



Northern Area Planning Committee

Date: Tuesday, 26 September 2023
Time: 2.00 pm
Venue: Stour Hall - The Exchange, Old Market Hill, Sturminster Newton, DT10 1FH

Members (Quorum: 6)

Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Jon Andrews, Tim Cook, Les Fry, Brian Heatley, Carole Jones, Stella Jones, Emma Parker, Val Potheary, Belinda Ridout and David Taylor

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

For more information about this agenda please contact Democratic Services Meeting Contact 01305 224709 - megan.r.rochester@dorsetcouncil.gov.uk or elaine.tibble@dorsetcouncil.gov.uk – 01305 224202

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

For easy access to all the council's committee agendas and minutes download the free public app called Modern.Gov for use on any iPad, Android, and Windows tablet. Once downloaded select Dorset Council.

Agenda

Item	Pages
1. APOLOGIES	
To receive any apologies for absence.	
2. DECLARATIONS OF INTEREST	
To disclose any pecuniary, other registerable or non-registerable interests as set out in the adopted Code of Conduct. In making their disclosure 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 - 46
- To confirm the minutes of the meeting held on Tuesday 18th July.
4. **REGISTRATION FOR PUBLIC SPEAKING**
- Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting. Please refer to the Guide to Public Speaking at Planning Committee. [Guide to Public Speaking at Planning Committee](#)
- The deadline for notifying a request to speak is 8.30am on Friday 22nd September 2023.
5. **PLANNING APPLICATIONS**
- To consider the applications listed below for planning permission.
6. **P/OUT/2021/02187- LAND AT E 381150 N 126745, BARNABY MEAD TO BAY LANE - FOOTPATH, GILLINGHAM** 47 - 70
- Develop land by the erection of up to 20 No. dwellings, form vehicular access and associated infrastructure. (Outline application to determine access).
7. **P/FUL/2022/05225- 91 CHEAP STREET SHERBORNE DORSET DT9 3LS** 71 - 86
- Continue use of the building as a takeaway (sui generis), retain enhanced extract plant.
8. **P/FUL/2022/03360- PRIORY HOSPITAL - FORMER PRIORY HOSPITAL, FAIRFIELD BUNGALOWS, BLANDFORD FORUM, DORSET, DT11 7HX** 87 - 104
- Convert former special needs residential care home into 16 No. flats and carry out associated external alterations, including construction of terraces and balconies. Erect cycle store.
9. **P/FUL/2022/06061- SUMMERFIELD FARM, BUTTS LANE, STOUR PROVOST, GILLINGHAM SP8 5RU** 105 - 120
- Erection of rural workers dwelling
10. **P/HOU/2023/01242- RIVER HOUSE STALBRIDGE LANE STURMINSTER NEWTON DT10 2JQ** 121 - 130
- Erect first floor extension to roof and raise height, erect studio.

11. URGENT ITEMS

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972.

The reason for the urgency shall be recorded in the minutes.

12. EXEMPT BUSINESS

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

There are not exempt items scheduled for this meeting.

This page is intentionally left blank



NORTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 18 JULY 2023

Present: Cllrs Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Jon Andrews, Tim Cook, Les Fry, Brian Heatley, Carole Jones and David Taylor

Apologies: Cllrs Stella Jones, Emma Parker and Belinda Ridout

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

Jim Bennett, Joshua Kennedy (Apprentice Democratic Services Officer), Emma MacDonald (Planning Officer), Hannah Massey (Lawyer - Regulatory), Alister Trendell (Project Engineer), Emma Ralphs (Planning Officer), Megan Rochester (Democratic Services Officer), Steve Savage (Transport Development Liaison Manager), Simon Sharp (Senior Planning Officer) and Hannah Smith (Development Management Area Manager (North))

4. **Declarations of Interest**

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

5. **Minutes**

The minutes of the meeting held on Tuesday 13th June were confirmed and signed.

6. **Public Speaking**

Representations by the public to the Committee on individual planning applications are detailed below. There were no questions, petitions or deputations received on other items on this occasion.

7. **Planning Applications**

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

8. **P/VOC/2022/05646- Frogmore Lane, Sixpenny Handley, Dorset**

The Case Officer updated the committee on the following:

- Officers had received further representations regarding Policy Chase 7, non-consultation with AONB and concerns over groundwater.

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members. Photographs of the proposed design of dwellings, the illustrative plan, and the indicative street scene. Members were also provided with details of the drainage strategy as well as the flood extent comparison. The Case Officer also discussed flooding on the lane and assured members that the site itself wasn't subject to flooding.

Alister Trendall, Project Engineer, reiterated to members that planning had been approved on a previous application. He assured members that the applicant had addressed concerns and that the proposal was on an area which had a low flooding risk. He also highlighted groundwater flooding to members and confirmed that an acceptable water surface management plan had been carried out.

Public Participation

Residents made their representations to committee, objecting to the proposal. They raised their concerns regarding the current regular flooding of the site and felt that the flood risk assessment was subject to water runoff. Objectors felt as though the flood risk hadn't been considered as highly as it should've been and felt that the probability rate of flooding was much higher than presented in The Case Officer's report. They also felt that insufficient weight had been given regarding groundwater flooding and that an increase in discharges of groundwater would be detrimental. Mr Mereweather informed members that the site was a catchment area to flooding and felt that on this basis, building should not be permitted and should be considered on higher grounds.

Objectors also discussed the heavy impacts on screening and privacy. Mr Romiger felt that the scheme needed to enhance privacy as the proposed would result in heavy overlooking. In addition to this, boundary fences were also a cause for concern and objectors felt that the proposal was contrary to planning policies. Mr McLean also spoke against the proposal. He discussed how the volume of water would impact the dwellings and the risk that would occur. He felt that the site would not be able to cope with the groundwater flooding and drainage would result in water being directly discharged onto road surfaces, causing significant damage. Objectors urged the committee to reconsider the proposal.

The Agent and The Flood Risk Consultant spoke in support of the proposal. Mr Clare discussed the flood risk mitigation and informed members that any surface water would be redirected to the south. He also discussed the location of the dwellings and felt that it had been demonstrated that the dwellings were above the flood line. The agent also addressed the committee and discussed how the proposal improved the character of the area. Mr Moir also felt that there had been careful consideration undertaken regarding overlooking or loss of privacy. He highlighted to members that each dwelling proposed had a private garden and driveway. Mr Clare and Mr Moir hoped the committee would support the application.

The Paris Council and Local Ward Member also spoke in objection to the proposal. They strongly objected due to the development being situated on a flood zone and felt that the proposal should be on higher ground. Cllr Chick also

discussed concerns raised by the flood warden and didn't feel as though this should've been ignored. He felt that the application was unnecessary and was disappointed that there had been no solution to prevent surface water damage. Cllr Brown also discussed objections raised on behalf of residents and felt that planning shouldn't increase risk of flooding elsewhere. The Ward member felt that if approved, this development would do just that. He also highlighted that flooding can be on different scales due to its location and felt that this was an example of that. They hoped members would reconsider and refuse.

Members questions and comments

- Prevention of overlooking.
- Clarification of policies from 2002
- Mitigation for safety of watercourse.
- Difference between groundwater and surface water flooding.
- Management and drainage of attenuation tanks.
- Clarification regarding flooding of the proposed development being worsened.
- Concerns that flooding would be worsened elsewhere if approved.
- Concerns around sewage and drainage
- Increases flood risk.
- A motion to refuse the officer's recommendation to grant planning permission as recommended, was proposed by Cllr Les Fry, and seconded by Cllr David Taylor. Members voted and the proposal fell.

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

Decision: To grant the officer's recommendation for approval subject to additional conditions that:

- Prior to the commencement of development details of foul drainage for the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how the development will connect to the existing foul sewage system, without overloading capacity and to prevent surcharge of sewage to the public realm and dwellings during times of peak flow. The scheme shall subsequently be implemented prior to the completion of the development.

Reason: To ensure adequate facilities are provided in the interests of flooding and pollution.

- Prior to the commencement of any development hereby approved, above damp course level, details of the means of enclosure to the drainage features shall be submitted to, and approved in writing, by the Local

Planning Authority. The approved scheme shall be implemented in full prior to first occupation of the development, and thereafter retained.

Reason: In the interest of residential amenity.

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

9. **P/OUT/2023/00627- Land at E 378776 N119064 Salisbury Street, Marnhull**

The Development Management Area Manager (N) presented the report for an application which was the subject of an appeal against non-determination (made under s78(2) of the Town & Country Planning Act 1990 (as amended)), the Council having failed to determine it within the statutory period. The report was brought before committee to seek their resolution as to how they would have determined the application if the power to do so still rested with them.

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained relevant planning policies to members. Photographs of the proposed site, indicative site plans and public footpath locations from around the site were included. Members were also provided with details of nearby settlement boundaries as well as relevant constraints including nearby listed buildings. The key planning considerations, affordable housing contributions, drainage, and impacts on highways were also discussed. The Officer's comprehensive presentation also highlighted to members the setting of heritage assets, including the conservation area, and discussed visual impacts to the landscape.

Steve Savage, transport development manager, discussed the access to the development. He informed members that the site proposed was situated on a typical narrow country lane and lacked pedestrian connectivity. Mr Savage also discussed the priority junction and refuse vehicles. He highlighted to members that highways were unable to support the proposal.

