened by mature vegetation, which is to be retained. The boundary to dwellings on Blackfield Lane is generally open with low hedging.
- 15.3.7 Given the proposed two storeys, heights of up to 7m and potential separation distances to neighbouring boundaries (currently identified as 19-35m to the site

boundary bordering the nearest dwellings on Blackfield Lane) it is considered the proposed scale is unlikely to have a negative impact on the character of the area.

- 15.3.8 In response to the initial submission the Dorset Council Landscape Officer raised concerns regarding the proposed scale of development on the area of land that can be developed given the ecological constraints, in particular the ability to provide sufficient landscaping with the level of parking required. The reduced scheme to sixty beds in the care home was submitted in response to these comments.
- 15.3.9 The indicative plans indicates a buffer (7-15m in width) of dense scrub is identified to the southern and eastern boundaries of the care home. Parking provision is 34 spaces for the care home and 25 spaces for the church / community hall. As set out later in this report, parking provision is above the Dorset Council recommended parking standards with an over provision of 9 spaces as shown on the indicative plans.
- 15.3.10 Elements of landscaping are identified within the scheme, however landscaping is not under consideration. It is however noted that the reduced proposal allows for additional landscaping. Further to this, with the over provision of parking spaces as set out later in this report, could be reduced to enable more space for meaningful landscape provision.
- 15.3.11 Other concerns raised by the Dorset Council Landscape Officer include the following:

Landscape Officer Concern	Planning Officer Response
Care home would have an awkward relationship with southern and eastern boundaries	Indicative layout only – layout and design detail not under consideration in this application.
Limited opportunity for views or sympathetic landscaping	Indicative layout only – layout and design detail not under consideration in this application.
Area where care home has been reduced is unlikely to be suitable for amenity landscaping	Indicative layout only – layout and design detail not under consideration in this application
Expanse of car park will visually dominate	Indicative layout only – layout and design detail not under consideration in this application Current over provision of 9 car parking spaces allowing potential for another 113m ² of landscaping / open space.

<p>The layout would fail to create a suitably safe, attractive, and stimulating environment for Care Home residents. The only 'views' would be orientated over the car parking areas. Shading is likely to be an issue for the eastern and southern aspects.</p>	<p>Indicative layout only – layout and design detail not under consideration in this application</p>
<p>There are clear conflicts between ecological 'buffers' and the need to create 'attractive areas with formal landscaping and seating provision'. A 'formalised version' of the heather and acid grassland mosaic would not be an effective form of landscaping around the Care Home or church / community hall.</p>	<p>Indicative layout only – layout and design detail not under consideration in this application</p>
<p>The design of care home external areas is specialised with a need to concentrate on specific landscape design principles centred around improving the quality of life for residents. The layout as shown would provide limited opportunities for such design.</p>	<p>Indicative layout only – layout and design detail not under consideration in this application</p>
<p>It is suggested that the grassland will be accessible to residents and staff from the Care Home –via a single 'mown path' comprising of only 'one loop' and running to the rear of the building - in order to '<i>restrict disturbance</i>'. I would advise that this would be wholly impractical and would fail in creating a satisfactory environment for residents.</p>	<p>Indicative layout only – layout and design detail not under consideration in this application.</p>
<p>The buffers of 'dense scrub' running along the eastern and southern peripheries – with acid grassland habitat predominating the remainder of the open space. This would fail to provide a satisfactory 'outlook' for residents.</p>	<p>Indicative layout only – layout and design detail not under consideration in this application.</p>

15.3.12 While the above concerns are noted this can be addressed at reserved matters stage, potentially with a revised orientation of the care home, relocation of the church /community hall and revised parking, landscaping and detailed design.

The Planning Officer is satisfied there is sufficient space on site to accommodate the scale of the proposed development and still provide sufficient amenity for future occupiers. The indicative plan is not listed as an approved plan and an informative has been included to advise indicative plans are not considered acceptable for a reserved matters application.

- 15.3.13 It is noted that the previously refused application included a reason for refusal based on scale as a result of ecological constraints and requirements to accommodate development of the proposed scale, in particular the proposed care home, together with the need to provide a satisfactory standard of residential amenity for residents. This reason for refusal has been overcome where officers are satisfied sufficient amenity space can be provided on site. It is also noted both Natural England and NET are satisfied that mown paths can be provided within the ecologically enhanced areas, allowing residents access to additional amenity space.
- 15.3.14 Third party concerns have been raised that the proposed would impact negatively on the character of the area, including the Special Character Area outside of the application site, to the west & north-west (Woodside Road, West Moors Special Character Area). While it is acknowledged the surrounding area is a residential area and that the indicative foot print of the care home is larger, given the size of the site; single and two storey nature of the proposed; separation distance to boundaries; potential for landscaping; and existing vegetation retained to the boundaries; the impact on the character of the area would largely be in relation to the appearance, which would be considered under a reserved matter application if outline permission is granted.
- 15.3.15 In summary, in terms of design only the matter of scale (height, width, length) is being considered under this outline application. As set out above the proposed scale of the sixty bed care home and single storey church / community hall is considered acceptable and accords with Policy HE2 of the Core Strategy and relevant policies set out in section 12 of the NPPF 2023.

15.4 Access, Highways Safety and Parking

- 15.4.1 Paragraph 4.46 of the pre-amble Policy KS11 states:

A primary planning consideration is to ensure that development proposals achieve a suitable connection to the highway that is safe for pedestrians, cyclists, and occupants of vehicles. Equally important is the need to ensure that development related trips do not create new or exacerbate existing highway safety issues. All new development is required to address the transport implications of that development.

- 15.4.2 Paragraph 115 of the NPPF 2023 states:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

15.4.3 A transport statement has been submitted in support of the application, and additional information was requested by the Highways Authority. The Transport Statement submitted concludes that *“the proposed location of the development has been shown to be acceptable in terms of the lack of any resultant local highway impacts. There are no pressing capacity or safety concerns that can be considered “severe” as described within the National Planning Policy Framework.”* The Highways Authority has been consulted on this information.

15.4.4 Third party concerns have been raised that proposed would create a number of highway related concerns including insufficient parking and impact on highways safety. Local residents have commissioned their own transport assessments and have submitted technical notes in response to the planning application and Dorset Council Highways responses to the application. The latest technical note was submitted in July 2023 and suggested that the planning application would generate an additional 196 daily vehicle movements (13 two-way movements in the AM and 14 two-way movements in the PM peak periods). It stated that *“It is our professional opinion that this application therefore still has an unacceptable impact on highway safety which means that safe and suitable access, in line with Paragraph 110, cannot be achieved and it should be recommended for refusal on highway grounds as it would have an unacceptable impact on highway safety, in line with Paragraph 111 of NPPF.”*

[Officer note: references to the NPPF in third party reports are from 2019, where reports were submitted prior to December 2023].

15.4.5 In terms of its impact on highway safety, with the provision of additional information as requested by the Highway Authority, they have advised:

With the submitted TRICS data confirming the low-level traffic generation in the AM and PM peak hours, and bearing in mind the uses proposed, the Highway Authority considers that the residual cumulative impact of the development cannot be thought to be “severe” when consideration is given to paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) - July 2021. Therefore, the Highway Authority has NO OBJECTION, subject to condition.

[Officer note: references to the NPPF in Highways consultee response are from 2019, where reports were submitted prior to December 2023].

15.4.6 In response to the latest local resident submission, ‘Origin Technical Note 2’, the Highway Authority have provided the following advice:

The ‘Origin’ report submitted by local residents suggests that no further TRICS data has been submitted but this is incorrect. The applicant provided a document entitled “Predicted Trip Rates Via TRICs Data” on 25 January 2023 which provided tabulated trip rates that purported to have been derived from a TRICS analysis, although no supporting data was provided.

The Highway Authority have advised comparing this data with that previously provided by ‘Origin’ and Highway’s own TRICS analysis, they came to the conclusion that the findings were broadly similar and that they could be considered to provide a valid prediction of trip generation. Hence, the reference

to submitted TRICS data in the final observation recommending conditional approval.

It is noted, the Highway Authority are in agreement with ‘Origin’ that the proposal will generate additional trips onto the local highway network at a level below that previously identified for the refused application which included light industrial units. However, the Highway Authority notes Origin’s analysis fails to focus on is the fact that not only have the daily movements decreased but that peak hour movements are lower, with the peak periods of traffic for the care home and church uses falling outside of the AM and PM peak traffic periods (08:00 to 09:00) and 17:00 to 18:00). The church generates the most traffic movements between 19:00 and 20:00 on a weekday whilst the care home is busiest between 15:00 and 16:00).

The response to the flow distribution query was vaguely answered by the applicant but we are of the opinion that not all traffic will choose to use the Station Road/The Avenue junction so the impact on this junction will, again, be lessened.

TRICS analysis by all parties suggest that in the peak traffic periods around 12 to 15 vehicles could use the Station Road/The Avenue junction, that’s if all drivers choose to drive through it. Of those movements, half could be turning left or right out of it, so 6 to 7 vehicles, or one every ten minutes.

It is on this basis that the Highway Authority feel that we cannot substantiate a highway refusal based on the lack of visibility to the north of the junction as we don’t feel that it’s severe when consideration is given to the NPPF.

The Highway Authority previously discussed the possible uses of the site with the planning officer after the previous application was refused and are aware of the fact that the site is not safeguarded from development, it is included in the urban area and that the proposed uses could well be considered to be policy compliant. As such, the site has the potential to generate traffic and the Highways Authority felt that the currently proposed uses could be the best in terms of lower levels of trip creation and impact upon neighbouring amenity.

15.4.7 Policy KS12 states that adequate vehicle and bicycle parking should be provided to serve new development. Dorset Council parking guidelines advise on levels of parking for various planning uses. The following table compares the guidance to the proposed parking:

Use & floor Area	Dorset Council Parking Guidelines	Proposed Parking
D1 – non-residential institution (Church/community hall) 115 sqm	1 per 5m ² = 23	25 (over provision of 2 spaces)

<p>C2 – Residential Institutions</p> <p>60 beds</p>	<p>1 per 4 bed + 1 per 2 full time staff =</p> <p>15 + 12 = 27</p> <p>[Officer note – employee numbers not provided. Online research advises there are no minimum staffing requirements but a ratio of 1 member of staff to 5-7 beds is an average staffing for care homes]</p>	<p>34</p> <p>(over provision of 7 spaces)</p>
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- 15.4.8 Indicative parking provision is considered to be an over provision in accordance with the Dorset Council parking guidance. As noted previously, this over provision could be used as landscaping space as part of a detailed design to be submitted under a reserved matters application. Officers are satisfied there is sufficient space on site to accommodate the level of parking required for the scale of development proposed and is considered acceptable.
- 15.4.9 Based on the above, proposed access, parking and highways implications are considered acceptable and accord with Core Strategy policies KS11 and KS12.

15.5 Trees

- 15.5.1 Policy HE3 of the Core Strategy notes development needs to protect and seek to enhance the landscape character of the area. Section 15 of the NPPF 2023 aims to protect the natural environment.
- 15.5.2 Third party concerns have been raised that the removal of existing trees is unacceptable and that the proposed would impact negatively protected trees.
- 15.5.3 While there are no protected trees on the site, there are protected trees on sites adjacent. The site is mostly grassland with heathland scrub along the eastern boundary and a mixed species tree belt to its southern boundary. Standing adjacent the site access are a number of establishing Birch, which are protected. Protected trees are also located on adjacent sites to the west.
- 15.5.4 A tree survey and tree protection information has been submitted in support of the application and the Dorset Council Tree Officer was consulted.
- 15.5.5 The Tree Officer has advised there are no insurmountable tree issues. However, detail of services will be needed ensuring there’s no conflict with the retained trees and also a landscaping scheme showing all details of proposed tree

planting, which can be secured by condition. Landscaping details are required under a future reserved matters condition.

- 15.5.6 The proposed development in relation to tree implications are considered acceptable and accord with Core Strategy policies HE2 and HE3.

15.6 Drainage

- 15.6.1 The application site is within a flood risk zone¹, defined as having an annual exceedance (AEP) of flooding lower than 0.1% (1 in 1000 year event). A Flood Risk Assessment (FRA) is not usually required in FZ 1 unless the application is more than 1ha. As the site is approx. 2ha an FRA has been submitted in support of the application. A Topographic Survey and Ground & Water Desk Study Report have also been submitted. The site is not within a ground water flood risk area.
- 15.6.2 Third party concerns have been raised that the proposed would increase flood risk to the area and that existing infrastructure does not have capacity to take additional development. Local residents have submitted their own flood risk assessment information. Third party concerns have also been raised that the land required for the drainage connection is not within the ownership of the applicant, despite submitted documents stating it is. As set out below, officers are aware the land in question is not in the ownership of the applicant, but evidence has been submitted there is an intention to buy the land if planning permission is granted.
- 15.6.3 The DC Lead Flood Authority (LFA) have been consulted and noted that whilst the site of the proposal is shown to fall within Flood Zone 1 and is not at risk from any modelled flood risk from Ordinary Watercourses or Main Rivers. Consideration of the Environment Agency's (EA) Risk of Flooding from Surface Water (RoFfSW) mapping indicates that there is a risk of pluvial flooding to the north west part of the site at the 1-in-1000-year event but not at the higher probability 1-in-30 or 1-in-100-year events. Local residents have also confirmed anecdotally, that during rainfall events surface water frequently flows from the development site (which is currently greenfield) and onto Blackfield Lane, through the field entrance. This suggests that onsite surface water flooding occurs more frequently than the EA RoFfSW mapping indicates.
- 15.6.4 It is proposed to attenuate surface water from the development site and discharge at a greenfield rates and volumes (or less) into a new open ditch that will connect to the existing land drainage network on land which is currently outside of the red line boundary and out of the control of the applicant.
- 15.6.5 The LFA initially advised the following information was required:
- *Evidence was not provided to demonstrate that the land south of the development site is within the ownership of the developer or that permission would be given for a new surface water outfall connection to the watercourse south of the site.*
 - *Further evidence requested to provide clarification that the required attenuation volume can be delivered on site.*

15.6.6 In response to additional information submitted the LFA advised:

Following submission of the updated FRA, we can now acknowledge the following:

- The applicant is intending to purchase the adjacent land south of the development site should planning permission for the development be granted.*
- The applicant has provided calculations that show that the required surface water attenuation volume can be delivered on site.*

In addition to the above, the LLFA has received further advice from Dorset Council legal department that it will be possible for the applicant to secure the proposed connection into the offsite watercourse, next to the southern boundary of the site, through a Section 106 agreement or alternatively through the provision of evidence of land ownership where the connection is required.