Alister Trendell, Project Engineer, discussed the surface water drainage strategy and informed the members that there would be an increased flood risk from the development as the increased volume would be less than attenuated. Mr Trendell confirmed to members that the applicant has done extensive testing and confirmed the conclusion.

Public Participation

The Parish Council spoke in objection. Cllr Winder discussed the significant development and highlighted that it was outside the settlement boundary. He reiterated to members that there's no local need for Marnhull to have additional housing and that they didn't have the facilities to accommodate them. Cllr Winder also raised concerns regarding a lack of public transport or employment facilities, therefore, residents would be reliant on their own transport. He assured members that the Parish Council supports evolution of the village, however they have enough dwellings which exceed the local need.

The Local Ward Member also addressed the committee and felt that the applicant had made many propositions for Marnhull's future. However, he supported the views of the Parish Council and the officer's recommendation.

Members questions and comments

- Concerns regarding access and pollution levels as a result of the development.
- Disappointed with the lack of connectivity
- Confirmation of figures set out in the officer's report.
- Clarification around the weight given to the Local Plan and settlement boundaries.
- Confirmation on the agricultural grade of the soil
- Sewage treatment nearing capacity
- Loss of agricultural use

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 proposal was made by Cllr Carole Jones, and seconded by Cllr Jon Andrews.

Decision: To advise the Planning Inspectorate that, if the power to determine the application still rested with the local planning authority, the decision would have been to refuse planning permission for the following reasons:

1. The site lies outside the settlement boundary for Marnhull contrary to the spatial strategy of Policies 2, 6 and 20 of the North Dorset Local Plan Part 1. The location of the site has inadequate and unacceptable accessibility for pedestrians and future occupiers with protected characteristics to enable safe access to the majority of services and facilities in Marnhull in terms of walking and cycling, with a lack of sustainable transport alternatives. For those with access to them, there would be reliance on the use of private motor vehicles, leading to harmful exhaust emissions. In the absence of any evidence of essential rural needs or any other 'overriding need' for this type of development, and given number of dwellings proposed, in this location the proposed development would lead to an unsustainable form of development, contrary to Policies 2, 6 and 20 of the North Dorset Local Plan Part 1 2016 and paragraphs 79, 105, 111 and 112 of the National Planning Policy Framework 2021.
2. The proposed drainage strategy fails to indicate the preliminary levels of the attenuation basin and demonstrate that it will be free draining and discharge to a recognised discharge point. The drainage strategy also fails to indicate acceptable exceedance flow routes to demonstrate where surface water can be directed, should the designed system fail or exceed capacity. It therefore cannot be satisfied that the proposed development would avoid risk of flooding downstream from all sources or seek to mitigate it appropriately. The proposal is contrary to Policy 4 of the North Dorset Local

Plan Part 1 2016 and paragraphs 159, 167 and 169 of the National Planning Policy Framework 2021.

3. In absence of a completed Section 106 agreement to secure affordable housing and necessary community benefits (infrastructure: grey, social, green) the proposal would be contrary to Policies 8, 13, 14 and 15 of the adopted North Dorset Local Plan Part 1 2016 and paragraph 54 National Planning Policy Framework.

10. **P/OUT/2022/07629- Musbury Lane, Marnhull**

The Case Officer presented the report for an application which was the subject of an appeal against non-determination (made under s78(2) of the Town & Country Planning Act 1990 (as amended)), the Council having failed to determine it within the statutory period. The report was brought before committee to seek their resolution as to how they would have determined the application if the power to do so still rested with them.

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 layout plan and views from the north, south, east, and western boundaries. Members were also shown the proposed site access, including a swept path analysis, and confirmed to members that all matters were reserved except for access. The Case Officer also provided members with details of public rights of way and nearby listed buildings.

Steve Savage, Transport development manager, discussed visibility splays as well as public rights of way and traffic movements. He highlighted to members that traffic and pedestrian movements are considered low. Mr Savage informed members that there were no objections from Highways, and therefore supported the application.

Public Participation

Residents spoke in objection. They felt as though the development would result in a loss of light and privacy. Visibility splays, listed buildings and impacts on the character and tranquillity of the area were discussed. The use of the lane which was predominantly used by walkers, runners, and cyclists was another topic and they urged members to consider the change of character that this would cause to the area and the dangers that would arise from a lack of passing places. Objectors did not feel as though the development was in a sustainable location and felt that it would cause significant issues with overlooking and overbearing on the existing dwellings. They did not feel as though it responded to the positive aspects of the character of the area and that it would have a detrimental impact on the village as residents did not see how additional homes would benefit the local area, nor could they be supported.

Objectors also felt that work needed to be done to preserve the view, additionally they discussed several tree species and how they felt biodiversity would be destroyed. Residents could not support the development.

The Parish Council and the Local Ward member spoke against the development. Cllr Winder requested several points of clarification on the four-year housing supply and expressed his concerns regarding the single carriageway which lacked passing places and streetlights. The Parish Council also felt that the development was out of character and had no benefits. The Local Ward member echoed the views of The Parish Council and discussed the impact of extra traffic on the road. He highlighted to members that he was aware that each application was judged on its own merits, however, he did not support this development.

Members questions and comments

- Flooding mitigation and attenuation
- Concerns regarding character of the area
- Members felt that the development had a negative impact on the listed building and the character of Musbury Lane.
- Lack of affordable housing
- Outside the settlement boundary
- Loss of character amenity
- Significant light pollution

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 proposal was made by Cllr Carole Jones, and seconded by Cllr Jon Andrews.

Decision: To advise the Planning Inspectorate that, if the power to determine the application still rested with the local planning authority, the decision would have been to refuse planning permission for the following reasons:

Pond Farmhouse is a grade II listed building. The setting contributes significantly to the significance of this designated heritage asset. The application site is an important element of this setting providing clear legibility to the historic use of the farmhouse, its link to farming the land. The importance is enhanced by the ability to experience this setting from the well-trodden public right of way that traverses the application site and the openness of the boundary between the site and the farmhouse's garden. The application fails to evidence how this setting will be preserved, the proposal resulting in the loss of the final undeveloped and farmed land within the building's setting. There will be less than substantial harm to the significance, this harm not outweighed by the public benefits from the proposal which are tempered by the fact that the number of dwellings proposed are modest in quantum and all for open market housing with no affordable units. The proposal would conflict with policy 4 of the North Dorset Local Plan Part 1 (2016) as a result.

The quantum of development proposed would necessitate a non-frontage development which would be discordant with the prevailing frontage development of vernacular cottages along Musbury Lane. The application would be contrary to policy 4 24 of the North Dorset Local Plan Part 1 (2016).

The proposal would lead to a significant adverse change to the character and appearance of the area, the adversity increased due to the elevation of the site, the existence of the public right of way and the proximity of it to dwellings of a traditional vernacular architecture at road level opposite the site. It would impact on public views of the countryside, and diminish the tranquillity of the lane, which would be contrary to policies 4, and 24 of the North Dorset Local Plan Part 1 (2016).

The adverse impacts would significantly and demonstrably outweigh the benefits of providing 7 dwellings when assessed against the National Planning Policy Framework (2021) taken as a whole.

11. **P/FUL/2022/07513- Frog Lane, Motcombe**

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 existing elevations, plans, public rights of way and southern views of the site were shown. In addition to this, members were also provided with detail of Frog Lane's single lane road as well as the junction and traffic movements. The Case Officer also highlighted to members an extract from the neighbourhood plan. The recommendation was to grant.

Public Participation

The Agent spoke in support of the proposal. He informed members that the site was low key and would be used for cutting local greenstone for restoration projects. Mr Pick also highlighted that the site had been operating since November 2022 and there had been no complaints. He also discussed minimal traffic movement and addressed committees' previous concerns regarding noise and traffic impacts. He hoped members would support the officer's recommendation.

The Parish Council spoke in objection to the proposal. Cllr Taylor discussed noise impacts and felt that the site was within the wrong location. He also raised his concerns regarding how noise mitigation would be carried out. The Parish Council did not support the application as they felt that it would increase the carbon footprint and would be visually damaging to the area. He also discussed vehicle movement and an increase in vehicle weight over time. Cllr Taylor felt as though the development would only result in noise and destruction.

Members questions and comments

- Good use of agricultural building and supports small businesses.
- Concerns regarding the development being in the wrong location.
- Noise has been minimised.

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** planning permission as recommended, was proposed by Cllr Carole Jones, and seconded by Cllr Les Fry.

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

12. **P/FUL/2022/02397- Former Coop Store and Car Park, High Street, Gillingham, SP8 4AG**

The Case Officer gave an update.

Condition 17 needed updating in relation to the completion of the Biodiversity Plan and that an informative note could have been added in relation to Building Regulations Approved Documents on EV charging points.

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 indicative layout plan, illustrative design of dwellings and street scene were shown. Members were provided with details of the existing site, parking, and proposed access. Biodiversity enhancement, neighbouring properties, and affordable housing were also discussed. On balance, The Case Officer felt as though the site had several benefits, including extra care units and felt that the benefits outweigh the potential harm.

Steve Savage, Transport Development Manager, discussed the main vehicular access. He highlighted to members that the proposal would only generate 3 or 4 vehicular traffic movements during the am and pm peaks. Mr Savage also highlighted refuse vehicles and substantial parking. The Transport Development Manager did raise concerns regarding visibility, however, supported the recommendation for approval.

Public Participation

The Town Council spoke in objection to the proposal. Cllr Walden discussed a lack of affordable housing and raised concerns regarding primary access to the site. He did not feel as though the proposal enhanced the viability of Gillingham Town Centre and felt as though it was contrary to key planning considerations. Cllr Walden also discussed the proposal creating a loss of immunity and hoped the committee would refuse.

Members questions and comments

- No affordable housing
- Significant loss of retail floor space
- Insufficient number of parking spaces
- Clarification regarding viability assessment
- Confirmation on developers profit level and marketing of the site.
- Clarification on contamination conditions and site access.
- Location of bin store.
- Maintenance and accessibility of roofs.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and

presentation; the written representatives; and what they had heard at the meeting, a motion to **refuse** the officer's recommendation to **grant** planning permission as recommended, was proposed by Cllr Valerie Pothecriy, and seconded by Cllr David Taylor.

Decision: To refuse the proposal due to the following reasons:

The proposal is for a major development which would fail to deliver any affordable housing. There is a high level of recorded need for affordable housing across Dorset and the failure to provide any would be contrary to Policy 8 of the North Dorset Local Plan and paragraph 65 of the National Planning Policy Framework.

The proposal would result in the loss of retail floorspace from the town centre to the detriment of its viability and vitality, contrary to Policy 12 of the North Dorset Local Plan, Policy 7 of the Gillingham Neighbourhood Plan and paragraph 86 of the National Planning Policy Framework. This demonstrable harm would not be outweighed by the benefits of the proposal.

13. P/FUL/2022/06530- Middle Farm, Lurmer Street, Fontmell Magna

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members. Photographs of the proposed front, side and rear elevations were included. Members were provided with the history of the site and were shown the amended scheme as proposed. The presentation also showed images of views looking onto the site from the permissive paths and explained the site constraints which had no direct views or correlations to the proposed building. The Case Officer outlined to members details of nearby settlement boundaries and the revised garage elevation.

Public Participation

The agent spoke in support of the application. Mr Whitfield discussed the proposed materials which had been carefully considered to reference the site history. He also felt as though the proposal was in keeping with the conservation area and felt as though it was a sustainable development which enhanced biodiversity. Mr Whitfield did not feel as though the proposal negatively impacted the AONB or conservation area. In addition to this, he highlighted the proposal and the settlement boundary. He hoped members would support the officer's recommendation.

The Parish Council spoke in objection to the proposal. The impacts on the AONB and a lack of local need or public benefit for the development was discussed. The listed building and near land at risk of flooding was also a cause for concern. The Parish Council also felt as though the site was overdeveloped and highlighted to members that great weight should've been given to heritage assets. They did not feel as though the site was sustainable and did not feel as though planting was sufficient. Objectors were also concerned regarding light pollution and referred members to the dark skies policy. The Parish Council hoped members would refuse.

Members questions and comments

- Confirmation on refusal from AONB
- Emergency vehicle access
- Confirmation on site access
- Clarification of view from AONB to the dwelling.
- Confirmation of materials used.

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** planning permission as recommended, was proposed by Cllr Carole Jones, and seconded by Cllr Mary Penfold.

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

14. **P/FUL/2023/029838- Cheselbourne Village School, Drakes Lane, Cheselbourne, Dorset, DT2 7NT**

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the location of the site and explained the proposal and relevant planning policies to members. Photographs of the proposed layout, design of elevations and details of the existing building and nearby listed buildings were included. Members were informed that the proposal was situated behind the existing school building and the Case Officer confirmed the distances between the boundaries and assured members that the building was situated outside of the flood zones. The recommendation was to grant.

Public Participation

There was no public participation.

Members questions and comments

- Added condition of building materials
- Clarification as to how the site would be heated.

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** planning permission as recommended, was proposed by Cllr Les Fry, and seconded by Cllr Carole Jones.

Decision: To grant the officer's recommendation for approval subject to the additional condition that Prior to development above foundation level, details and samples of all external facing materials for the wall(s) and roof(s) shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter,

the development shall proceed in accordance with such materials as have been agreed.

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

15. **P/HOU/2023/02594- 35 Alexandra Road, Dorchester, DT1 2LZ**

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 front and back elevations as well as street scenes were included. Members were also provided with details of the proposed floor plans and building materials. The Case Officer confirmed that the site was within the defined development boundary and conservation area of Dorchester, however, assured members that the design and scale was in keeping with the area and the proposal preserved the character and appearance of the conservation area.

Public Participation

There was no public participation.

Members questions and comments

- Praised the officer's comprehensive report and presentation.

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** planning permission as recommended, was proposed by Cllr Les Fry, and seconded by Cllr Valerie Pothecriy.

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

16. **Urgent items**

There were no urgent items.

17. **Exempt Business**

There was no exempt business.

Decision Sheet

Duration of meeting: 11.00 am - 6.05 pm

Chairman

.....

This page is intentionally left blank

Northern Area Planning Committee
18th July 2023
Decision List

Application Reference: P/VOC/2022/05646

Application Site: Frogmore Lane Sixpenny Handley Dorset SP5 5NY

Proposal: Residential development comprising 7 new dwellings with ancillary car parking. (As amended 25/02/21 by Flood Risk Assessment and Surface Water Strategy and revisions to Plot 1). (Variation of Condition Nos. 2 and 10 of Planning Permission No. P/VOC/2022/02389 to substitute approved plans for a revised layout, and revised house and garage types and designs).

Recommendation: Grant, subject to conditions

Decision: **Grant, subject to the following conditions:**

1. The development to which this permission relates must be begun not later than the 11 February 2025.

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:

9627/110 A Proposed Garages
9627/109 A Indicative Site Scene
9627/100 B Site, Block & Location Plan
9627/104 B Unit 3 Proposed Floor Plans & Elevations
9627/105 B Unit 4 Proposed Floor Plans & Elevations
9627/106 B Unit 5 Proposed Floor Plans & Elevations
9627/107 B Unit 6 Proposed Floor Plans & Elevations
9627/108 B Unit 7 Proposed Floor Plans & Elevations
9627/102 B Unit 1 Proposed Floor Plans & Elevations
9627/103 B Unit 2 Proposed Floor Plans & Elevations
C2391_P2_100 P2 Proposed Drainage Strategy
C2391_P2_200 P2 Proposed Contributing Area
C2391_P2_300 P2 Exceedance Flow Routes
C2391_502 PL2 Alignments and long sections
C2391_503 PL2 Ditch storage and cross sections
C2391 501 PL2 Flood Extent Comparison.

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

3. There shall be no surface water connections into the foul sewer network.

Reason: To prevent the increase of the risk of sewer flooding and pollution.

4. 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. The surface water management scheme is to be generally in accordance with the drawing 'Proposed Drainage Strategy, by cgs civils, ref C2391, drawing no.100, rev P2 and dated 20/02/23'.

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

5. The surface water management scheme shall be implemented in accordance with the details contained within section 5 of the Storm and Foul Water Drainage Report Technical Note prepared by Cgs Civils dated 03.01.2023.

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

6. The minimum floor level of dwellings and garages are to be in accordance with the levels shown on the drawing 'Proposed Drainage Strategy, by cgs civils, ref C2391, drawing no.100, rev P2 and dated 20/02/23'.

Reason: To ensure that development is safe from flooding for its intended lifespan.

7. No development shall take place until a detailed design for the channel and crossing is submitted to, and approved by, the Local Planning Authority. The design of the channel and crossing are to be generally in accordance with the drawings, 'Alignments and Longitudinal Sections, by cgs civils, ref C2391, drawing no. 502, rev 2 and dated 06/06/23' & 'Ditch Storage and Cross Sections, by cgs civils, ref C2391, drawing no. 503, rev 2 and dated 06/05/23'.

Reason: To prevent the increased risk of flooding.

8. Before the development is occupied or utilised the first 10.00 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.

9. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number 17199.36 must be constructed, unless otherwise agreed in writing by the Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

10. Before the development is occupied or utilised the cycle parking facilities shown on Drawing Number 17199.36 must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

11. There must be no gates hung so as to form obstruction to the vehicular access serving the site.

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

12. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on Drawing Number 17199.36 must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

13. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 5 November 2021 must be implemented in accordance with any specified timetable and completed in full prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the local planning authority, the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

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

14. Prior to development above damp proof course level, details and samples of all external facing materials for the walls and roofs (including a sample panel of the flint) shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no alterations of the roofs of the dwellinghouses or garages hereby approved, permitted by Classes B and C of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To protect amenity and the character, including the dark skies, of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

16. Prior to the commencement of any development hereby approved, above damp course level, a soft landscaping and planting scheme, including means of enclosure shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years.

Reason: In the interest of visual and adjoining residential amenity.

17. Prior to the commencement of development details of foul drainage for the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how the development will connect to the existing foul sewage system, without overloading capacity and to prevent surcharge of sewage to the public realm and dwellings during times of peak flow. The scheme shall subsequently be implemented prior to the completion of the development.