15.6.7 In response to the local resident's FRA report submitted, the LFA have advised:

Since our previous consultation response, the LLFA has been made aware of a report by Hydrotec and Engineering Consultants (HEC) dated March 2023 and titled 'FRA and surface water management review'. It is the LLFA's understanding that this report has been put together at the request of some local residents and it provides a peer review of the applicant's own surface water drainage strategy. Please note, the LLFA is not certain which issue of the Corner Water Consulting FRA this document is a review of but as this document was issued in March, we can assume that it is for a version prior to the most recent Fifth issue.

The author of the Hydrotec report concludes that the applicant's own FRA report 'follows the NPPF, EA and LLFA flood risk planning guidance, which is based upon Planning Practice Guidance (PPG) - the government's planning policies for England (2021)'. However, it also highlights a number of key concerns and the LLFA has been asked to make comment on how the applicant's FRA/drainage strategy proposes to address each of these.

1) 'The issue of surface water generated off-site and flowing onto the development need to be considered in the proposed drainage strategy otherwise the proposed development would be susceptible to the pluvial flood risk during its design life.

The LLFA considers that the applicant has considered existing off-site surface and fluvial flood risk. Available EA modelling data has been reviewed and the applicant has also provided the results of some survey work. This ground level data along parts of the site boundaries provides sufficient evidence that significant surface/fluvial flooding from offsite should not enter the site. The applicant has also provided assurances within their FRA that existing ground levels will be maintained in order to mitigate against the risk of flooding from the nearby watercourses.

In addition to the assurances within the FRA, the LLFA will also be recommending that an additional condition is included should the application be approved, to ensure that the applicant constructs the new buildings with a minimum floor level of 300mm above ground level. This will provide an additional flood risk resilience measure for the new development.

2) Also the Hydrotec report recommends that 'consent of confirmation from Wessex Water is required to discharge the excess runoff into the existing drainage network without surcharge or downstream flooding.'

The LLFA advises that further consent from Wessex Water should not be required at this stage, as the applicant is not proposing a new direct surface water connection into a Wessex Water asset. Reference to Wessex Water correspondence shows that their preference is for this development to discharge surface water to local land drainage (watercourse) as proposed by the developer.

Also, the applicant is proposing to attenuate surface water from the development on site and to discharge surface water at greenfield rates for all rainfall events up to the 1-in-100 year plus 45% climate change event and this proposal meets with the required standards. If the applicant constructs and maintains the development to the proposed standards the LLFA would not expect to see increased runoff entering the existing drainage network.

The LLFA also notes the photographs of downstream flooding from 2013 included in the report. These pictures show some of the flooding that has previously occurred downstream of the development site and highlight the reason why it is important that the existing off-site flood risk is not made any worse by the proposed development. However, it is also important to be aware that these pictures do not show flooding within the red line boundary of development site.

- 15.6.8 Third party concerns have also been raised that the applicant does not own the land where the proposed drainage outfall will be. The applicant has advised they intend to buy the land, however this is not sufficient in terms of granting planning permission, where it cannot be guaranteed the outfall can be secured. As noted in the LFA response above, the Dorset Council Legal Team have advised it will be possible for the applicant to secure the proposed connection into the offsite watercourse, next to the southern boundary of the site, through a Section 106 agreement or alternatively through the provision of evidence of land ownership where the connection is required. This is set out in the officer recommendation.
- 15.6.9 The Environment Agency have also been consulted. While they raised initial concerns due to a lack of information in relation to foul drainage, they have raised no objection to the proposed as it is confirmed it is proposed to connect public mains sewer. This is subject to a condition in relation to foul drainage at reserved matters stage, which has been added to this report.
- 15.6.10 In relation foul drainage, third party concerns have been raised regarding existing sewer systems would require upgrading and would cause a major disturbance to

the area. Wessex Water have been consulted and raised no objection. However, they have advised that the foul sewer network would need to be reviewed should permission be granted due to capacity issues, however disruption to the area as a result of this is not material planning consideration.

- 15.6.11 Based on the above the proposed surface water and foul drainage is considered acceptable. Therefore, the proposed is considered acceptable in accordance with ME6 of the Core Strategy.

15.7 Local Amenity and Standard of Accommodation

- 15.7.1 Policy HE2 of the Core Strategy states that new development should be compatible with or improve its surroundings in relation to nearby properties and general disturbance to amenity and paragraph 135 of the NPPF 2023 notes (inter-alia):

Planning policies and decisions should ensure that developments:

f) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 15.7.2 Third party concerns have been raised that the proposed would have a harmful impact on neighbouring amenity in terms of privacy, overlooking, noise, pollution, well-being and living conditions of existing occupants.

Amenity

- 15.7.3 The proposed scale and separation distances to neighbouring properties is as follows:

Use	Approx. Foot print	Number of storeys	Distance to closest neighbouring boundary
Church/ community hall	115 sqm	Single storey (5m)	19m
Care home	1150 sqm	Single and double storey (3-7m)	35m

As noted previously, the boundary to Pine Walk is well screened by mature vegetation, which is to be retained. The boundary to dwellings on Blackfield Lane is generally open with low hedging. Given the proposed number of storeys, height and potential separation distances to neighbouring boundaries it is considered the proposed scale is unlikely to have a negative impact on neighbouring properties.

Noise

- 15.7.4 A Noise Impact Assessment (NIA) was submitted with the application. In response to this, local residents commissioned and submitted their own NIA.
- 15.7.5 The Dorset Council Environmental Health (EH) Officer was consulted on all NIA documents received and has advised on the following aspects:

Church / community hall noise	<i>In accordance with the noise assessment due to the planned hours of use of the church hall which includes a service with hymns every Sunday at 6am noise mitigation measures will be required. The mitigation measures detailed at point 6.4 must be undertaken and I suggest a suitable condition to ensure they are implemented.</i>
Plant noise	<i>The assessment provides a cumulative operational plant noise limit for the site. However further assessment will be required once the quantity, specification and location of plant has been determined. I suggest a suitable condition to ensure that the process as described by the noise consultant at point 8 of the noise assessment is implemented.</i>
Traffic noise	<p><i>The noise consultant has used the Department of Transport, Calculation of Traffic Noise (CRTN) to predict LA10 noise levels at the façade of nearby residents over an 18 hour period (6:00 – 24:00) and then refers to the Design Manual for Roads and Bridges (DMRB) document LA111 – noise and vibration to consider the magnitude of change in LA10 noise levels due to the proposed introduction of new traffic and concluded there will not be a significant effect.</i></p> <p><i>The consultant then looks specifically at the maximum noise levels of vehicles passing nearby residents whilst attending the proposed church service at 6am on a Sunday morning. The predicted LAFmax levels are 63 to 65 LAmx. The consultant then refers to the World Health Organisation (WHO): 1999:Guidelines for Community Noise which recommend that maximum noise levels should not go above 60 LAFmax at the façade of a residential property during the night period of (23:00-07:00) and correctly notes that the predicted levels exceed this by 3-5db.</i></p> <p><i>The WHO guidelines also recommend that LAFmax levels should not go above 45LAFmax within a bedroom during the night period. If residents have their windows open at night the recommended LAFmax level will be exceeded by</i></p>

	<p><i>3-5dB, but if windows are closed the recommended level will not be exceeded. The WHO 1999 guidelines also state that “For a good sleep, it is believed that indoor sound pressure levels should not exceed approximately 45 dB LAFmax more than 10-15 times per night” . The assessment predicts there will be 12 cars attending the church service for 6am, but there it also likely to be other traffic passing at night for example shift workers for the care home. The consultant comments that “The calculated noise level maxima are not greater than those which would occur on most typical residential streets, where a small number of vehicle movements at in the early morning period are not unusual. Overall it is considered that this would not cause a significant adverse effect.”</i></p> <p><i>Environmental Health note that the traffic to and from the care home and church may not be unusual for a residential street, however the introduction of traffic to and from the proposed site will be noticeable to existing residents and the maximum noise levels of any traffic passing residential properties at night may have the potential for an adverse effect depending on the number of traffic movements. Environmental Health are unable to comment on the likely traffic use.</i></p>
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15.7.6 It is considered that noise from the church / community hall and plant can be dealt with by condition. Based on the response to traffic noise from the EH Officer it was considered necessary to employ the services of an independent consultant to review the NIA from both the applicant and local residents.

15.7.7 Traffic consultants, WSP, were commissioned by the Council to review both NIA submissions from the applicant and from local residents. A full report is available online and WSP have concluded the following:

Considering the above guidance in relation to the situation at Blackfield Lane and the conclusions presented in the Applicant NIA and Residents NIA, it is our opinion that:

- *The Applicant NIA notes that the predicted noise maxima from individual vehicle movements marginally exceed the WHO guideline values (60 dB LAFmax outside or 45 dB LAFmax inside) and concludes that “this would not have a significant adverse effect, given the relatively small number of individual events”. The truth of this statement relies upon the definition of the words “significant adverse”. In accordance with the guidance detailed above, the noise impact could not be regarded as negligible, but taking into account the predicted maxima and number of occurrences, the impact could be considered to be minor and adverse.*
- *The Residents NIA concludes that “on the basis of the predicted road traffic movement associated with the development: there will be a significant*

adverse effect to health and the nearest sensitive premises”. In accordance with the guidance detailed above, we do not believe that “a significant adverse effect to health” is demonstrated and therefore the conclusion is not justified.

- *The situation is more nuanced than the assessments provided in the two NIAs. The potential noise impact will not be negligible; however, the impact will not present a significant adverse effect to health. It is our opinion that the noise impact will be minor or of marginal significance, based on the information presented in the NIAs.*

For these reasons, it is our opinion that, notwithstanding the lack of detailed analysis, the Applicant NIA presents a more accurate and reasonable overall assessment compared to the Residents NIA.

15.7.8 Local residents provided a further response to the report submitted by WSP raising the following queries and the response is provided in the following table:

Local resident response	WSP / Planning Officer Response
The consultant does not explain how he is qualified in Noise impact and the disturbance such noise has upon individuals.	Officers are satisfied that the WSP report was carried out by a suitably qualified professional.
The published report does not include “Appendix A” which is part of the report.	WSP have advised: <i>The reference to “Appendix A of this document” does not refer to an appendix to my response – it refers to the Appendix of the document I was referencing in the previous sentence.</i>
The TRICS data supplied by the applicant and considered by the consultant is wrong	WSP have advised: <i>Re TRICS data and discrepancy in assumed traffic flows (applicant vs objectors data): This was noted and commented on in my response (Page 1) and the difference in projected noise impact is minimal.</i>
Noise Impact upon Residents in Existing Properties.	WSP have advised: <i>Re Impact Assessment: Calculations were undertaken for the typical set back distance of the properties. If we were to undertake calculations for each and every individual property it would take a lot more time. Also, it is worth noting that the relevant distance is that between the traffic line and the building façade, not the corner of the property. No data was</i>

	<i>provided on traffic speeds – My assumption of 30km/h seems reasonable given the carriageway alignment.</i>
Blackfield Lane is not an “Average Urban Street” as described by the consultant	WSP have advised: <i>There seems to be some misunderstanding about the use of the word “urban”. Our report does not refer to Blackfields Lane as being “urban”. The word “urban” occurs in a reference to the one of the guidance.</i>

- 15.7.9 Based on the advice of independent consultants it is considered the proposed development is acceptable in relation to noise from traffic and impact on neighbouring amenity and would not warrant refusal.

Air Quality

- 15.7.10 Third party concerns have been raised that this development will have an unacceptably deleterious effect on neighbours in terms of air quality from increased road traffic seeking to access the completed development.
- 15.7.11 An Air Quality Impact Assessment (AQIA) has been submitted as part of the application and reviewed by the Environmental Health Officer, who advised:

I have viewed “Air Quality Assessment, Blackfield Lane, Dorset, J0634, J0634/1/F1, dated 25th March 2022, by Air quality Assessments Ltd.” I have no adverse comments to make and agree with the conclusions that in accordance with recognised guidance criteria the air quality effect is considered to be insignificant and therefore a detailed assessment of the air quality impacts of the development on the surrounding area is not required.
- 15.7.12 The proposed is not considered to have a negative impact on neighbouring amenity in terms of air quality.
- 15.7.13 To conclude in relation to impact on neighbouring amenity – while it is acknowledged the intensified use will have some impact on neighbouring amenity, it is not to an extent that would warrant refusal and the proposed is therefore considered to accord with HE2 of the Core Strategy subject to conditions.