Reason: To ensure adequate facilities are provided in the interests of flooding and pollution.

18. Prior to the commencement of any development hereby approved, above damp course level, details of the means of enclosure to the drainage features shall be submitted to, and approved in writing, by the Local Planning Authority.

The approved scheme shall be implemented in full prior to first occupation of the development, and thereafter retained.

Reason: In the interest of residential amenity.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

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

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

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

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

2. NOTE: An ordinary watercourse crosses your site. If you intend to obstruct the flow in the watercourse (permanently or temporarily and including culverting) you will require prior Land Drainage Consent from Dorset Council as the Lead Local Flood Authority. You are advised to contact the Flood Risk Management team by email at: floodriskmanagement@dorsetcc.gov.uk to discuss requirements.
3. 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.
4. As the new road layout does not meet with the Highway Authority's road adoption standards or is not offered for public adoption under Section 38 of the Highways Act 1980, it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.
5. The applicant is reminded of their responsibility to submit evidence of compliance with the Biodiversity Plan to Dorset Natural Environment Team in order to comply fully with requirements of condition 11.
6. Please check that any plans approved under the building regulations match the plans approved in this planning permission. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.

Application Reference: P/OUT/2023/00627

Application Site: Land at E 378776 N 119064 Salisbury Street Marnhull

Proposal: Erection of up to 67 dwellings with associated access & drainage attenuation (outline application to determine access only)

1.0 Recommendation: To advise the Planning Inspectorate that, if the power to determine the application still rested with the local planning authority, the decision would have been to **refuse** planning permission for the following reasons:

1. The site lies outside the settlement boundary for Marnhull contrary to the spatial strategy of Policies 2, 6 and 20 of the North Dorset Local Plan Part 1. The location of the site has inadequate and unacceptable accessibility for pedestrians and future occupiers with protected characteristics to enable safe access to the majority of services and facilities in Marnhull in terms of walking and cycling, with a lack of sustainable transport alternatives. For those with access to them, there would be reliance on the use of private motor vehicles, leading to harmful exhaust emissions. In the absence of any evidence of essential rural needs or any other 'overriding need' for this type of development, and given number of dwellings proposed, in this location the proposed development would lead to an unsustainable form of development, contrary to Policies 2, 6 and 20 of the North Dorset Local Plan Part 1 2016 and paragraphs 79, 105, 111 and 112 of the National Planning Policy Framework 2021.

2. The proposed drainage strategy fails to indicate the preliminary levels of the attenuation basin and demonstrate that it will be free draining and discharge to a recognised discharge point. The drainage strategy also fails to indicate acceptable exceedance flow routes to demonstrate where surface water can be directed, should the designed system fail or exceed capacity. It therefore cannot be satisfied that the proposed development would avoid risk of flooding downstream from all sources or seek to mitigate it appropriately. The proposal is contrary to Policy 4 of the North Dorset Local Plan Part 1 2016 and paragraphs 159, 167 and 169 of the National Planning Policy Framework 2021.

3. In absence of a completed Section 106 agreement to secure affordable housing and necessary community benefits (infrastructure: grey, social, green) the proposal would be contrary to Policies 8, 13, 14 and 15 of the adopted North Dorset Local Plan Part 1 2016 and paragraph 54 National Planning Policy Framework.

Decision: **Refuse** permission for the following reasons:

1. The site lies outside the settlement boundary for Marnhull and would lead to an unsustainable form of development, contrary to the spatial strategy of Policy 2 of the adopted Local Plan. The location of the site has inadequate and unacceptable

accessibility for pedestrians and future occupiers with protected characteristics to enable safe access to the majority of services and facilities in Marnhull in terms of walking and cycling, with a lack of sustainable transport alternatives. For those with access to them, there would be reliance on the use of private motor vehicles, leading to harmful exhaust emissions. In the absence of any evidence of essential rural needs or any other 'overriding need' for this type of development, and given number of dwellings proposed, in this location the proposed development the proposal would be contrary to Policies 2, 6 and 20 of the North Dorset Local Plan Part 1 2016 and paragraphs 79, 105, 111 and 112 of the National Planning Policy Framework 2021.

2. The proposed drainage strategy fails to indicate the preliminary levels of the attenuation basin and demonstrate that it will be free draining and discharge to a recognised discharge point. The drainage strategy also fails to indicate acceptable exceedance flow routes to demonstrate where surface water can be directed, should the designed system fail or exceed capacity. It therefore cannot be satisfied that the proposed development would avoid risk of flooding downstream from all sources or seek to mitigate it appropriately. The proposal is contrary to Policy 4 of the North Dorset Local Plan Part 1 2016 and paragraphs 159, 167 and 169 of the National Planning Policy Framework 2021.

3. In absence of a completed Section 106 agreement to secure affordable housing and necessary community benefits (infrastructure: grey, social, green) the proposal would be contrary to Policies 8, 13, 14 and 15 of the adopted North Dorset Local Plan Part 1 2016 and paragraph 54 National Planning Policy Framework.

Application Reference: P/OUT/2022/07629

Application Site: Land at E 377305 N 119775 Strangways Farm Musbury Lane Marnhull

Proposal: Outline planning application with all matters reserved except for access for a development of up to nine dwellings and associated infrastructure.

Recommendation: To advise the Planning Inspectorate that, if the power to determine the application still rested with the local planning authority, the decision would have been to grant planning permission subject to conditions.

Decision: To advise the Planning Inspectorate that, if the power to determine the application still rested with the local planning authority, the decision would have been to grant planning permission subject to conditions.

Conditions:

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

Reason: This is an outline permission with these matters reserved for subsequent approval.

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

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

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

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

4. Prior to commencement of development hereby approved a Construction Traffic Management Plan and programme of works shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include

- a) Delivery hours.
- b) Hours of construction (which shall exclude weekends and public/bank holidays and anytime between 18.00 and 07.00).
- c) Contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities).

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

Reason: In the interests of the residential amenity of adjoining occupiers and residents of other dwellings on Musbury Lane with dwellings that adjoin the carriageway.

5. No part of the development hereby approved shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out,

- a) Measures for the controlling of movements of plant and machinery within the site during the construction phase.
- b) The setting out and protection of exclusion zones within 5m of watercourses within and abutting the site and root protection areas of retained trees.
- c) The hours when mechanised plant and machinery will be used on site and the specification for any lighting to be used during the construction phase.
- d) Pollution spillage avoidance measures.

The development shall be carried out in full accordance with the approved CEMP at all times.

Reason: To secure the necessary biodiversity impact avoidance and mitigation measures.

6. No development shall commence until details have been submitted to and approved in writing by the local planning authority of a scheme for surface water drainage for the development. The scheme shall include a timetable for its implementation relative to the development's construction and shall be implemented in accordance with that approved timetable. The said drainage shall be retained thereafter for the lifetime of the development.

Reason: To ensure that the risk of flooding within and off the site does not increase as a result of the development, factoring in increases in rainwater events as a result of climate change.

7. Before any of the dwellings hereby approved are first occupied, the access including the visibility splay detailed on the approved plans shall be completed. The said access and visibility splays shall be retained thereafter for the lifetime of the development with the visibility splays free of operational development and vegetation exceeding 0.6 metres above the relative level of the adjacent carriageway.

Reason: In the interests of highway safety.

8. Before any of the dwellings hereby approved are first occupied the first 10.00 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.

9. There must be no gates hung so as to form obstruction to the vehicular access serving the site.

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

Decision: That if the power to determine the application still rested with the local planning authority, the decision would have been to refuse permission for the following reasons: -

1. Pond Farmhouse is a grade II listed building. The setting contributes significantly to the significance of this designated heritage asset. The application site is an important element of this setting providing clear legibility to the historic use of the farmhouse, its link to farming the land. The importance is enhanced by the ability to experience this setting from the well-trodden public right of way that traverses the application site and the openness of the boundary between the site and the farmhouse's garden. The application fails to evidence how this setting will be preserved, the proposal resulting in the loss of the final undeveloped and farmed land within the building's setting. There will be less than substantial harm to the significance, this harm not outweighed by the public benefits from the proposal which are tempered by the fact that the number of dwellings proposed are modest in quantum and all for open market housing with no affordable units. The proposal would conflict with policy 4 of the North Dorset Local Plan Part 1 (2016) as a result.
2. The quantum of development proposed would necessitate a non-frontage development which would be discordant with the prevailing frontage development of vernacular cottages along Musbury Lane. The application would be contrary to policy 4 24 of the North Dorset Local Plan Part 1 (2016).
3. The proposal would lead to a significant adverse change to the character and appearance of the area, the adversity increased due to the elevation of the site, the existence of the public right of way and the proximity of it to dwellings of a traditional vernacular architecture at road level opposite the site. It would impact on public views of the countryside, and diminish the tranquillity of the lane, which would be contrary to policies 4, and 24 of the North Dorset Local Plan Part 1 (2016). The adverse impacts would significantly and demonstrably outweigh the benefits of providing 7 dwellings when assessed against the National Planning Policy Framework (2021) taken as a whole.

Application Reference: P/FUL/2022/07513

Application Site: Frog Lane Farm Frog Lane Motcombe SP7 9NY

Proposal: Retain the change of use of existing agricultural building to allow the cutting and preparation of building stone, including the siting of a steel container & generator

Recommendation: Grant permission subject to conditions, the latter relating to delivery and collection routes to and from the site and hours of working.

Decision: Grant planning permission subject to the following conditions.

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - IP/MBC/01 Location plan
 - IP/MBC/02 Proposed site plan
 - IP/MBC/03 Proposed floor plans & elevations

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

2. No preparation of the equipment using powered machinery for the stone cutting use hereby approved, or use of the generator shall take place outside of the hours 08:30 – 16:30hrs Monday – Friday (excluding Bank and Public Holidays).

Reason: In the interests of residential amenity.

3. The areas shown on Drawing Number IP/MBC/02 for the manoeuvring, parking, loading and unloading of vehicles 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.

4. Deliveries to and collections from the site for the use hereby approved shall be via Church Road, Bittles Green and the part of Frog Lane from the site southwards only, unless there are road closures in place affecting this route.

Reason: In the interests of highway safety.

5. Within 3 months of the date of this permission details of a surface water drainage scheme shall be submitted to the local planning authority. The scheme shall be implemented in full within 3 months from the approval in writing by the local planning authority of this scheme and retained thereafter for the remaining lifetime of the development.

Reason: To ensure no increase in the risk of flooding.

Application Reference: P/FUL/2022/02397

Application Site: Former Coop Store and Car Park High Street Gillingham SP8 4AG

Proposal: Demolition of existing former co-op store & redevelopment of the site to provide 42no. residential units, comprising 4no. houses (C3), 30no. apartments (C3) and 8no. assisted living apartments (C2), 83sqm of commercial space (Class E) allotments, landscaping & other associated works

Recommendation: Recommendation A: Minded to **GRANT**, subject to the completion of a legal agreement under section 106 of the town and country planning act 1990 (as amended) in a form to be agreed by the legal services manager to secure primary & secondary education contributions, off-site open space maintenance, outdoor open space provision, healthcare contribution and arrangements for management of open space and landscaping on site.

Recommendation B; **Refuse** permission for failing to secure the obligations above if the agreement is not completed by 31st August 2023 or such extended time as agreed by the Head of Planning.

Decision: Approve subject to the following conditions:

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

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

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

21035-0100-P Rev 2 - Location Plan

21035-0100-P Rev 2 - Site Plan

21035-2100-P Rev F - Masterplan Ground Floor Plan – Proposed

21035-2101-P Rev C - Masterplan First Floor Plan – Proposed

21035-2102-P Rev C - Masterplan Second Floor Plan – Proposed

21035-2103-P Rev C - Masterplan Third Floor Plan – Proposed

21035-2104-P Rev C - Masterplan Fourth Floor Plan - Proposed
 21035-2201-P Rev 2 - Masterplan Section/Elevation - Proposed
 21035-2110-P Rev B - Block A - Ground Floor Plan – Proposed
 21035-2111-P Rev B - Block A - First Floor Plan – Proposed
 21035-2112-P Rev B - Block A - Second Floor Plan – Proposed
 21035-2113-P Rev B - Block A - Third Floor Plan – Proposed
 21035-2114-P Rev B - Block A - Fourth Floor Plan - Proposed
 21035-2211-P Rev 1 - Block A - Section A1/C1 – Proposed
 21035-2212-P Rev 1 - Block A - Section A2 – Proposed
 21035-2213-P Rev 1 - Block A - Section A3/C4 – Proposed
 21035-2214-P Rev 1 - Block A - Section A4/C3 – Proposed
 21035-2215-P Rev 1 - Block A - Section A5/C5 – Proposed
 21035-2216-P Rev 1 - Block A - Section A6 – Proposed
 21035-2311-P Rev C - Block A - North Elevation – Proposed
 21035-2312-P Rev C - Block A - East Elevation – Proposed
 21035-2313-P Rev C - Block A - South Elevation – Proposed
 21035-2314-P Rev C - Block A - West Elevation - Proposed
 21035-2120-P Rev A - Block B - Floor Plans – Proposed
 21035-2217-P Rev 1 - Block B - Section B1 – Proposed
 21035-2218-P Rev 1 - Block B - Section B2 - Proposed
 21035-2219-P Rev 1 - Block B - Section B3 – Proposed
 21035-2321-P Rev 1 - Block B - North and East Elevation – Proposed
 21035-2323-P Rev 1 - Block B - South and West Elevation – Proposed
 21035-2130-P Rev A - Block C - Floor Plans – Proposed
 21035-2220-P Rev 1 - Block C - Section C2 – Proposed
 21035-2331-P Rev A - Block C - North, East, South and West Elevation –
 Proposed
 21035-5000 - Proposed Bin Store 1
 21035-5001 - Proposed Bin Store 2
 21035-5002 - Proposed Cycle Store

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

3. Prior to development above damp proof course level, details and samples of all external facing materials for the walls and roofs shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

4. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number 21035-2100-P Rev D must be constructed, unless otherwise agreed in writing by the Planning

Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

5. Before the development is occupied or utilised the first 10.00 metres of the vehicle access from the High Street, 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.

6. Before the development is occupied or utilised the first 5.00 metres of each vehicle access from Buckingham Road, 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 suitably surfaced and constructed accesses to the site are provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

7. Before the development is occupied or utilised, the first 5.00 metres of any access, access crossing and drive must be constructed to a gradient not exceeding 1 in 12.

Reason: To ensure that the public highway can be entered safely.

8. Before the development is occupied or utilised the cycle parking facilities shown on Drawing Numbers 21035-2100-P Rev D and 21035-5002 must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

9. The development hereby permitted must not be occupied or utilised until the precise technical details of the electric vehicle charging points and parking bays shown on Drawing Number 21035- 2100-P Rev D are submitted to the Planning Authority. These details require approval to be obtained in writing from the Planning Authority. The approved scheme must be constructed before the development is occupied or utilised 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 plugin and ultra-low emission vehicles.

10. Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Planning Authority. The CTMP must include:

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

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

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

11. Before the development hereby approved is occupied or utilised, a Travel Plan must be submitted to and approved in writing by the Planning Authority. The Travel Plan, as submitted, will include:

- Targets for sustainable travel arrangements.
- Effective measures for the on-going monitoring of the Travel Plan.
- A commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development.
- Effective mechanisms to achieve the objectives of the Travel Plan by the occupiers of the development

The development must be implemented only in accordance with the approved Travel Plan.

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

- 12.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.

- 13.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.

- 14.The development hereby approved must be carried out in full accordance with the terms and findings of the Phase 1 Desk Study by AG Geo-Consultants Ltd dated 7th March 2022, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, having regard to the National Planning Policy Framework March 2012.

- 15.In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk

assessment shall be submitted to and approved by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, having regard to the National Planning Policy Framework March 2012.

16. Due to the close vicinity of existing residential dwellings to this site, demolition and construction works should have regard to the following to protect residents from nuisance:

- Hours of work are to be limited to Monday – Friday 0700 – 1900, Saturday 0800 – 1300 and no noisy activity on Sundays or Bank Holidays. No bonfires

Reason: To protect the amenity of adjoining residents during the course of construction

17. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan or Landscape Ecological Management Plan (LEMP) certified by the Dorset Council Natural Environment Team on XX must be implemented in accordance with any specified timetable and completed in full (including photographic evidence of compliance being submitted to the Local Planning Authority in accordance with section J of the Biodiversity Plan/ the LEMP) prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

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

18. Prior to the commencement of development on the site, a Construction Environmental Management Plan (CEMP) (Biodiversity) must be submitted to and approved in writing by the local Planning Authority. The CEMP must include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs

The development shall take place strictly in accordance with the approved CEMP.

Reason: To protect biodiversity during the construction phase.

19. Prior to the commencement of any development hereby approved, above damp course level, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include where relevant:

- (i) proposed finished levels or contours;
- (ii) means of enclosure;
- (iii) car parking layouts;
- (iv) other vehicle and pedestrian access and circulation areas;
- (v) hard surfacing materials;
- (vi) minor artefacts and structures (eg street furniture, play equipment, refuse or other storage units, signs, lighting, etc);
- (vii) proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines, etc indicating lines, manholes, supports, etc);
- (viii) the species, size, number and spacing of planting, including heavy standards, raised planters and details of the green roofs
- (ix) retained landscape features and proposals for their continued retention.

If within a period of 5 years from the date of completion of the development any tree or plant is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority seriously damaged or defective) another tree/plant of the same species and size as that originally planted shall be replanted in the first available planting season unless the Local Planning Authority agrees in writing to any variation.

Reason: Landscaping is considered essential in order to preserve and enhance the visual amenities of the locality.

20.A Landscape Management Plan, including long term design objectives, management responsibilities, maintenance schedules and a timetable for implementation and/or phasing; for all landscape areas (other than small, privately owned domestic gardens,) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner. Thereafter the Landscape Management Plan shall be implemented as approved.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation or historical significance.