15.8 Biodiversity

- 15.8.1 The application site adjoins the boundary of the Holt and West Moors Heath Site of Special Scientific Interest (SSSI). The SSSI is also a part of the Dorset Heathlands Special Protection Area (SPA) on account of rare or vulnerable

heathland bird species such as nightjar and Dartford warbler. It is also part of the Dorset Heaths Special Area of Conservation (SAC) which is notified for its vulnerable heathland and associated habitats, and some individual species such as sand lizard and smooth snake. In addition, the SSSI is listed as a Ramsar site for its heathland wetlands and associated rare wetland species such as marsh gentian. Listed Wetlands of International Importance under the Ramsar Convention (Ramsar) are protected as a matter of Government policy (National Planning Policy Framework paragraph 176).

15.8.2 Third party concerns have been raised that the proposed would impact negatively on existing flora and fauna on the site and protected sites in the surrounding area.

15.8.3 Policy ME1 of the Core Strategy aims to protect, maintain and enhance the condition of all types of nature conservation sites, habitats and species within their ecological networks including:

- Internationally designated sites (SPA, SAC, Ramsar)
- Sites of Special Scientific Interest (SSSI)
- Sites of Nature Conservation Interest (SNCI)
- Local Nature Reserves Priority species and habitats
- Important geological and geomorphological sites
- Riverine and coastal habitats
- Suitable Alternative Natural Greenspace (SANG)

15.8.4 Section 15 of NPPF 2023 aims to conserve and enhance the natural environment. Paragraph 180 (d) notes planning policies and decisions should contribute to the natural environment by :

'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.'

Dorset Heathlands

15.8.5 The application site is adjacent to Dorset Heathland as previously noted. The proposal for a 60 bed care home and church / community hall, in combination with other plans and projects and in the absence of avoidance and mitigation measures, is likely to have a significant effect on the site. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected site, in view of the site's conservation objectives.

15.8.6 The appropriate assessment (AA) has concluded that the application is likely to have a significant effect on protected sites as set out in the AA accompanying this report.

15.8.7 According to the Dorset Heathlands Planning Framework 2020-25, residential development within 400m of the Dorset Heaths European Site is not permitted due to impacts upon the designation. However, residential institutions which fall under C2 use class may be permitted under some circumstances, providing that

the necessary mitigation is delivered.

The Dorset Heathlands Planning Framework 2020-25 requires the following mitigation to be delivered in order to ensure that the development will not result in further recreational pressure upon the Dorset Heaths:

- 24 hour close care residents;
- Age restriction of 60+;
- Prevention of care home becoming open market housing;
- Preventing the use of on-site car parking for public use through enforcement and design; and
- No pets.

In relation to ecology on site that is associated with the adjacent Dorset Heathlands, the following mitigation is secured:

- planning obligations to secure monitoring and step-in rights
- condition securing the LEMP and CEMP
- condition for a sandy bank to be provided to the northern boundary for invertebrates on site

- 15.8.8 The applicant has agreed to the above restrictions, which will be secured by a Section 106 legal agreement or condition. Based on securing this mitigation, the proposed is considered acceptable in relation to Dorset Heathlands.
- 15.8.9 The adopted Dorset Heathlands Interim Air Quality Strategy 2020-25 SPD provides an approach to addressing the adverse effects of airborne nitrogen upon the Dorset Heathlands European Site. The strategy suggests a series of mitigation measures, paid for through developer contributions. The types of measure include direct measures targeting vehicle emissions adjacent to heathland. These include projects to encourage modal shift to other forms of transport, reduce vehicle speeds adjacent to heathlands, encourage the use of zero emission vehicles and through heathland management alongside roads. The strategy also addresses wider measures to reduce nitrogen deposition from agricultural land near to heathlands, or the re-siting or cleaning up of certain operations that generate emissions. The proposed development will provide a financial contribution to the Dorset Heathlands Interim Air Quality Strategy 2020-25 SPD through the Community Infrastructure Levy (CIL). The contribution is considered sufficient to address the potential air quality impacts upon the Dorset Heaths.
- 15.8.10 The proposed development will result in the loss of habitat adjacent to the Dorset Heaths which is used by SPA bird species for foraging purposes. However, the proposals for habitat management and enhancement measures on the remaining land, which must be secured through a condition, should deliver habitat improvements to the existing habitats. Since Nightjar are largely active at night, light disturbance from the proposed development could adversely affect the population of foraging Nightjar. Therefore, a pre commencement condition requiring a Lighting Strategy which accords with the Bat Conservation Trust

Lighting Standards should be required in order to avoid impacts upon foraging Nightjar.

- 15.8.11 Natural England has been consulted on the Appropriate Assessment (AA) and has advised they have no objection to the proposed development subject to securing mitigation measures as set out in the agreed AA.

Ecology on Site

- 15.8.12 The previously refused application proposed development of almost all of the site, with ecological buffers up to 8m along the north and west boundaries. One of the reasons for refusal was the unmitigated impact on on-site ecology.
- 15.8.13 This application for a care home and church / community hall has been amended such that it is now proposed to develop the southern half the site, with the habitats in north half retained and managed, although still accessible to care home residents via a mown path. The application is EIA development and is supported by an Environmental Statement (ES). Chapter 8, covers ecology and sets out the Ecological Impact Assessment (EclA) by Darwin Ecology. At this point in time the applicant's ecologists assessed much of the site as comprising semi-improved acid grassland with areas of dense scrub around the boundaries. This was inputted into the Biodiversity Metric as four different parcels of 'Other lowland acid grassland'. Three being poor condition and one being fairly good condition.
- 15.8.14 In the Natural Environment Team (NET) consultation response on 14th February 2023, NET questioned the assessment of the grassland being 'Other lowland acid grassland' because of inconsistencies in the reporting sometimes referring to it as being priority habitat 'Lowland Dry Acid Grassland', and because other organisations had, in their consultation responses, also considered it to be priority habitat. This includes Ecology Solutions, commissioned by local residents, who raised this in their response to the previous application.
- 15.8.15 Because of this uncertainty the applicant engaged Ilex Ecology to undertake an National Vegetation Classification (NVC) survey of the site. Their report is appended to the May 2023 EclA. From the report summary: *"The site overall was relatively species-poor, but did contain some key acidic indicator species, as well as an area of rapidly colonising heathland. As such, the NVC analysis revealed a low affinity to any known vegetation types, but did provide several low matches to acidic habitats (acid grassland, heathland and scrub) but often at lower levels than the match to more mesotrophic semi improved grassland types. Most significantly, the grassland which covered the majority of the site and most of the southern half, was revealed to not be lowland acid grassland but had a closer affinity to the neutral MG5 Cynosurus cristatus-Centaurea nigra grassland habitat type"*. The survey found that there were four main habitat areas/communities and that all the habitats on site are very transitional, with areas of overlap making it difficult to classify in a particular community. A majority of the site is a 30% match to lowland meadow, with several other habitats also having a low match. The report also states that there was not a

high enough affinity to any grassland to classify as any semi-natural habitat. For purposes of the Metric it has been inputted as 'other neutral grassland' which covers a majority of the southern part of the site plus the northeast corner. The central northern section is described as rapidly developing pioneer heathland.

- 15.8.16 NET responded to this information in June 2023 stating they had no further comment on the habitat assessment because of the survey undertaken by Ilex Ecology, recognising the expertise of the specific consultant in this field.
- 15.8.17 Ecology Solutions, commissioned by local residents, provided a further response in July 2023 with the habitat assessment being one of the concerns raised. The concerns were raised partly on the basis that the habitat was previously assessed as being acid grassland, and that the Ilex Ecology report referred to the fact that "*all plant communities on site have some affinity with acid habitats*". This response was followed up by the applicant with a Biodiversity Net Gain (BNG) Review, dated September 2023, which again focussed on the baseline habitat assessment, and which raises these same issues, and also notes:

"In light of the lack of confidence of the NVC results in and of themselves and the 'complex and often imprecise' nature of the relationships between NVC communities and UKHab habitat types, Ecology Solutions considered that additional evidence and justifications are required to support the selection of baseline habitats within the Metric."

They go on to state that the light sandy soils are typical of acid grassland habitats, and question the fact that Darwin cite the lack of dominance of acidic community indicators as a reason for assigning the grassland as 'other neutral grassland'.

- 15.8.18 The latest document submitted by the applicant is a letter report from Darwin Ecology, and includes further consultation with Ilex Ecology, in response to these two reviews from Ecology Solutions representing local residents. The key part of this, is that, under the current UK Habitats definition, four indicator species are required to meet the criteria for g1a lowland dry acid grassland. Darwin state that the grassland on site has just one indicator species (*Rumex acetosella*) and therefore does not meet this criteria, and that also the density of the sward is not sufficient.
- 15.8.19 On the basis of sufficient doubt introduced by local residents as to the accuracy of the habitat assessment NET sought advice from Dorset Environmental Records Centre (DERC), in order to assist in interpreting the NVC survey undertaken by Ilex Ecology in April 2023, which is used by Darwin Ecology in assessing the baseline habitats present at the site. This advice was sought, in part, due to a comment on the application by Ecology Solutions, dated September 2023, which introduced doubt around the accuracy of the classification of the baseline habitats.
- 15.8.21 The grassland having not been classified as Priority Habitat was one of the concerns raised in a previous NET consultation response, because they are a material consideration in planning, and which prompted the NVC survey to be

undertaken. Despite the difference in interpretation of the NVC data for the grassland habitat, it is important to note that neither interpretation of the NVC data places the grassland as being a community that translates to a Priority Habitat. As such, we are satisfied that the NVC survey, and amended ecology documents, address this concern.

- 15.8.22 In addition, the disparity in interpretation does not materially change the output of the Biodiversity Metric. Under the DERC interpretation the grassland as a whole, not being Priority Habitat, would be inputted as 'Other lowland acid grassland' which creates a reduction in the total net percentage change in habitat units from 19.82% to 18.18%. This difference is not, in the view of NET, significant for the purposes of decision making, and we advise that the Ecological Impact Assessment (EclA), Biodiversity Net Gain (BNG) Assessment and Biodiversity Metric can be relied upon.
- 15.8.23 The Landscape and Ecological Management Plan (LEMP) describes proposals to manage the grassland in a way that sees a transition to a mosaic of acid grassland and lowland heathland with management actions including removing Scot's Pine, restricting Heather coverage, and a cut and collect regime aimed at reducing nutrient load. Given the nature of the management actions, and that the target habitat in both scenarios would be 'Other lowland acid grassland' in 'Good' condition, it appears unlikely that the recommendations given in the LEMP would differ significantly on the basis of the two different interpretations of the grassland habitat present. Given this NET advise that this document can also be relied upon for decision making.
- 15.8.24 NET have advised they recognise the difficulties in classifying transitional habitats, such as those present at this site, and in translating NVC communities into the UK Habitat Classification (UKHab), for use in the Biodiversity Metric. However, consideration of the differing interpretations of the NVC quadrat data by two experts in their field demonstrates no material change in the outcomes that would otherwise be important to account for when determining the application.
- 15.8.25 Natural England have also been consulted on advice received from DERC and advised:

We note the comments received from DERC regarding the quality of the acid grasslands that occur on the site. The evaluation of the available botanical assessments concludes that none of the grassland areas conform to lowland acid grassland priority habitat, but rather should be classified as the less important "Other acid grassland". The report however notes the potential for restoration to priority habitats through appropriate management. The development proposals will retain and manage the higher quality grassland areas located in the northern half of the site and it is reasonable to conclude that if delivered in full the scheme will achieve acid grassland priority habitats within the retained areas within a reasonable timeframe. DC NET have commented that these botanical assessments do not change the overall outcomes or BNG assessment and we would concur with this advice.

The DERC report, however, also highlights the high importance of the site to specialist invertebrates, and it is clear from the submitted information that the site is of at least county importance for these interests. The applicant's invertebrate ecologist also highlighted the value to invertebrates and identified the retained northern areas of the site as important for the heathland invertebrate interests, with the developed area providing less important less specialist habitats. This finding mirrors the botanical assessment for the site. The areas subject to the development will however have value as additional invertebrate nectar and pollen sources. It will therefore be important for the landscaping proposals for the scheme to include (and be limited to) a range of heathland and acid grassland species and habitats to be agreed with DC NET designed to maintain the availability of pollen and nectar sources. We would therefore recommend that any permission secures a condition to agree and maintain a suitable ecological management plan for the developed areas as well as a habitat enhancement plan for the retained acid grasslands.

Having considered the assessment by DERC Natural England maintains its advice as set out in our previous response (email dated 28 June 2023). We would however recommend that the scheme is required to include the creation of a permanent sandy bank across the northern boundary to help provide further opportunities for the host of invertebrates reliant on sandy ground specialists. We would also reiterate our advice that any permission should secure the provision of appropriate monitoring of site condition and appropriate step in rights with funding necessary to ensure the long-term management of the retained acid grassland areas and ecological mitigation measures provided within the developed area. Further, provided these measures are in place it is reasonable to conclude that the scheme will be able to retain its current ecological function in relation to the adjacent SAC / SSSI.

- 15.8.25 Based on the assessment of NET, external consultants and Natural England of the various documents submitted (both by the applicant and local residents), the proposed is considered acceptable in relation to ecology on site subject to securing biodiversity and Heathland mitigation via condition and Section 106 legal agreement.

Biodiversity Net Gain (BNG)

- 15.8.26 Biodiversity NET Gain (BNG) is a new approach to development that makes sure that habitats for wildlife are left in a measurably better state than they were before the development. In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). From the 12 February 2024 developers of major planning applications must deliver a BNG of at least 10%. This means a development will result in more or better quality natural habitat than there was before development.
- 15.8.27 This application was submitted in 2022 and was not required to meet BNG requirements at the time of submission. Regardless of this the latest biodiversity metric submitted (June 2023) demonstrates a 19.82% gain in habitat units and a 37.78% gain in hedgerow units. Despite advice from DERC where it revealed a

few instances where NET might disagree with what has been inputted into the Metric, NET has advised the sum of these differences is not significant enough to take any net gain below 10%. Therefore the proposed is considered to meet the requirements of BNG.

- 15.8.28 Whilst BNG is not legally required for the application, it is considered necessary to secure a monitoring fee regardless given that the management and monitoring are key to accepting the proposed mitigation. It is therefore reasonable to include a monitoring fee into the section 106 legal obligation, based on BNG monitoring requirements.
- 15.8.29 Based on the mitigation to be provided in relation to Dorset Heathlands, biodiversity net gain and management requirements to maintain the site, the proposed is considered acceptable subject to the completion of a legal agreement and condition in relation to the LEMP.

15.9 Other

- 15.9.1 Concerns have been raised the application site is situated on contaminated land. The Council’s contaminated land consultant has been consulted and has raised no concerns regarding contaminated land subject to a standard contaminated land condition, which is included at the end of this report.
- 15.9.2 Third party concerns have also been raised that the existing power supply structure in Blackfield Lane is in sufficient to supply the demand required for the proposed development. Concerns are noted however there is no evidence to suggest power supply would be an issue and it is not a material planning consideration.
- 15.9.3 Concerns have been raised the proposed would impact negatively on the adjacent Castleman Trail. The Castleman Trail is adjacent to the site but is a sufficient distance from built development and the existing vegetation to the southern boundary provides ample screening, which is to be retained.

15.10 Summary response to neighbour concerns

15.10.1 The following table provides a summary response to neighbour concerns raised based on the officer assessment above:

Proposed Use	<ul style="list-style-type: none"> • The principle of development is acceptable. • The provision of a care home is considered acceptable subject to condition and securing heathland mitigation. • The provision of church / community hall is considered acceptable subject to condition. • Identified need for care homes across Dorset.
	<ul style="list-style-type: none"> • Only access and scale are under consideration.

Impact on character of the area	<ul style="list-style-type: none"> • The proposed will utilise the existing access and will not be harmful to the character of the area. • The scale of the proposed care home is considered acceptable in relation to the character of the area. • The scale of the proposed church / community hall is considered acceptable in relation to the character of the area.
Neighbouring amenity	<ul style="list-style-type: none"> • Proposed access and scale is not harmful to neighbouring amenity to an extent that would warrant refusal.
Access, Traffic and Parking	<ul style="list-style-type: none"> • No highways safety concerns for this specific application . • Access considered in accordance with Manual for Streets requirements. • Sufficient parking can be accommodated on site.
Housing Need	<ul style="list-style-type: none"> • The site is within 400m of Dorset Heathland and is not acceptable for housing. • Identified need for care homes across Dorset. • C2 care home acceptable within 400m • 60 bed care home will release approx 30 homes adding to the housing supply
Infrastructure	<ul style="list-style-type: none"> • No concerns in relation to infrastructure that would warrant refusal.
Ecology / Environment / Flooding	<ul style="list-style-type: none"> • Proposed care home and church / community hall acceptable within 400m of the heathland. • Biodiversity NET gain achieved on site. • Management of biodiversity area will improve biodiversity onsite. • Step-in rights can be secured via legal agreement.
Trees	<ul style="list-style-type: none"> • Proposed access and scale will not impact negatively on trees. • Loss of pine trees on site will improve biodiversity.
Construction	<ul style="list-style-type: none"> • Construction management can be controlled by condition.
Other	<ul style="list-style-type: none"> • Sufficient information has been submitted to assess and conclude recommendation on the application.

	<ul style="list-style-type: none"> • All required information has been corroborated and triangulated with consultee own information. • Impact on value of property is not a material consideration. • The application needs to be considered on its own merits.
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15.10.2 The following table provides a summary response to neighbour reports submitted based on consultee responses received:

	Neighbour Report	Summary Consultee Response
Highways	Traffic Assessment Suitability Report - Sept 2022 Response to DC Highways 'no objection' – May 2023 Transport Technical Note 2 – July 2023	Previous reasons for refusal have been overcome and the proposed development has been reduced removing the previously refused industrial units. There are no highways safety concerns for this specific application that would warrant refusal.
Flood Risk	Flood Risk Assessment – Sept 2022 FRA and Surface Water Management Review – March 2023	Subject to securing the off-site drainage point and conditions the proposed development does not result in flood risk concerns.
Impact on Neighbours	Environmental Impact Noise Assessment - Oct 2022 Response to WSP Noise Impact Report – 8 October 2023	Noise from the church / community hall and care home can generally be managed by condition. External consultants, WSP, have advised notwithstanding the lack of detailed analysis, the Applicant NIA presents a more accurate and reasonable overall assessment compared to the Residents NIA.
Ecology	Ecological Concerns – November 2022 Ecological Concerns – July 2023	DC NET, Natural England and external consultants have advised submitted information is acceptable and no objection to the proposed subject to securing mitigation,

	BNG Review – September 2023	management and monitoring requirements.
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15.11 Previous reasons for refusal

15.11.1 The previously refused application was refused for three reasons and these have been overcome as set out in the following table:

Reason for refusal (based on NPPF 2019 at the time of refusal)	Reasoning for overcoming reason for refusal
<p>The increased use of the existing junction of The Avenue with Station Road by traffic movements associated with the proposed development would, by virtue of the limited visibility to the north for vehicles using the junction, be likely to prejudice the free flow of traffic and conditions of general safety and is considered to have an unacceptable impact on highway safety, when consideration is given to paragraph 109 of the National Planning Policy Framework (NPPF) 2019.</p>	<p>The proposed development has been reduced by removing the previously refused industrial units and no longer raises highways concerns subject to condition.</p>
<p>As a result of ecological mitigation requirements the site is considered to be too constrained to accommodate development of the scale proposed. In particular the proposed care home which fails to provide adequate standards of amenity space for future residents and staff on account of the requirement for an ecological buffer. For these reasons the development is considered to be of an unacceptable scale and constitute overdevelopment of the site contrary to Policy HE2 of Christchurch and East Dorset Core Strategy and paragraphs 122 (e) and 127 (f) of the NPPF 2019 that require a good standard of amenity for future occupants.</p>	<p>Only the southern part of the site is now to be developed allowing the northern part to be retained and maintained as an ecology area. This is subject to condition and securing management matters via legal agreement.</p> <p>Sufficient amenity space for the care home residents can now be provided on site and additional space has been agreed by Natural England where residents can use a mown path through the ecology area.</p>

<p>It has been demonstrated that the application site is functionally linked to the adjoining designated internationally protected heath, Holt & West Moors Heaths. While mitigation is secured on site, based on information provided, it cannot be safely concluded that the scheme with the proposed mitigation measures secured would avoid an adverse effect on the designated features of the adjoining internationally designated sites. Without the required information the Local Planning Authority (LPA) is unable to conclude in favour of the application and the precautionary principle must apply. On the information supplied the proposal fails to secure the necessary avoidance measures to mitigate the impact of the development, on the integrity of the designated site and there are no imperative reasons of overriding public interest in support of the proposal. The development is therefore contrary to policies ME1 of the Christchurch and East Dorset Local Plan, Part 1 - Core Strategy, the provisions of the National Planning Policy Framework, particularly paragraphs 175-177 and the Conservation of Habitats and Species Regulations 2017.</p>	<p>Only the southern part of the site is now to be developed allowing the northern part to be retained and maintained as an ecology area. This is subject to condition and securing management matters via legal agreement.</p>
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15.12 Conditions and Section 106 Obligations

15.12.1 A number of conditions are required as follows and set out at the end of this report to ensure the proposed development can be deemed acceptable. Conditions are required in respect of the following material planning considerations:

Condition trigger	Condition
n/a	- Approved plans
Within 3 years of outline approval	- Reserved matters submission

Reserved matters design	<ul style="list-style-type: none"> - Foul drainage details - Sandy bank landscaping details
Pre-commencement	<ul style="list-style-type: none"> - Construction management plan - Surface drainage details - Tree protection details - Parking for cars - Lighting
Completion of construction	<ul style="list-style-type: none"> - Contaminated Land
Pre-occupation	<ul style="list-style-type: none"> - Access construction - Parking for bicycles - Floor levels - Biodiversity Mitigation Enhancement Plan - Plant details and noise
Perpetuity	<ul style="list-style-type: none"> - Landscape ecological management plan - church / community hall noise mitigation

15.12.2 A Section 106 legal agreement is also required, as set out in the officer recommendation, to secure the following:

- Secure Biodiversity requirements including management plan, monitoring fee and step-in rights.
- Secure Dorset Heathland restrictions required by Habitats Regulation Assessment (HRA).
- Secure surface water drainage connection outside of the site boundary (or provide proof of ownership, where surface water drainage obligations would no longer be required).

15.13 Conclusion

15.13.1 It is considered this Outline application suitably accords with relevant Local Plan Policies and National Planning Guidance as set out in this report and is considered acceptable in respect of access and scale as set out in this report.

15.13.2 The proposal would not give rise to significant amenity impacts on existing local residents or future site occupiers.

15.13.3 Therefore, subject to suitable conditions, the proposal accords with Local Plan Core Strategy policies HE2, HE3, KS1, KS11, KS12, HE1, ME1 and ME6 East Dorset Local Plan (2002) policies DES6 and DES11 and so with the Local Plan as a whole.

15.13.4 This assessment exercise has involved considering the acceptability of the proposal in relation to the Development Plan, taken as a whole, and all other

materials considerations. All of the foregoing factors have also been considered in relation to the social, economic, and environmental benefits to be provided by the proposal. It is considered the proposed is acceptable in relation to material planning considerations.

- 15.13.5 The proposal is therefore considered to be sustainable development for the purposes of NPPF paragraph 11. The recommendation is for approval of the application with conditions.

RECOMMENDATION

Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to:

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

- Secure Biodiversity requirements including management plan and step-in rights.
- Secure Dorset Heathland restrictions required by HRA.
- Secure surface water drainage connection outside of the site boundary (or provide proof of ownership, where surface water drainage obligations would no longer be required).

And subject to the following conditions.

OR

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

CONDITIONS for recommendation A

(pre-commencement conditions have been agreed by email on 20.02.2024)

1. (a) Before any development is commenced details of all 'Reserved Matters', that is the following matters in respect of which details have not been given in the application and which relate to the layout, appearance and landscaping shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

21-T5483/008 Location Plan

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

3. Prior to the determination of any reserved matters application, a scheme to dispose of foul drainage, which will include a connection point to the existing public foul sewer network, will be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not pose an unacceptable risk to the water environment.

4. Prior to the determination of any reserved matters application, a landscaping scheme, which will include details of a sandy bank across the northern boundary of the site, will be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development provides a suitable environment for specialists invertebrates on site.

5. Before the development hereby approved commences a Construction Method Statement (CMS) must be submitted to and approved in writing by the Local Planning Authority. The CMS must include:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- delivery, demolition and construction working hours

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

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

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

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

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

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

8. Details of any access facilitation pruning works and a plan showing the location of barriers in accordance with BS5837:2012 Trees in relation to design, demolition and construction shall be submitted to and approved in writing by the local planning authority before any equipment, machinery or materials are brought on to the site for the purposes of the development. The barriers shall be erected and maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To ensure that trees and their rooting environments are afforded adequate physical protection during construction.

9. Plans and particulars showing a scheme of foul sewers, surface water drains, land drains and the position of soakaways shall be submitted to, and approved in writing by, the Local Planning Authority, and development shall not be commenced before these details have been approved, unless otherwise agreed in writing. Such works shall be carried out in accordance with the approved details concurrently with the rest of the development and in any event shall be finished before the building is occupied.

Reason: This information is required prior to commencement of development in the interests of tree protection and to accord with Policies HE2 and HE3 of the Core Strategy.

10. Before the development commences a scheme for the manoeuvring, parking, loading and unloading of vehicles must be submitted to the Planning Authority. Any such scheme requires approval to be obtained in writing from the Planning Authority. The

approved scheme must be constructed before any part of the development hereby permitted is occupied or utilised. Thereafter, these areas must be maintained, kept free from obstruction and available for the purposes specified.

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

11. Before the development commences a written scheme should be submitted to and agreed in writing by the local planning authority that specifies the provisions to be made for the level of illumination of the site and to control light pollution. This should include a light spill assessment to demonstrate that any artificial lighting will not have an adverse effect on nearby residents. The scheme shall be implemented and maintained for the lifetime of the approved development and shall not be altered without the prior written approval of the local planning authority.

Reason: To protect on site ecology and neighbouring amenity.

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

Reason: To ensure risks from contamination are minimised.

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

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

14. The development hereby permitted must not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities is submitted to the Planning Authority. Any such scheme requires approval to be obtained in writing from the Planning Authority. The approved scheme must be constructed before the development is commenced and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

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

15. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Landscape Ecological Management Plan (LEMP) dated November 2023 must be strictly adhered to during the carrying out of the development.

The development hereby approved must not be first brought into use unless and until:

- i) the mitigation, compensation and enhancement/net gain measures detailed in the approved biodiversity plan or LEMP have been completed in full, unless any modifications to the approved LEMP as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority, and
- ii) evidence of compliance in accordance with the approved LEMP has been supplied to the Local Planning Authority.