Informative Notes:

1. The applicant is advised that, notwithstanding this consent, the Town Police Clauses Act 1847 requires that the projecting sign must be not less than 2.44 metres above ground level. Provision of the sign at a lesser height could give rise to complaint, inconvenience or actual injury and, furthermore, might render the owner of the site and/or the sign liable to prosecution.
2. As the new road layout does not meet with the Highway Authority's road adoption standards it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.
3. Dorset Highways advise that 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.
4. The Council's Lead Flood Authority advise the applicant that the following items should be updated/addressed for future detailed design and discharge of conditions.
 - The latest climate uplift for the upper end 2070s epoch is 45%. This allowance should be used for the detailed design (discharge of conditions stage) of the attenuation feature.
 - At discharge of conditions stage we will expect to see evidence of infiltration testing and whether the ground conditions will support infiltration. If infiltration testing alone proves that a soakaway is unfeasible, then this will be adequate information. If infiltration testing indicates that a soakaway may be feasible then the applicant should go onto to undertake groundwater testing and monitoring to determine if ground water conditions will also support infiltration. If this

additional information is not provided at detailed design stage, then we will request it at that time; it should be noted that the testing required may have a significant lead in time.

- 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.

5. Wessex Water offers the following informatives:

Existing Services

The following Wessex Water Assets are located within the proposed site boundary: -

225mm diameter public foul sewer

225mm diameter public surface water sewer

300mm diameter public surface water sewer

150mm diameter private surface water sewer.

In accordance with Wessex Water Policy, there must be no buildings within a minimum of 3m either side of the public foul and surface water sewers and no tree planting within a minimum of 6m. This includes no surface water attenuation features and associated earthworks in the easement strip. The public sewers must not run through enclosed private rear gardens, they must be within a 6m (3m either side) open access easement strip or roads. Wessex Water require unrestricted access to maintain and repair our apparatus. The applicant will need to agree protection arrangements for the existing public foul and surface water sewers which crosses the site (easement requirements detailed above). Any damage to our apparatus by third parties will result in a compensation claim. All apparatus must be accurately located on site and marked on deposited drawings.

A map showing all known Wessex Water Assets within the area of the proposed site is available to view on the Council's website. Additional maps can be obtained from our website Mapping enquiries (wessexwater.co.uk)

Foul Drainage

Wessex Water will accommodate domestic type foul flows in the public foul sewer with connections made on a size for size basis, Developers fund the cost of connecting to the nearest 'size for size' sewer and Wessex Water will manage the sewer network to accommodate foul flows from granted development. We fund this through our infrastructure charging arrangements.

Wessex water has capacity to accept the proposed domestic type flows into the public network. Connection should be made to the network located on High Street to the north of the site. The point of connection to the public network is

by application and agreement with Wessex Water and subject to satisfactory engineering proposals constructed to current adoptable standards. The developer should contact the

local development team development.south@wessexwater.co.uk to agree proposals for the Section 104 adoption and submit details for technical review prior to construction. Please Note: No surface water runoff or land drainage will be accepted into the foul sewer either directly or indirectly.

Surface Water Drainage

The applicant has proposed a connection to the existing public surface water sewer and has agreed a discharge rate of 46.2 l/s for all storm events up to and including the 1 in 100 year event plus CC, with Wessex Water.

Adoption

Wessex Water can adopt SuDS features as part of a surface water sewer network, SuDS schemes will be required to have full S104 technical approval and full planning approval before construction work begins. All drainage design requirements for the site (discharge rates, attenuation, climate change etc.) must be agreed, in consultation with the Local Planning Authority / Lead Local Flood Authority, prior to the submission of a formal S104 application. Adoption is by agreement with Wessex Water and subject to satisfactory engineering proposals constructed to current adoptable standards. More detailed information and guidance for adoptable standards can be found on our Developer Services Web Pages Sector guidance on sewerage and water adoption agreements (wessexwater.co.uk) Please Note: No surface water runoff or land drainage will be accepted into the public foul sewer either directly or indirectly.

Water Infrastructure

Wessex Water will provide a point of connection for new water mains to be laid into the development site, either through a Section 41 agreement or a self-lay arrangement. Developers may connect to our water network on a size for size basis at their cost and Wessex Water will undertake any network reinforcement that may be required to accommodate granted development, this is funded through our infrastructure charging arrangements. Upon grant of planning Wessex Water will undertake a modelling exercise to determine the impact on our network and manage any necessary improvements.

Please note: On site private storage and pump systems will be required for buildings greater than 2 storeys high. No guarantee can be given on a specific pressure or to maintaining that pressure. Normally it will be no less than 10m head of water. (1 bar pressure at 9 litres a minute) on the property boundary. For more details and guidance for applying to connect to our networks please see our website:

<https://www.wessexwater.co.uk/services/building-and-developing/building-multiple-properties-or-largeddevelopments>

Decision: Refuse planning permission for the following reasons:

1. The proposal is for a major development which would fail to deliver any affordable housing. There is a high level of recorded need for affordable housing across Dorset and the failure to provide any would be contrary to Policy 8 of the North Dorset Local Plan and paragraph 65 of the National Planning Policy Framework.
2. The proposal would result in the loss of retail floorspace from the town centre to the detriment of its viability and vitality, contrary to Policy 12 of the North Dorset Local Plan, Policy 7 of the Gillingham Neighbourhood Plan and paragraph 86 of the National Planning Policy Framework. This demonstrable harm would not be outweighed by the benefits of the proposal.

Application Reference: P/FUL/2022/06530

Application Site: Middle Farm Lurmer Street Fontmell Magna Shaftesbury SP7 0NT

Proposal: Demolish existing barn and erect dwelling with associated landscaping

Recommendation: GRANT, subject to conditions

Decision: 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:

P22-023 02-02-001 A Location Plan

P22-023-02-02-02 A Proposed site plan

P22-023-02-03-01 A Proposed ground floor plan

P22-023-02-03-02 A Proposed first floor plan

1049-MP-01 A Landscape Masterplan

P22-023-01-03-03 Proposed Garage

P22-023-01-05-01 A Proposed Front Elevation

P22-023-01-05-02 A Proposed Elevations

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

3. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan or Landscape Ecological Management Plan (LEMP) certified by the Dorset Council Natural Environment Team on 10/05/2023 must be implemented in accordance with any specified timetable and completed in full (including photographic evidence of compliance being submitted to the Local Planning Authority in accordance with section J of the Biodiversity Plan/ the LEMP) prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

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

4. Prior to the commencement of any development hereby approved, all existing trees and hedges shown on approved plan P22-023-02-02 Rev A to be retained, shall be fully safeguarded in accordance with BS 5837:2005 (Trees in relation to construction - recommendations) or any other Standard that may be in force at the time that development commences and these safeguarding measures shall be retained for the duration of construction works and building operations. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zone(s).

Reason: To ensure that trees and hedges to be retained are adequately protected from damage to health and stability throughout the construction period and in the interests of amenity

5. The soft landscaping works detailed on approved drawing 1049-MP-01 Rev A must be carried out in full during the first planting season (November to March) following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The soft landscaping shall be maintained in accordance with the agreed details and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the satisfactory landscaping of the site and enhance the biodiversity, visual amenity and character of the area.

6. Prior to development above damp proof course level, details (including colour photographs) of all external facing materials for the wall(s) and roof(s) shall have been submitted to, and approved in writing by the Local Planning

Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

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

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

8. No external lighting shall be installed until details of the lighting scheme have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the lighting scheme shall be installed operated and maintained in accordance with the agreed details.

Reason: To protect visual amenities and avoid nuisance to adjoining properties.

9. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number P22-023 02-02-02 A must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

Informative Notes:

1. Informative: National Planning Policy Framework Statement

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

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

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

In this case:

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

Application Reference: P/FUL/2023/02983

Application Site: Cheselbourne Village School Drakes Lane Cheselbourne Dorset DT2 7NT

Proposal: Demolition of existing prefabricated mobile classroom & the erection of 2 no. detached buildings to be used as a classroom & learning hub along with the formation of a covered decked area.

Recommendation: Grant, subject to conditions

Decision: **Grant, subject to conditions**

Recommendation: Approve subject to the following conditions:

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

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

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

4788-BB-XX-XXX-DR-A-P001 2 Location plan

4788-BB-XX-XXX-DR-A-P001 1 Proposed site plan

4788-BB-XX-XXX-DR-A-P003 3 Proposed floor plan & roof plan

4788-BB-XX-XXX-DR-A-P004 3 Proposed elevations

4788 P010 1 Existing site plan

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

3. Prior to first use the development shall be completed in accordance with the proposed works detailed in the Flood Risk Assessment on page 17 of the Flood Risk Assessment submitted by WSP dated April 2023 and shall be maintained as such thereafter.

Reason: In order to safeguard the buildings from unnecessary flood risk.

4. Prior to first occupation or use of the development hereby approved the mitigation measures as detailed in the Biodiversity Mitigation Plan in section H and section I agreed by the Dorset Natural Environment Team dated

16.05.2023 shall be completed in full. Thereafter, the mitigation measures shall be maintained and retained for the perpetuity of the development.

Reason: To minimise impacts on biodiversity.