Thereafter the approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details.

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

16. The detailed Construction Ecological Management Plan (CEMP) dated May 2022 must be strictly adhered to during the carrying out of the development.

Reason: To mitigate for impacts on biodiversity.

17. Finished floor levels to be constructed to a minimum of 300mm above ground level.

Reason: To provide resilience against residual surface/fluvial water flood risk.

18. Prior to the installation of externally mounted plant, details of any externally mounted plant (electrical substation and commercial kitchen extraction system) shall be submitted to the Local Planning Authority (LPA) along with a noise assessment such as that conducted in accordance with BS4142:2014 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. The assessment shall be submitted to and approved in writing by the LPA. The agreed scheme (together with any required measures) shall be installed to the agreed specification prior to the first use, and maintained and operated in that condition thereafter unless agreed in writing by the LPA.

Reason: In the interests of amenity and in accordance with Policy DES2 of the East Dorset Local Plan.

19. Prior to the installation of the commercial kitchen extraction system, a scheme containing full details of the arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the Local Planning Authority (LPA) along with an appropriate odour assessment. The works detailed in the

approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless agreed in writing by the LPA.

Reason: In the interests of amenity and in accordance with Policy DES2 of the East Dorset Local Plan.

20. The proposed church / community hall hereby approved shall be designed and constructed in accordance with the requirements of the approved noise impact assessment 'Land off Blackfield Lane, Noise Impact Assessment, J0431_R03, dated 22nd March 2022 by ALN Acoustic Design Ltd', which will include a building envelope specified to provide an enhanced composite sound insulation performance of at least 44dB R'w and double glazed windows and doors.

Reason: In the interests of amenity and in accordance with Policy DES2 of the East Dorset Local Plan.

Informatives:

1. The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. The amount of levy due will be calculated at the time the reserved matters application is submitted.
2. This grant of permission is to be read in conjunction with the Legal Agreement dated TBC entered into between Dorset Council and TBC.
3. The applicant is advised the indicative layout submitted is not considered acceptable and this approval is for scale and access only. A reserved matters application will need to consider landscape officer concerns raised in relation to layout and design detail raised in response to the submitted indicative design.
4. The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with **Section 184 of the Highways Act 1980**. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.
5. If the applicant wishes to offer for adoption any highways drainage to DC, they should contact DC Highway's Development team at DLI@dorsetcouncil.gov.uk as soon as possible to ensure that any highways drainage proposals meet DCC's design requirements.
6. Prior Land Drainage Consent (LDC) may be required from DC's FRM team, as relevant LLFA, for all works that offer an obstruction to flow to a channel or stream with the status of Ordinary Watercourse (OWC) – in accordance with s23 of the Land

Drainage Act 1991. The modification, amendment or realignment of any OWC associated with the proposal under consideration, is likely to require such permission. We would encourage the applicant to submit, at an early stage, preliminary details concerning in channel works to the FRM team. LDC enquires can be sent to floodriskmanagement@dorsetcouncil.gov.uk

REASONS for recommendation B

1 - Dorset Heathlands

It has been demonstrated that the application site is functionally linked to the adjoining designated internationally protected heath, Holt & West Moors Heaths. While mitigation is proposed on site, it has not been secured by legal agreement as required. Without the required mitigation secured by legal agreement the Local Planning Authority (LPA) is unable to conclude in favour of the application and the precautionary principle must apply. Therefore the proposal fails to secure the necessary avoidance measures to mitigate the impact of the development, on the integrity of the designated site and there are no imperative reasons of overriding public interest in support of the proposal. The development is therefore contrary to policies ME1 of the Christchurch and East Dorset Local Plan, Part 1 - Core Strategy, the provisions of the National Planning Policy Framework, particularly section 15 and the Conservation of Habitats and Species Regulations 2017.

2 - Drainage

Proposed drainage connections are required off site. Off site connections are required to be secured by legal agreement. The proposed drainage off site drainage connection has not been secured by legal agreement as required nor has proof of ownership of the land been provided. Without the required connection secured by legal agreement or proof of ownership the Local Planning Authority (LPA) is unable to conclude in favour of the application and the precautionary principle must apply. Therefore the proposal fails to secure the necessary drainage requirements to implement the proposed drainage scheme. The development is therefore contrary to policies ME6 of the Christchurch and East Dorset Local Plan, Part 1 - Core Strategy.

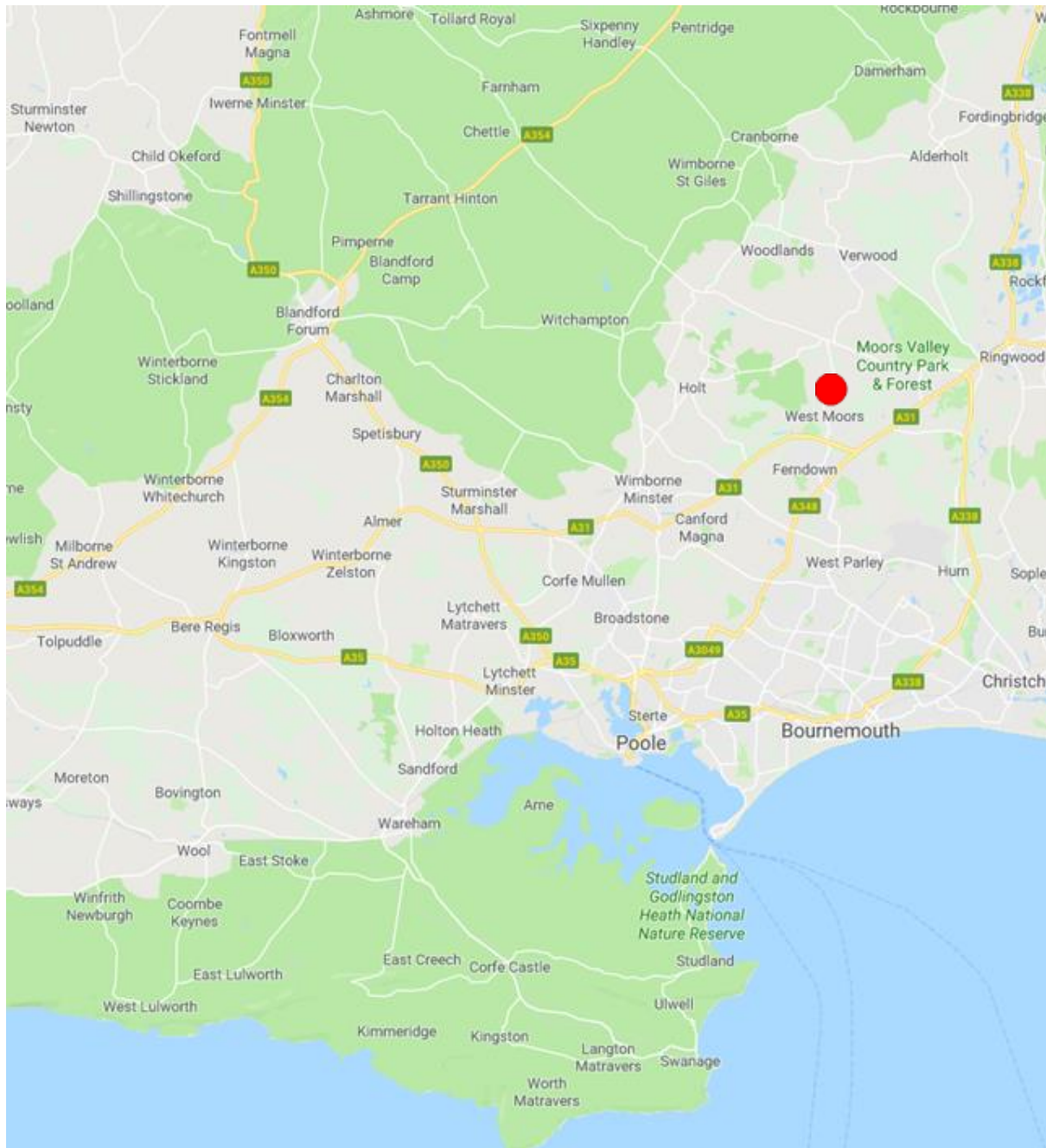
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Approximate Site Location

Application reference: P/OUT/2022/04113

Description of development: Outline application for erection of a church / community hall & care home with associated parking & an area for biodiversity enhancement (all matters reserved except access and scale)



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Eastern Area Planning Committee

13 March 2024

Application Number:	P/HOU/2024/00111		
Webpage:	Planning application: P/HOU/2024/00111 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	9 Campion Gardens Wimborne Minster BH21 4FH		
Proposal:	Retain partial conversion of garage to ancillary living accommodation		
Applicant name:	Mrs V Chevis		
Case Officer:	Claire Lewis		
Ward Member(s):	Cllr Bartlett and Cllr Morgan		
Publicity expiry date:	2 February 2024	Officer site visit date:	8 February 2024
Decision due date:	5 March 2024	Ext(s) of time:	N/A
No of Site Notices:	2		
SN displayed reasoning:	<ol style="list-style-type: none"> 1. Displayed on fence opposite front elevation and neighbouring property on Campion Gardens. 2. Displayed on Tansy Close, to rear of property. 		

1.0 Reason application is going to committee

The applicant is a Planning Officer employed by Dorset Council.

2.0 Summary of recommendation:

GRANT subject to conditions

3.0 Reason for the recommendation: as set out in paragraphs 16 and 17:

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There is no demonstrable negative impact on parking provision.

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

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of changing the use of part of a residential outbuilding within the urban area to form additional, ancillary living accommodation is acceptable.
Scale, design, impact on character and appearance	The proposed development would not have an adverse impact on the visual amenities of the site or locality.
Impact on the living conditions of the occupants and neighbouring properties	The proposed development would not have any harmful impact on the living conditions of the occupiers or neighbouring residential properties.
Impact on landscape	The proposed development is not deemed to result in any negative impact on the landscape.
Flood risk and drainage	The proposal would not alter or increase the flooding risk.
Highway impacts, safety, access and parking	The proposal would leave adequate parking provision.

5.0 Description of Site

- 5.1 9 Campion Gardens is a detached, two-storey residential property of red brick with slate tiled roof and white uPVC fenestration, forming part of a new housing development built over the last decade to the east of Cranborne Road and north of Burts Hill Wimborne. The property sits on level ground on the north side of Campion Gardens. It is located at the end of the cul-de-sac with open greenspaces immediately to the east and south.
- 5.2. The site is one of the largest plots on the development, benefitting from additional private amenity space to the front. There is a detached double garage towards the northwest corner and a double width driveway. The rear garden is fenced in on all sides with close boarded fence panels, with an integrated wooden side access gate.
- 5.3 The residential estate to the east of Cranborne Road has a varied mix of property types with a consistent character and style, predominantly red brick with some rendered walls, white uPVC fenestration and slate tiled roofs. Most of the houses in this part of the development have private driveways and single or occasionally double garages, resulting in minimal street parking within this part of the development. There is a general feel of consistency, with matching white front doors and matching white up and over garage doors with top window lights.

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- 5.4 Wimborne First School is visible from the western end of the cul de sac. The remaining land use comprises newly formed roads, footpaths, cycle tracks and public green spaces.

6.0 Description of Development

- 6.1 Permission is sought to change the use of the eastern half of the existing double garage building from its use as garaging to 'ancillary' residential use, providing additional living accommodation for the dwellinghouse.
- 6.2 Planning permission is required because a condition was imposed on the reserved matters consent (no. 2) removing permitted development rights for development which would alter parking provision.
- 6.3 The proposal also seeks permission to retain an external door and single, ground floor window that have been installed in the wall of the east elevation of the garage building, facing onto the rear garden towards the eastern side boundary fence.

7.0 Relevant Planning History

3/14/0016/OUT - Decision: GRA - Decision Date: 13/03/2017

Residential development of up to 630 dwellings, a new local centre, a replacement and extended Wimborne First School, public open space and new allotments together with new access, streets and other related infrastructure (All Matters Reserved).

3/14/0017/COU - Decision: GRA - Decision Date: 13/03/2017

Change of use of agricultural land to form Suitable Alternative Natural Greenspace (SANG) as amended by plans rec'd 30th September 2014 and 25 March 2015, and June 2015 additional details rec'd 11th February 2015.

3/17/1390/RM - Decision: GRA - Decision Date: 05/10/2017

Reserved matters for the main access junctions, spine road and school access road, foul water pumping station and associated infrastructure to serve urban development off Cranborne Road approved by application 3/14/0016/OUT (amended plans & additional information rec'd 19.7.17, 25.7.17, 2.8.17, 4.8.17 & 11.8.17)

3/18/0054/RM - Decision: GRA - Decision Date: 14/03/2018

Reserved matters details (following approval of 3/14/0016/OUT) for the second phase of development off Cranborne Road comprising: the construction of 254 plots (phase 1B plots 65-318), public open space, vehicular, cycle and pedestrian access, access for the proposed first school, landscape planting, surface water attenuation features, foul water pumping station and associated infrastructure (as amended by plans rec'd 16.2.18 & 22.02.18)

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3/19/0681/RM - Decision: GRA - Decision Date: 10/06/2019

Alternative reserved matters details (following approval of 3/14/0016/OUT and 3/18/0054/RM) to substitute house types for plots 235-242, 258-259, 269-318 within the southeast residential development east of Cranborne Road.

8.0 List of Constraints

Adj Burts Hill / Merrifield Colehill Conservation Area

Wimborne Minster Neighbourhood area - Designated 13/02/2020; -

Legal Agreements S106 - secures mitigation and enhancement associated with estate development.

Bournemouth Water Consultation Area

Groundwater – Susceptibility to flooding

Within Dorset Heathlands - 5km Heathland Buffer

Natural England Designation - RAMSAR: Dorset Heathlands (UK11021); - Distance: 4419.11

Site of Special Scientific Interest (SSSI) impact risk zone

Groundwater Source Protection Zone

9.0 Consultations

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

Consultees

1. Dorset Council Highways

To be reported

2. Wimborne Minster Town Council (received 30/01/24)

-No objection

-Noted concern at loss of parking provision

2. Wimborne Minster Ward Members – no comments received

Representations received

No letters of representation have been received.

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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

Adopted Christchurch and East Dorset Local Plan (CED LP) 2014:

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

KS1 - Presumption in favour of sustainable development

KS2- Settlement hierarchy

KS12- Parking Provision

HE2 - Design of new development

ME6- Flood Management, Mitigation and Defence

Material Considerations

Emerging Local Plans:

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

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

The Dorset Council Local Plan:

Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making. However, the production of the Draft Local Plan has significant implications for the assessment of housing land supply.

The emerging Local Plan has reached Regulation 18 of the (Town and Country Planning (Local Planning) (England) Regulations 2012 stage and includes a policies map and proposed allocations towards meeting housing need. Therefore, as detailed

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under Paragraph 226 of the NPPF (December 2023), for decision-making purposes only, the Council is only required to identify a minimum of 4 years' worth of deliverable housing sites.

Emerging Neighbourhood Plans

The Wimborne Minster Neighbourhood Area was designated in 2020.

Wimborne Minster Neighbourhood Plan- In preparation

Wimborne Minster Town Council Draft Strategic Plan Consultation began in January 2024 and is seeking to establish the level of support for a Neighbourhood Plan, but there is not currently one in place so no weight can be given.

National Planning Policy Framework

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

Other relevant NPPF sections include:

- Part 2 - Achieving sustainable development.
- Part 4 - Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Part 12 - Achieving well-designed places.
- Part 15 – Conserving and enhancing the natural environment

Other material considerations

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

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.

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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.

14.0 Financial benefits

None

15.0 Environmental Implications

None since the proposal will change the use of an existing building.

16.0 Planning Assessment

Principle of development

16.1 The application site is situated within the defined development boundary for Wimborne Minster which sits at the top of the settlement hierarchy, the highest priority location for new development as set out in Policy KS2 ‘Settlement Hierarchy’. Development within the ‘Main Settlements’ will normally be permitted where no material considerations indicate otherwise.

16.2 In principle changing the use of an existing residential outbuilding to ancillary residential accommodation within the curtilage of a dwellinghouse is therefore acceptable, subject to other material considerations considered below.

Scale, design, impact on character and appearance

16.3 This retrospective proposal seeks to retain the partial conversion of an existing, domestic double garage. The garage building is located to the rear of the main dwellinghouse, in the northwestern corner of the plot and was constructed along with the house. There is a long driveway, leading up to the double garage.

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- 16.4 A white uPVC side door installed when the property was built, is a departure from the approved plans, as is the subsequent addition of a window to the east side elevation at ground floor level, facing onto the dwelling's private amenity space.
- 16.5 Planning Permission is required for these changes, because at approx. 5m tall, the garage building is too high to benefit from permitted development rights.
- 16.6 No other external changes have been undertaken and the garage doors to the front elevation will remain. The proposal will not change the character or appearance of the property when viewed from the highway or public open space (SANG) to the east. This proposed development is considered acceptable as it is minor and unobtrusive with materials to match the existing. The proposal is compatible with its surroundings in accordance with policy HE2.



Fig.1 (left) East side elevation with new window.

Fig 2 (right) Development site in relation to properties to rear.



Impact on the living conditions of the occupants and neighbouring properties

- 16.7 The additional window overlooks the property's rear garden and does not overlook neighbouring properties to the rear due to the close boarded fencing to the boundary.
- 16.8 The intended use of the eastern half of the garage would be a home office and occasional amenity space. The building's conversion to an ancillary use of this kind is not considered to have any significant impact on the living conditions of the occupants or neighbouring properties.

Flood risk and drainage

- 16.9 The property is located in an area identified as being susceptible to groundwater flooding. The proposed use of the garage as a home office/amenity space, and changes to fenestration, will not alter or increase the flooding risk for occupants or neighbours. The application therefore accords with policy ME6 of the Christchurch and East Dorset Local Plan.

Highway impacts, safety, access and parking

- 16.10 The Town Council has not objected but has raised concerns about loss of off-street parking spaces. Condition 2 on the reserved matters approval was intended to ensure that off-street parking is retained on the estate in the interests of highway safety and in a visually acceptable manner.

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- 16.11 In this case the property has a private driveway to the western side of the plot that provides four off-road parking spaces along with the two existing garage spaces. The proposal would result in the loss of one of the two garage parking spaces, but ample private off-street parking space will be retained on the driveway, the proposal is therefore unlikely to result in increased parking pressures elsewhere.
- 16.12 There is no proposed change to the driveway arrangement, the property retains sufficient parking for a dwelling of this size, and therefore there are no access concerns or enhanced risks to highway safety.

17.0 Conclusion

The proposed development complies with the policies of the adopted Local Plan and the relevant sections of the National Planning Policy Framework as listed above, and no material planning considerations indicate otherwise.

18.0 Recommendation

Grant, subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 001 Location and Block Plan
 - 002 Existing floor plan and elevations
 - 003 Proposed floor plan and elevations

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

3. The development permitted shall not be occupied at any time other than for purposes ancillary to the residential dwelling known currently as 9 Campion Gardens, Wimborne Minster, BH21 4FH.

Reason: The accommodation is not considered suitable as a separate dwelling, because of the relationship with adjacent dwelling(s).

Informative Notes:

1. Informative: National Planning Policy Framework Statement

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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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

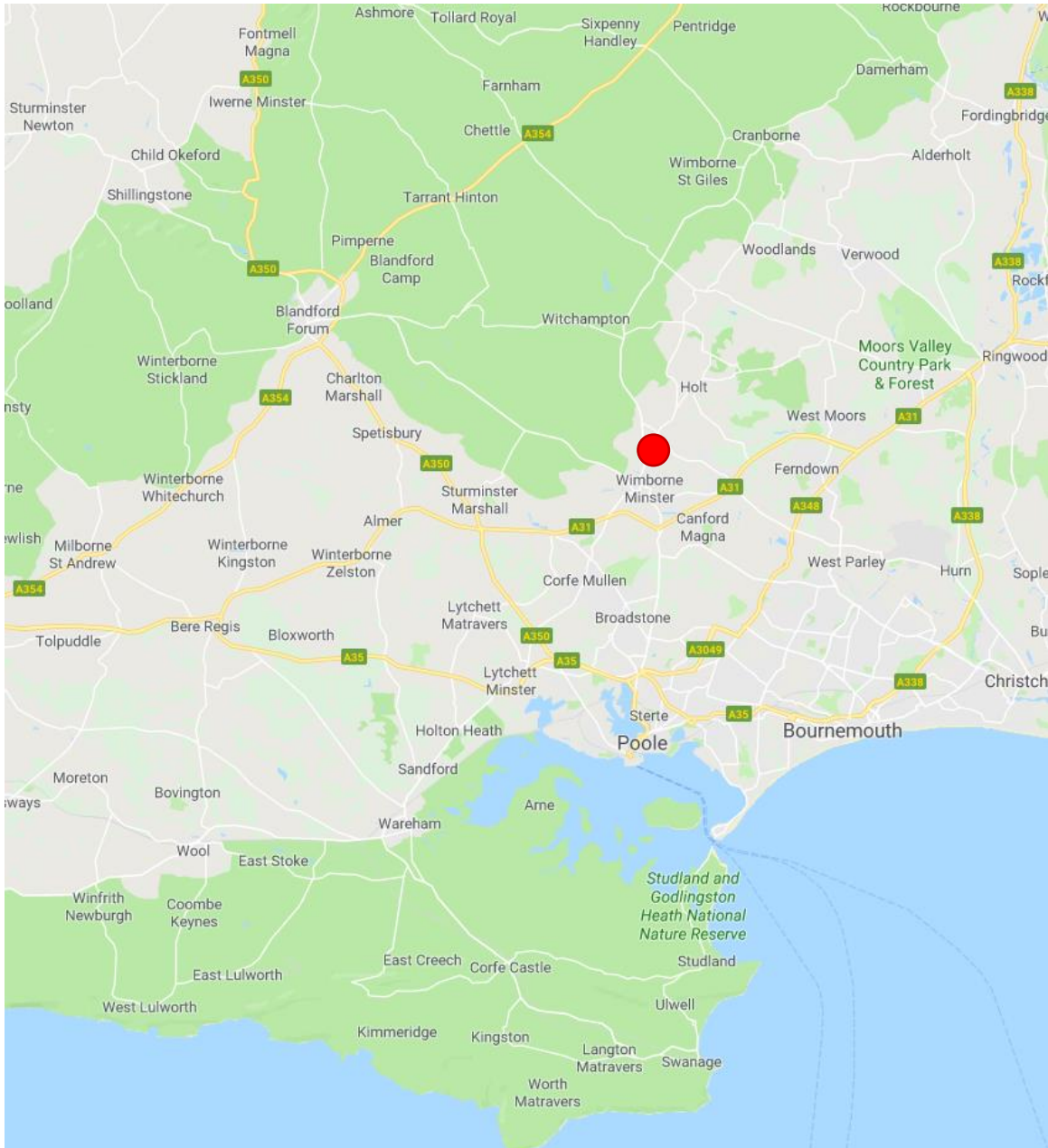
- The application was acceptable as submitted and no further assistance was required.

● Approximate Site Location

Application reference: P/HOU/2024/00111

Site address: 9 Campion Gardens, Wimborne Minster, BH21 4FH

Proposal: Retain partial conversion of garage to ancillary living accommodation



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Agenda Item 8

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Application Number:	P/ADV/2023/07233		
Webpage:	Planning application: P/ADV/2023/07233 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Holton Heath Garage, Wareham Road, Holton Heath, BH16 6JW		
Proposal:	Erection of new advertising Totem Pole sign		
Applicant name:	Sterling Petroleum Ltd		
Case Officer:	Cari Wooldridge		
Ward Member(s):	Cllr Ezzard, Cllr Holloway		
Publicity expiry date:	20 February 2024	Officer site visit date:	25/01/2024
Decision due date:	12 March 2024		

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:

GRANT advertisement consent subject to conditions.

3.0 Reason for the recommendation:

The proposal is compliant with the NPPF, PPG and relevant policies of the Purbeck Local Plan 2012.

- The proposal is acceptable in impact on amenity.
- The proposal is acceptable in impact on public safety.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Impact on amenity	Acceptable subject to conditions.
Impact on public safety	Acceptable subject to conditions.

5.0 Description of Site

5.1 The application site consists of 1169 sqm (0.1169 ha) of land associated with Holton Heath Garage / Petrol Station. The site is located on the A351 Wareham Road, to the north-east of Organford. The red line includes the single storey shop building and yard to the rear, forecourt, new canopy (currently being installed), and access and egress from Wareham Road.

- 5.2 A mixture of uses surround the site including Holton Heath Park (park homes) to the rear, residential dwellings to the north-east and south-west, and Admiralty Park on the opposite side of Wareham Road. The adjoining residential bungalow of 'The Firs', which is located outside the site boundary but directly to the south-west of the shop building, is currently in a poor state of repair and believed to be uninhabited.
- 5.3 The site is located in the South-East Dorset Green Belt which washes over the entire area of Holton Heath / Organford. It is located outside a defined settlement boundary and within the countryside. The north-eastern access off Wareham Road also serves Holton Heath Park to the rear.

6.0 Description of Development

- 6.1 This application follows former approvals for the site (as detailed below) and proposes the erection of a new internally illuminated 6.83m high 'totem pole' sign to the front of the garage forecourt.

7.0 Relevant Planning History

P/FUL/2022/02394 - Removal of existing canopy, supply and fit of new canopy, fuel dispensers and islands, and new offset fillers – Granted 08/12/2022.

P/FUL/2022/04531 - Extension of existing Class E retail unit – Granted 23/02/2023.

P/ADV/2023/02384 - Erection of new Totem Sign to front of existing forecourt – Granted 13/09/2023

P/NMA/2024/00308 - Non Material Amendment to PA P/FUL/2022/04531 (extension of existing Class E retail unit) to make alterations to approved fenestration – Granted 08/02/2024.

8.0 List of Constraints

- Greenbelt
- Existing ecological network
- Higher Potential ecological network
- Site of Special Scientific Interest (SSSI) impact risk zone
- Radon: Class: Less than 1%
- Contaminated Land
- Medium pressure gas pipeline 25m or less from Medium Pressure Pipelines (75mbar - 2 bar) - Distance: 2.04

9.0 Consultations

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

Consultees

- 1. DC - Highways (received 23/02/24)**

- No objection subject to conditions and informative note.
- 2. Wareham St Martin Parish Council (received 25/01/24)**
 - No objection.
 - Request sign is turned off at night to maintain dark skies.
 - 3. Ward Members (Cllrs Holloway and Ezzard)**
 - No comments received.

Representations received

- The application was advertised by means of site notice to front of the application site. No other representations were received.

10.0 Duties

10.1 Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 requires that a local planning authority shall exercise its powers in the display of advertisements in the interests of amenity and public safety only, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.