5. Prior to development above foundation level, details and samples of all external facing materials for the wall(s) and roof(s) shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

Informative Notes:

1. Informative: National Planning Policy Framework Statement

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

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

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

In this case:

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

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

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

Application Reference: P/HOU/2023/02594

Application Site: 35 Alexandra Road Dorchester DT1 2LZ

Proposal: Demolish conservatory, erect single storey extension and install rear dormer window

Recommendation: GRANT, subject to conditions

Decision: GRANT, subject to 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:

TQRQM23114174205654 Location Plan

TQRQM23114174346698 Block Plan

21 100 08 Proposed Floor Plans

21 100 09 Proposed Elevations and Section - Option C.pdf

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

3. At least one bird box shall be erected, and thereafter retained, prior to first occupation or use of the development hereby approved.

Reason: To enhance or protect biodiversity.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

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

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

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

In this case:

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

Agenda Item 6

Application Number:	P/OUT/2021/02187		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Land at E 381150 N 126745, Barnaby Mead to Bay Lane - Footpath, Gillingham		
Proposal:	Develop land by the erection of up to 20 No. dwellings, form vehicular access and associated infrastructure. (Outline application to determine access).		
Applicant name:	The PG Ridgley Trust		
Case Officer:	Ross Cahalane		
Ward Member(s):	Cllr Val Pothecary, Cllr Belinda Ridout, Cllr David Walsh		
Publicity expiry date:	11 March 2022	Officer site visit date:	16 December 2022
Decision due date:	31 January 2022	Ext(s) of time:	31 January 2022

1.0 The application is reported to Committee as Gillingham Town Council have objected to the application (received 24/04/2022).

2.0 Summary of recommendation:

Recommendation A: Minded to **GRANT**, subject to the completion of a legal agreement under section 106 of the town and country planning act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:

- 25% affordable housing on site
- Community Facilities Contribution
- Formal Outdoor Sports Contribution
- Formal Outdoor Sports Maintenance Contribution
- Informal Outdoor Space Contribution
- Informal Outdoor Space Maintenance Contribution
- Play Facilities Contribution
- Play Facilities Maintenance Contribution
- On-site Open Space Provision
- Public Footpath Connections

and the conditions (and their reasons) listed at the end of the report.

Recommendation B: **Refuse** permission for failing to secure the obligations above if the agreement is not completed by 6 months or such extended time as agreed by the Head of Planning.

3.0 Reason for the recommendation: as set out in Sections 15.0 to 16.0 at the end of this report.

- The Council cannot demonstrate a 5-year housing land supply in North Dorset, meaning that the ‘presumption in favour of sustainable development’ applies
- The site is located within the defined development boundary of Gillingham in accordance with the Local Plan core spatial strategy.
- The development would provide 25% affordable housing on the site.
- The development would secure economic, social and environmental benefits.
- 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 development is considered to be acceptable as the application site is located within the settlement boundary. The site is located within a sustainable location and no material considerations warrant refusal of this application.
Housing Delivery	The development will provide up to 20 dwellings making a valuable contribution to the housing land supply.
Affordable Housing	The development will provide policy compliant affordable housing of 25% on site subject to s106 agreement.
Highways/ Access	The application is outline for access only. The proposed access is considered to be acceptable and Dorset Highway Authority raise no objection, subject to conditions.
Layout	Whilst the layout of development is illustrative at this stage, it demonstrates that there is sufficient space to ensure that the character and distinctiveness of the locality can be respected.
Landscape	There are no in principle objections to the proposals subject to matters being addressed in reserved matters applications.
Impact on amenity	The amenity of adjacent residents can be protected with adequate space between proposed and existing properties.
Heritage/Archaeology	Proposal will result in no harm to designated and non-designated heritage assets.
Flooding/Drainage	It is considered that the flooding and drainage aspects of the scheme can be satisfactorily conditioned to the consent.

Biodiversity	A Biodiversity Plan has been agreed by the Council's Natural Environment Team, which includes mitigation and net gain measures. This can be secured by means of planning condition.
--------------	---

5.0 Description of Site

The application site is approximately 0.84ha and is situated towards the east of Gillingham, around 400m from the town centre. It is located within the settlement boundary of Gillingham. Access to the site is currently afforded via a gate to the north of the site which is situated along the existing Public Right of Way (PRoW).

There are hedgerows along the north, east and west boundaries of the site; and a chain link fence to the adjacent school tennis courts along the southern boundary of the site. The site has relatively gentle gradient falling towards the north eastern corner.

The site adjoins recently constructed residential development to the north (see Section 7 planning history below), whilst to the south is Gillingham School and Gillingham Primary School and associated facilities.

The site is not subject to any national or local designations (such as AONB) and is situated within flood zone 1 (lowest probability of flooding).

6.0 Description of Development

Develop land by the erection of up to 20 No. dwellings, form vehicular access and associated infrastructure. (Outline application to determine access).

7.0 Relevant Planning History

There is no planning history for the application site. However, the land immediately to the northwest has been developed for housing as approved below:

2/2016/0149/OUT – Land East of Barnaby Mead. Develop land by the erection of up to 50 dwellings, formation of vehicular and pedestrian access, (outline application with all matters reserved).

Decision: Granted (02/10/2017)

2/2019/1649/REM - Erect 50 No. dwellings, form vehicular and pedestrian access. (Reserved matters application to determine access, appearance, landscaping, layout and scale; following grant of Outline Planning Permission No. 2/2016/0149/OUT).

Decision: Granted (29/06/2020)

8.0 List of Constraints

Remains of East Haines House & Adjacent Section of Deer Park Pale Scheduled Monument, 1465898 (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

Gillingham Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

9.0 Consultations

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

Consultees

Ancient Monuments Society

- No comments received

Historic England

- No objection on heritage grounds

Open Spaces Society

- No comments received

Wessex Water

- Holding objection raised until the applicant has demonstrated how they propose to accommodate the minimum 3m easement required around the existing distribution main

[Officer comment: The applicant has provided an amended illustrative layout to demonstrate that the above easement requirement can be provided]

Dorset & Wiltshire Fire and Rescue Service

- In the event the planning permission is granted for this development, the development would need to be designed and built to meet current Building Regulations requirements

Dorset Council – Landscape

- Supportive of application subject to conditions

Dorset Council - Education Officer

- No comments received

Dorset Council - Natural Environment Team

- No objection subject to compliance with Biodiversity Plan

Dorset Council - Rights of Way Officer

- No objection subject to footpath being diverted

Dorset Council - Highways

- No objection subject to conditions

Dorset Council - Dorset Waste Partnership

- No comments received

Dorset Council – Environmental Services

- No objection subject to conditions

Dorset Council - Conservation Officers

- Supports application subject to condition

Dorset Council - Trees

- No comments received

Dorset Council - Urban Design

- No comments received

Dorset Council - Housing Enabling Team

- No objection to application

Dorset Council - Planning Policy

- Supports application

Dorset Council - Economic Development and Tourism

- No comments received

Dorset Council – Flood Risk Management Team

- Holding objection: No evidence of connectivity between the existing ditch and a surface water sewer or the wider river network has been provided within this submission

[Officer comment: In response to this, the applicant has undertaken a further drainage inspection and provided an updated drainage strategy. It is considered that the detailed drainage design of the scheme could be conditioned to the consent to make this development acceptable.]

Dorset Council - Section 106 Team

- No objection

Dorset Council – Archaeology

- No objection subject to condition

Dorset Council – Libraries

- No comments received

Ward Councillor - Gillingham Ward

- No comments received

Gillingham Town Council

- Objection:
 - Loss of an existing area of informal green amenity space
 - Access to and from the proposed development would be reliant on Barnaby Mead and Gillingham High Street. Will exacerbate existing traffic congestion and will result in an increase in danger to highway users
 - Design and layout does not take account of the Bay Character Area and would fail to maintain or improve the character and quality of the area.
 - Proposed road will cross Footpath N64/45 (a walk to school route) which will result in an increased danger to pedestrians using the footpath.
 - Does not provide any environmental benefits or offer any opportunities for securing measurable gains for biodiversity
 - Proposed layout conflicts with the water main and the easement strip.
 - Will exacerbate existing drainage issues and have a detrimental effect to the dwellings downhill of the proposed development.
 - As the town grows there may be a need for Gillingham School to expand, therefore this area should be protected against development and safeguarded for educational purposes.

Representations received

25 letters of representation have been received, of which 22 objected to the proposal, and 3 supported the proposal.