11.0 Relevant Policies

Development Plan

Adopted Purbeck Local Plan 2012:

Policy D – Design

Policy LHH - Landscape, Historic Environment and Heritage

National Planning Policy Framework:

Section 4 ‘Decision taking’ - Paragraph 38:

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

Section 12 ‘Achieving well-designed places’ - Paragraph 141:

The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Other material considerations

Emerging Dorset 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 Purbeck Local Plan:

The Purbeck Local Plan (2018-2034) Submission January 2019 ('the Submitted Draft Purbeck Local Plan') was submitted for examination in January 2019. At the point of assessing this application, examination of the Submitted Draft Purbeck Local Plan is ongoing, hearing sessions and consultation on Proposed Main Modifications and additional consultation on Further Proposed Main Modifications having been undertaken and a further public hearing session held on 19 July 2022. Updates on the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, Dorset Council and other interested parties) are published on Dorset Council website (www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck-local-plan/purbeck-local-plan-latest-news).

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

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

E12 - Design

Purbeck District Design Guide SPD (2014):

Paragraph 145:

Advertisements and signage should not appear visually dominant or incongruous when viewed within both the context of your property and its broader context. You

should take into account the cumulative (combined) impact of adding new signs or advertisements to existing to avoid visual clutter.

Paragraph 146:

If you are considering the use of illuminated signs, take note of the established level and type of building and street lighting within the vicinity. Consider the potential for light pollution, glare and other adverse impacts upon amenity arising from the use of lighting. Choose fittings that provide directed and discrete lighting. You should generally avoid internally lit box signs due to their bulk and excessive levels of lighting involved. Halo illumination (where low-key lighting is provided beneath solid built-up lettering providing a glow) may sometimes be appropriate.

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 proposal would not result in any disadvantage to persons with protected characteristics.

14.0 Financial benefits

What	Amount / value
Material Considerations	
Advertisement of commercial premises	Additional local employment opportunities
Non-Material Considerations	

15.0 Environmental Implications

15.1 There are no significant environmental impacts arising from the signage. The internally illuminated signage could result in some light spill, but its impacts can be mitigated by the imposition of conditions and the restriction of any illumination to correlate with opening hours of the filling station.

16.0 Planning Assessment

16.1 The main policy considerations are set out in paragraph 141 of Section 12 of the National Planning Policy Framework relating to adverts, which states that:

‘Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.’

Impact on Amenity

16.2 Planning Practice Guidance on ‘Advertisements’ (paragraph 79) advises that:

In practice, “amenity” is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.

16.3 The immediate area surrounding Holton Heath Garage is largely residential in character with adjacent properties to the south-west, north-west and north-east consisting of bungalows and / or chalet bungalows with detached houses beyond. Also located to the north-east of the site is a vehicle dealers’ forecourt and vehicle repairs and MOT Centre.

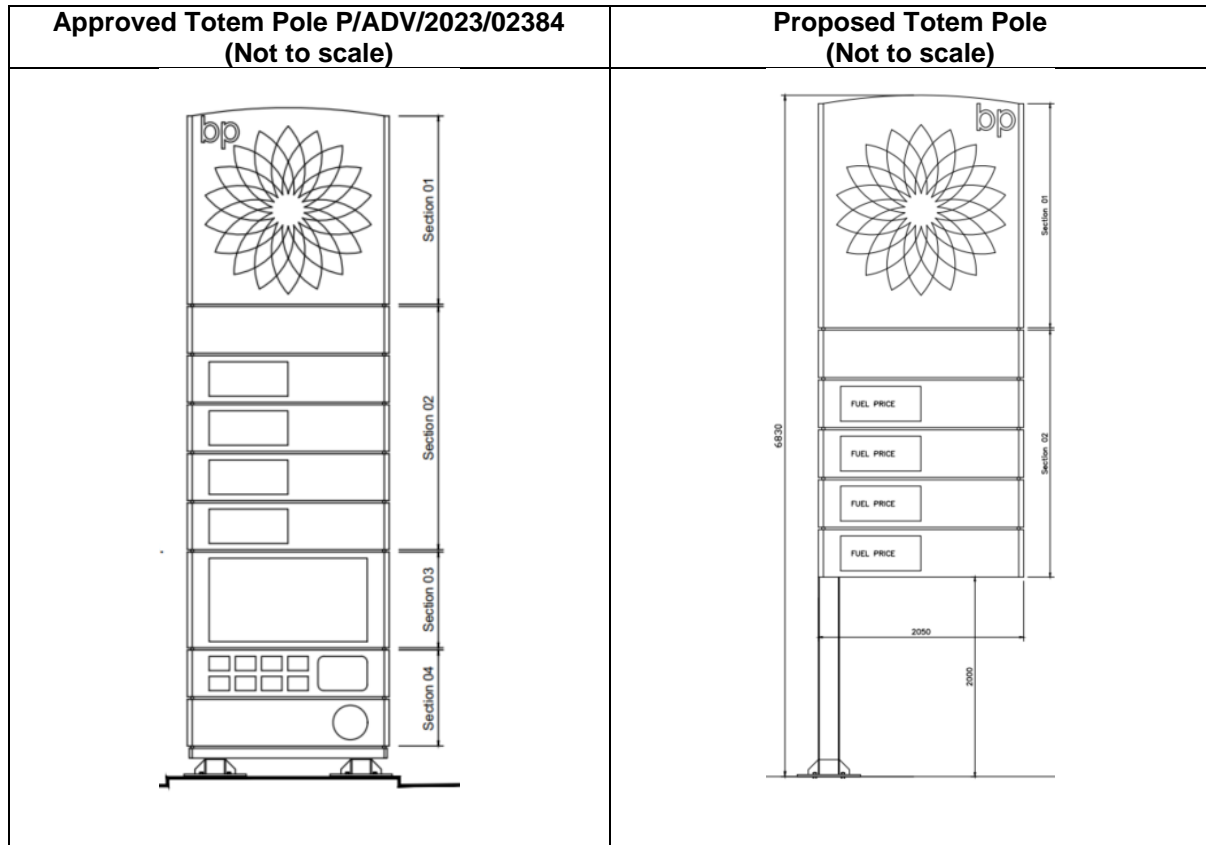
On the opposite side of Wareham Road is the site of the former Royal Naval cordite factory – a Scheduled Monument – which is screened from the application site and Wareham Road by extensive mature trees and vegetation. The overall character and appearance of the area to the western side of Wareham Road, and directly surrounding the application, is suburban in nature.

16.4 The proposed totem pole would be located directly to the front of the garage forecourt and would be viewed against the backdrop of the canopy and shop to the west and the busy Wareham Road (A351) to the east. The sign would measure 2.05m in width, 0.4m in depth, and 6.83m in height above ground level. Constructed of a steel frame and finished in moulded acrylic, the sign would be divided into 2 main internally lit coloured sections:

Section 1: Top of pole - BP colours of white, green (dark and light) and yellow to advertise the fuel provider logo (BP)

Section 2: - Bottom of pole - Fuel pricing panels x 5 in BP Light Green.

16.5 The pole would be of the same size, height and width as that approved by P/ADV/2023/02384 but would have a flag like appearance. In addition, the proposed pole would not be mounted on a slab which increased the overall height of the formerly approved totem pole to approx. 7m above ground level; it will now measure approx. 6.8m. An elevational comparison of the two poles is provided below:



16.6 Sited within an area of grass verge directly adjoining the footpath, the totem pole would be screened from wider views along Wareham Road by trees and vegetation to the north and south. Given the commercial character of the immediate setting, the proposed totem pole is not considered to appear out of place or intrusive within its setting.

16.7 It is proposed to illuminate the Totem Pole internally with static illumination. The Professional Lighting Guide 05 (PLG05) for 'The Brightness of Illuminated Advertisements' (by the Institute of Lighting Professionals, 2014) sets out the recommended illumination levels for five environmental zones from urban areas to protected dark sky areas. Whilst the application site is not located within a settlement boundary, the siting on the A351 with street lighting on both sides of the road is considered to fall within the 'suburban' environmental zone (E3) with medium district brightness associated with a suburban location. In such areas, the guide recommends a maximum luminance of 300cd/m² for an illuminated area of over 10m².

- 16.8 During the course of the application the planning agent has amended the elevational plans to include a reduced levels of illuminance of the advertisement as recommended by an accompanying lighting assessment.
- 16.9 The table below sets out a comparison of the proposed levels of illumination for approved Totem Pole Sign P/ADV/2023/02384 with the current application.

Pole Section	P/ADV/2023/02384 Approved Luminance (Cd/m²)	P/ADV/2023/07233 Proposed Luminance (Cd/m²)
Section 1	400	175
Section 2	200	175
Section 3	400	N/A
Section 4	250	N/A

The proposed illumination levels for both sections of the sign are now below the recommended luminance levels for a suburban area as set out in the Professional Lighting Guide and are lower than that of the formerly approved totem pole.

- 16.10 Given the character of the area, the main road siting, and the presence of street lighting, it is considered that the level of illuminance would not result in demonstrable harm to the amenity of the area and would provide a betterment compared to the existing consent. The Parish Council has requested that the sign is turned off at night-time, and it is considered reasonable to impose a condition that restricts the illumination of the sign to between the hours of 6am - 11pm only, so as to match the conditioned hours of use of the forecourt and retail unit. It is also considered reasonable to include a condition on the decision that limits the maximum illuminance of the proposed signage sections as set out in the table above.
- 16.11 The Former Royal Naval Cordite Factory Scheduled Monument is located to the east of the application site on the opposite side of Wareham Road. The site is well screened by existing tree foliage and with the presence of street lighting on both sides of the road, the proposed signage is not considered to affect the character and setting of the Scheduled Monument.

Impact on Public Safety

- 16.12 Planning Practice Guidance on 'Advertisements' (paragraphs 67 – 78) identifies considerations affecting public safety as including impacts on the safety of roads, railways, waterways, docks, harbours, aircraft, aerodromes, and impacts on crime prevention measures.
- 16.13 The application site is located adjacent to the A351 Wareham Road and impacts on public safety are restricted to highway and pedestrian safety only. Following the submission of an amended proposed site plan to demonstrate that the proposed sign will not impinge on the visibility of drivers in vehicles with higher seating levels (lorries etc), the Council's Highway Engineer has raised no objection to the proposed totem pole subject to conditions on the decision requiring the advertisement to be static only and to prevent illumination directed towards the highway. There is considered to be no harmful impact with regard to highway safety, the obstruction of road user views, or glare / dazzle / to road users.

- 16.14 The sign would be located on an area of grass verge adjacent to the footpath and would not infringe on footpath accessibility or pedestrian views and visibility.

17.0 Conclusion

- 17.1 For the above reasons, and subject to conditions, officers consider that there would be no significant individual or cumulative impact on amenity or public safety resulting from the proposed totem pole sign which is considered to accord with the requirements of Policy D of the PLP 2012 and paragraphs 145 and 146 of the Purbeck Design Guide SPD 2014. The proposed signage would have a lesser visual impact than the larger totem sign which benefits from advertisement consent P/ADV/2023/02384.

18.0 Recommendation

GRANT subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
PP-12667023 1 Location Plan
KKR-1516 PS-05 Block Plan and Location Plan
KKR-1516 PS-03 A Proposed Site Plan
KKR-1516 PS-04 A Proposed Elevations and Pole Sign Details

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

2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: As is required by Regulation 14 and Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. No advertisement shall be sited or displayed so as to; a)danger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); b)obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or c)hinder the operation of any device used for the purposes of security or surveillance or for measuring the speed of any vehicle.

Reason: As is required by Regulation 14 and Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: As is required by Regulation 14 and Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: As is required by Regulation 14 and Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: As is required by Regulation 14 and Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7. The illumination of the advertisement hereby permitted must be static, have no moving parts, no flashing lights, no animation, no reflective material and no images that could lead it to be confused with a formal road signs.

Reason: In the interests of amenity and public safety

8. The sign hereby approved shall not be illuminated outside of the opening hours of 6am - 11pm of the business to which this signage relates.

Reason: In the interests of amenity.

9. Any lighting and/or floodlighting must be located and screened in such a manner that no illumination is directed towards the adjoining highway.

Reason: To ensure that drivers aren't dazzled or distracted by the light.

10. The illumination of the advertisement hereby permitted shall not at any time exceed sections levels above 175cd/m² as identified on approved plan KKR-1516 PS-04 A - Proposed Elevations and Pole Sign Details.

Reason: In the interests of amenity and public safety.

Informative Notes:

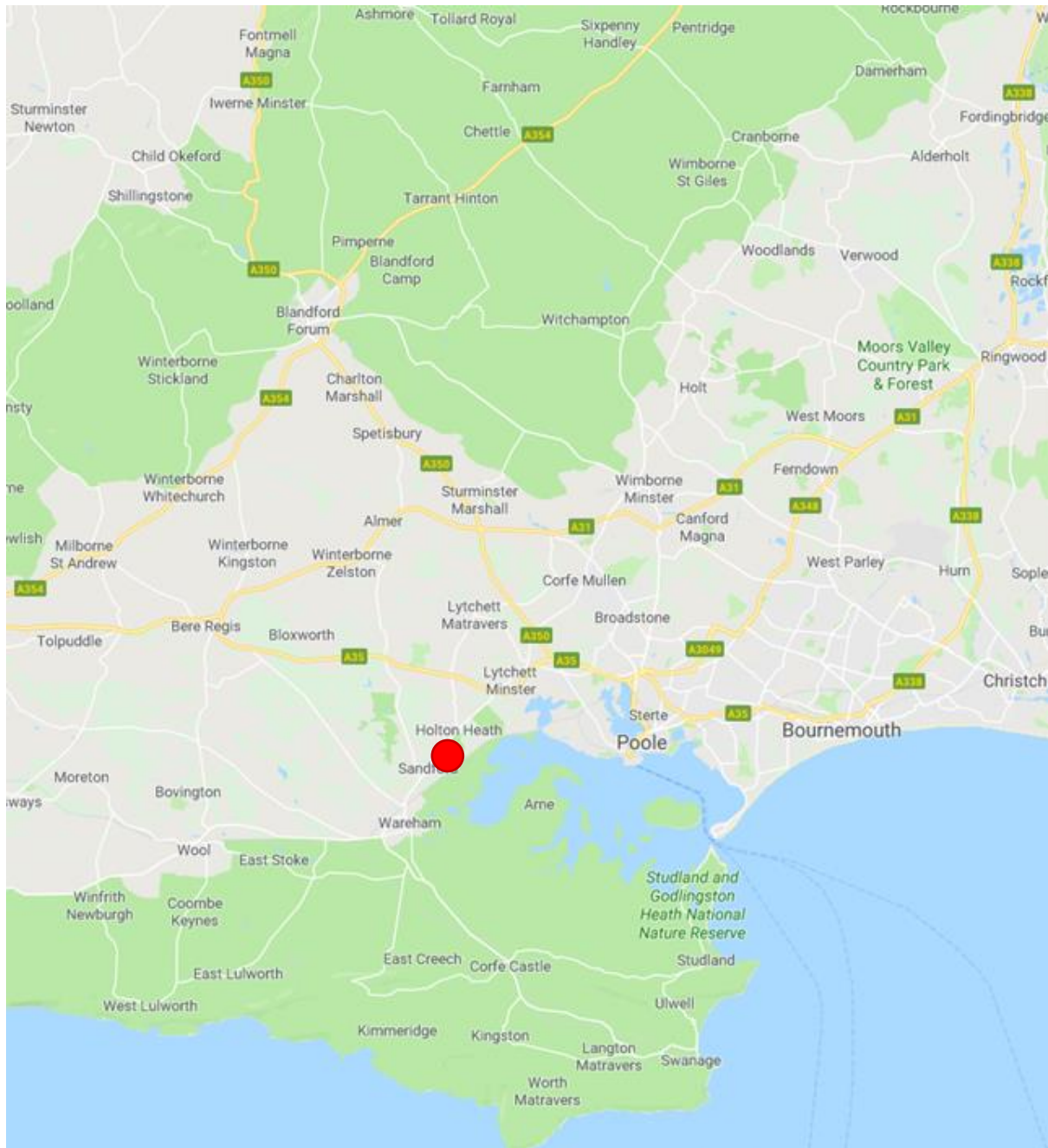
1. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.

● Approximate Site Location

Application reference: P/ADV/2023/07233

Description of development: Erection of new advertising Totem Pole sign

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



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Agenda Item 9

Eastern Area Planning Committee

13 March 2024

Application Number:	P/FUL/2023/06620		
Webpage:	Planning Application P/FUL/2023/06620. https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=401361		
Site address:	Land west of The Priests House, Opposite The Ship Inn, Dorchester Road, Wool, Wareham, BH20 6EQ.		
Proposal:	Retention of a VDSL sidepod cabinet		
Applicant name:	Openreach		
Case Officer:	Simon Burditt		
Ward Member(s):	Cllr Beddow and Cllr Wharf		
Publicity expiry date:	15 January 2024	Officer site visit date:	22 December 2023
Decision due date:	26 January 2024	Ext(s) of time:	20 March 2024

1.0 This planning application is referred to Planning Committee because Dorset Council is the freeholder of land within the red line site boundary.

2.0 Summary of recommendation:

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

3.0 **Reason for the recommendation:** as set out in paragraphs 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 (December 2023) 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 118 of the National Planning Policy Framework (December 2023).
- The appearance of the development, although functional in character, would not result in harm to the general character and appearance of the area.
- The proposal would deliver wider sustainability benefits.
- There is not considered to be any harm to neighbouring residential amenity.
- There are no material considerations that would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable in principle within the settlement boundary. The proposal would support the provision of high-speed internet access in accordance with policies SD and LD of the adopted Purbeck Local Plan Part 1 and paragraph 118 of the National Planning Policy Framework (December 2023).
Size, scale, design and impact upon the character and appearance of area	The cabinet has a functional appearance with a green external finish. The proposal is acceptable in accordance with Policy D – Design of the Purbeck Local Plan Part 1.
Impact on neighbouring amenity	No harmful impact on neighbouring amenity.

5.0 Description of site

5.1 The application site is located in Wool on the south side of Dorchester Road, an area of grass to the south of the road and to the north west of St Josephs Roman Catholic Church. To the north east of the site there is a telecommunications cabinet and to the south west there is a lamp post, as such there are some items of street furniture within the area.

6.0 Description of development

6.1 The proposal is for the retention of a metal cabinet that houses equipment for the provision of broadband internet. The equipment cabinet is constructed of metal, finished in a dark green, and has the following dimensions: approximately 990 millimetres high, 450 mm wide and 400 mm deep.

7.0 Relevant planning history

Prior approval TEL/2014/0021 - Decision - No intervention required (CT).
Decision date: 28/10/2014.

Openreach broadband cabinet - PCP008.

8.0 List of constraints

Statutory Settlement Boundary: Wool.

Dorset Council Land (Freehold): Land for road widening at Dorchester Road, Wool.
Reference 08195.

9.0 Consultations

All consultee responses may be viewed in full on the Dorset Council website.

Consultees

1. Dorset Council - Highways (received 22 December 2023)

The Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety and consequently has no objection.

An informative note is suggested to ensure appropriate licences and /or permissions are obtained.

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2. Wool Parish Council (received 14 December 2023)

No objection. Approve, however Wool Parish Council requests that Openreach apply for planning permission in advance in future.

Representations received

The application was advertised by means of a site notice on a lamp post near to the site. There have not been any comments received.

10.0 Duties

Section 38(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 D: Design

Wool Neighbourhood Plan.

In preparation, therefore limited weight may be applied to it in terms of decision making.

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.

Eastern Area Planning Committee

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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 was 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 E12: Design

Policy I7: Community facilities and services.

National Planning Policy Framework (December 2023).

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, Supplementary Planning Document

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

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

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

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

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 carbon dioxide emissions through the operation of the equipment. However, provision of high speed internet access may reduce the requirement for some journeys by way of private transport.

16.0 Planning assessment

Principle of development

- 16.1 The application site is located within the Wool settlement boundary where the siting of new development is supported in accordance with policies SD – Presumption in Favour of Sustainable Development and LD – General Location of Development of the Purbeck Local Plan 2012.

The provision of telecommunications infrastructure to support communications is not subject of a policy in the Local Plan, however, paragraph 118 of the National Planning Policy Framework (December 2023) advises that:

“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should

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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 In the absence of Local Plan policies in respect of communications infrastructure, officers must refer to the National Planning Policy Framework (December 2023). As advised above, paragraph 118 advises that planning decisions should support the expansion of electronic communications networks, including full fibre broadband connections. The additional cabinet enables the operator to introduce more equipment once the cabinet next to it is full, therefore adding capacity for broadband users in the area.
- 16.3 In summary, the communications infrastructure cabinet is considered to not cause any harm in terms of material planning considerations and is therefore acceptable.

Size, scale, design and impact on the character and appearance of the area

- 16.4 The equipment cabinet is functional in appearance being a metal structure, however it is finished in green with a similar external appearance to the telecommunications cabinet that is next to it and other such cabinets across the Dorset Council area. The green finish is a comparatively recessive colour. In terms of size, the cabinet is comparatively small.
- 16.5 Wool Parish Council and Dorset Council Highways Department have raised no objection to the proposal. There have been no representations received from members of the public.
- 16.6 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 – Design of the Purbeck Local Plan 2012.



Cabinet in position (in front of church).

Impact on neighbouring amenity

- 16.7 The equipment cabinet is a comparatively small metal box and is located a sufficient distance from residential dwellings to have no impact.

Flood risk

- 16.8 The site is in Flood Zone 1 (low risk). The equipment cabinet would not give rise to increased flood risk to the site or neighbouring areas. The proposal is considered to accord with Policy FR – Flood risk of the Purbeck Local Plan 2012.

17.0 Conclusion

- 17.1 The benefits of the proposed high quality and reliable communications infrastructure necessary for sufficient broadband connections is considered essential and the equipment cabinet is such that it does not give any cause for concern in terms of any material planning considerations. The telecommunications equipment cabinet is therefore acceptable in accordance with Paragraph 118 of the National Planning Policy Framework (December 2023).

18.0 Recommendation

Approve subject to the following conditions:

1. The development hereby permitted shall be maintained in accordance with the following approved plans:
location plan at a scale of 1:1,250 covering a larger area,
location plan at a scale of 1:1,250 covering a smaller area,
proposed site plan at a scale of 1:200,
drawing detailing the elevations and plan of the proposed equipment cabinet
drawing detailing the dimensions of the proposed equipment cabinet
submitted as part of the application.

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

Informative Notes:

1. Informative - Contact Dorset Council Highways Department.

The applicant should contact Dorset Highways by telephone on 01305 221020, by E mail at - dorsethighways@dorsetcouncil.gov.uk or in writing at - Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.

2. 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:

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- 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:

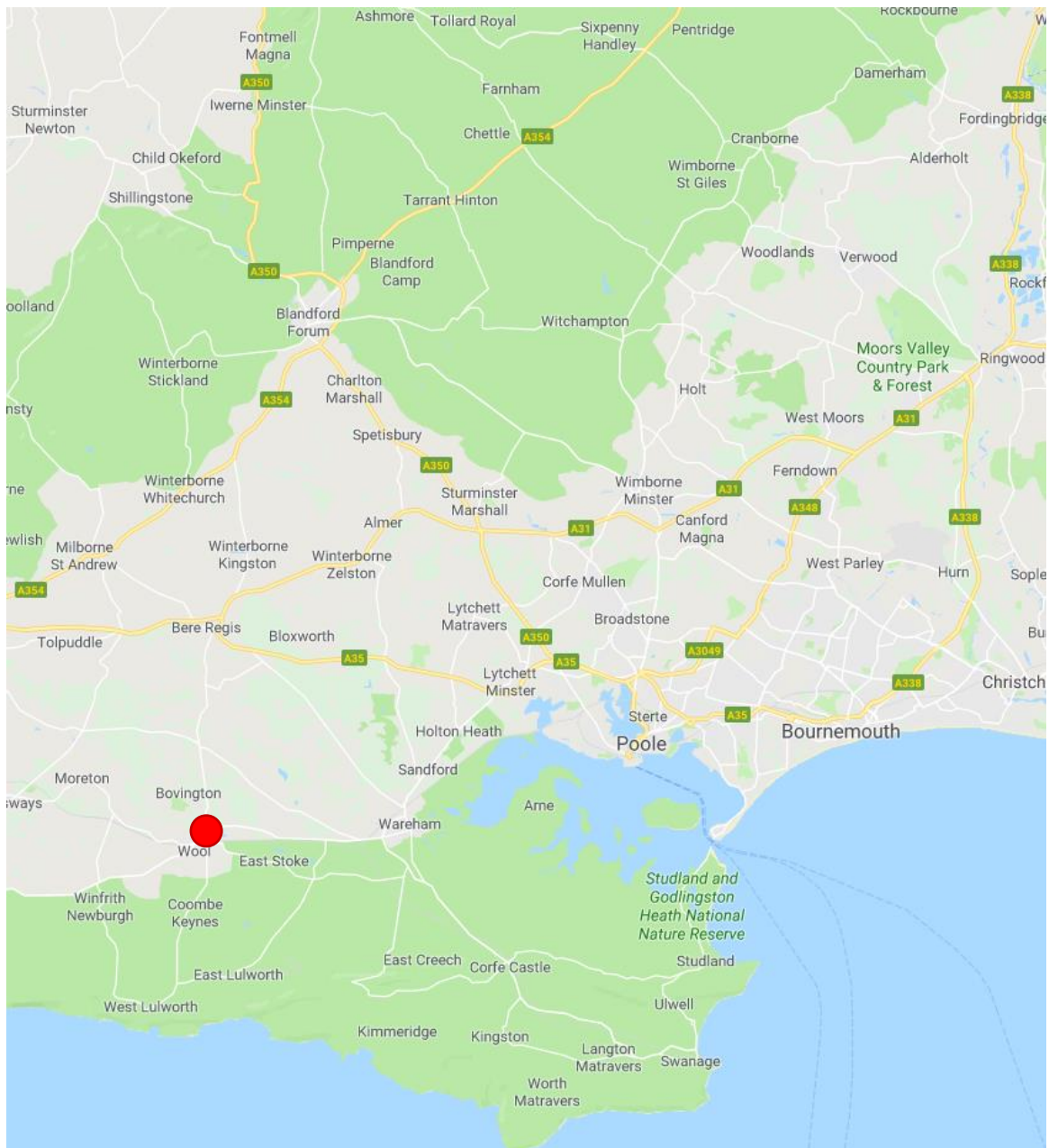
- The application was acceptable as submitted and no further assistance was required.

Approximate Site Location 

Application reference: P/FUL/2023/06620

Site address: Land West of The Priests House, Opposite the Ship Inn, Dorchester Road, Wool, BH20 6RQ

Proposal: Retention of a VDSL Sidepod Cabinet



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