Reasons for objections:

- Loss of green space
- Traffic generation
- No benefit to local residents

- Vehicular access unsuitable
- Noise impacts
- Density of development
- Wildlife impact
- PROW impact

Reasons for support:

- Affordable housing needed across the district
- Development will provide more housing for local young people

10.0 Relevant Policies

Local Plan: The North Dorset Local Plan Part 1 (NDLP) was adopted by North Dorset District Council on 15 January 2016. It, along with policies retained from the 2003 North Dorset District-Wide Local Plan, and the 'made' Gillingham Neighbourhood Plan 2018, form the development plan for North Dorset. Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Relevant applicable policies in the adopted NDLP are as follows:

Policy 1: Presumption in Favour of Sustainable Development
 Policy 2: Core Spatial Strategy
 Policy 3: Climate Change
 Policy 4: The Natural Environment
 Policy 5: The Historic Environment
 Policy 6: Housing Distribution
 Policy 7: Delivering Homes
 Policy 8: Affordable Housing
 Policy 11: The Economy
 Policy 13: Grey Infrastructure
 Policy 14: Social Infrastructure
 Policy 15: Green Infrastructure
 Policy 17: Gillingham
 Policy 23: Parking
 Policy 24: Design
 Policy 25: Amenity

Relevant saved policies from the North Dorset District Wide Local Plan (1st Revision) Adopted 2003, are as follows:

Policy 1.7- Development within Settlement Boundaries
 Policy 1.9 - Important Open or Wooded Areas

Gillingham Neighbourhood Plan

The Gillingham Neighbourhood Plan was ‘made’ on 27 July 2018 and forms part of the Development Plan for North Dorset. Relevant policies applicable to this outline application are:

- Policy 1. Custom and self-build housing
- Policy 12. Pedestrian and cycle links
- Policy 13. Road designs in new development
- Policy 14. New and improved health and social care provision
- Policy 15. New and improved education and training facilities
- Policy 16. New and improved community, leisure and cultural venues
- Policy 17. Formal outdoor sports provision
- Policy 18. Equipped play areas and informal recreation / amenity spaces
- Policy 19. Allotments
- Policy 20. Accessible natural green space and river corridors
- Policy 22. Protecting important green spaces
- Policy 23. The pattern and shape of development
- Policy 24. Plots and buildings
- Policy 25. Hard and soft landscaping

Other material considerations

National Planning Policy Framework (NPPF):

The NPPF has been updated with a revised version published September 2023. The following sections and paragraphs are relevant to this outline application:

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
10. Supporting high quality communications
11. Making effective use of land
12. Achieving well designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Current housing land supply

At present the Council cannot demonstrate a five-year Housing Land Supply (HLS) in the North Dorset area (current figures show a 4.27-year HLS) and the Housing Delivery Test (HDT) measurement for North Dorset is below the NPPF required 75% (currently at 69%). In such circumstances, paragraph 11(d) of the NPPF dictates that the basket of policies most important to the determination of the application should be considered to be ‘out of date’. For clarity, this refers to policies 2, 6 and 20 of the NDLP. The consequences of this, are that the NPPF’s ‘tilted balance’ is engaged and

planning permission should only be refused if the protective policies of the NPPF provide a clear reason for refusal or if the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when take as a whole.

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 application site is located in line with the spatial strategy of the local plan, which seeks to locate development close to services. Occupiers of the dwellings would have access to open space and to health and other facilities that are contained within the town.

Officers have considered the requirement of the duty, and it is not considered that the proposal would give rise to specific impacts on persons with protected characteristics.

13.0 Financial benefits

What	Amount / value
Material Considerations	
Affordable housing	25% of the number of dwellings.
Quantum of greenspace	On-site public open space to be secured by s106 agreement.
Contributions	The s106 agreement shall secure contributions towards: Community Facilities; Formal Outdoor Sports; Formal Outdoor Sports Maintenance; Informal Outdoor Space; Informal Outdoor Space

	Maintenance; Play Facilities, and; Play Facilities Maintenance.
Employment created during construction phase	The proposal will support local jobs in the construction sector and will bring about 'added value' in the local area through associated spending and economic activity.
Spending in local economy by residents of proposed dwellings	The proposal will support the local economy, providing housing required to support the long-term economic growth in the area with new residents spending on goods and services as they move in.
Non Material Considerations	
Contributions to Council Tax Revenue	According to the appropriate charging bands

14.0 Climate Implications

There will inevitably be trips to and from the site by vehicles with internal combustion engines. Although the proportion of the trips by internal combustion engine powered vehicles will diminish over time as the predicted use of battery electric vehicles (BEVs) increases, their use to access the site must still be considered as part of its carbon footprint. BEVs also have a carbon footprint of their own.

The layout of the dwellings is indicative only at this Outline stage, but does evidence how dwellings can be sited with south and west facing roof slopes to exploit the potential of solar energy.

Notwithstanding the fact that the proposed indicative orientation of the dwellings will allow opportunities for domestic photo-voltaic installations, it is assumed there will be a reliance on the grid for energy (the energy generation for which is still reliant, for now, on non-renewable sources).

There will be embedded energy costs derived from the construction phase (from the production and transport of the materials and the energy consumed during the build itself). There will be a loss of greenfield land arising from the development.

There is sufficient scope within the proposed development to incorporate a wide range of sustainability measures. These will reduce the impacts of the development on the climate in line with Dorset Council Climate and Ecological Emergency Strategy 2020.

15.0 Planning Assessment

The main considerations for this application are considered to be:

- Principle of Development
- Housing Mix and Affordable Housing
- Highways/Access
- Layout
- Landscape
- Residential Amenity

- Heritage/Archaeology
- Flooding/Drainage
- Biodiversity, and
- Infrastructure

Principle of Development

Policy context

Policy 2 (Core Spatial Strategy) and Policy 6 (Housing Distribution) of the NDLP require development to be located in accordance with the spatial strategy, which directs development to the four main towns and larger villages. Gillingham is identified as one of the larger towns and will be a main focus for growth and for the vast majority of housing delivery.

The proposed scheme is for major residential (20 dwellings) on a greenfield site inside the Gillingham settlement boundary. As such, it accords with the spatial strategy in the adopted development plan..

Paragraph 105 of the NPPF states: ‘significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes’. Notwithstanding the fact that the application site is located within the defined settlement boundary, the site is within walking distance of Gillingham town centre, plus schools, a leisure centre, and the railway station. The proposal is therefore considered to be a sustainable location for development.

The Gillingham Neighbourhood Plan (GNP) was made in July 2018. Paragraphs 6.6–6.8 discuss was then the outline approval (2/2016/0149/OUT) for 50 dwellings on the adjacent site between Barnaby Mead and Bay (now completed following approval of Reserved Matters - 2/2019/1649/REM). The above application site was not specifically allocated for housing development within the GNP. However, its Table 6.1 lists policies in the neighbourhood plan that should influence its design requirements. It is considered that this table could apply to the current application site, as it forms a smaller site with through access proposed from this approved site. what

The current application site was submitted for consideration in the Council’s Strategic Housing Land Availability Assessment (SHLAA) in 2019. Within the SHLAA, the site is identified as LA/GILL/001. The Council’s assessment states that site is located within walking distance of shops, a school and employment. It concludes that it has a capacity for 20 dwellings and is a developable site.

Emerging Dorset Council Local Plan

The Dorset Council Local Plan 2021-2038 options consultation was published in January 2021. Figure 2.3 of the document lists Gillingham as a Tier 2 settlement (towns and other main settlements). It also places Gillingham in the Northern Dorset Functional Area. Section 29 of the consultation document discusses Gillingham in more detail but does not provide any draft policies relevant to the application site.

Figure 29 simply shows the site as being within the settlement boundary, and therefore could be considered an infilling/windfall site under draft Policy DEV4. As this emerging local plan is still in the early stages of production, only very limited weight can be afforded to it.

Conclusion – principle of development

In light of all the above, the principle of development is considered to be acceptable on the site. The proposal accords with the core spatial strategy of the NDLP as it would provide a residential development of up to 20 dwellings within a defined settlement boundary. Other than the settlement boundary, the site does not have any specific policies relating to it, and there are no environmental designations on or near to the site to suggest that development should be constrained.

Housing Mix and Affordable Housing

The proposed development will deliver up to 20 new homes and will contribute towards fulfilling the housing needs of North Dorset and Gillingham. It will therefore make a valuable contribution towards boosting housing and affordable housing supply in Gillingham to meet needs/demand within the town and elsewhere.

Policy 7 (Delivering Homes) states that housing should contribute towards the creation of mixed and balanced communities based on a negotiation starting point of 40% of market housing being one or two bed properties and 60% of affordable housing being 3+ bed properties. The policy goes on to set out that housing layouts should achieve densities that make effective use of a site, reflect the character of the locality and are acceptable in terms of design and amenity.

The precise mix of housing types / sizes will be addressed at the reserved matters stage. The indicative site layout plan provides sufficient flexibility to accommodate a range of house types/sizes to reflect the market demand/needs of the area at the time of the reserved matters submission.

Policy 8 (affordable housing) states that in Gillingham, 25% of the total number of dwellings are to be affordable with a presumption that it will be provided on-site. The scheme will deliver a 25% policy compliant level of affordable housing on site. This would amount to the provision of 5 no. affordable homes on site (in the event 20 dwellings are delivered through reserved matters applications). By providing 25% affordable dwellings, this development would make a valuable contribution to meeting the affordable provision across the North Dorset area.

Highways/Access

Access will be gained from the north via the adjacent recently completed 50 dwelling development, as shown on the submitted access plan. The access road will cross footpath N64/45 on the northern boundary, where it is proposed to provide a raised table where pedestrians will have priority over vehicle traffic. This will also act as a gateway and traffic calming measure.

DC Highways originally raised concern with certain aspects of the scheme. In response to this, the applicant has provided an amended transport statement which addresses these concerns. These amendments are set out below.

The submitted access plan has been amended to confirm a width of 2m for the existing footpath by the junction serving the application site. This also shows the location of the ditch and any widening required to take this into account. The pedestrian flat-top road hump with pedestrian crossing has been amended to provide what has been requested by the Highway Authority. In addition, the transport statement has also been revised and re-issued to state 2.0m footways and a minimum width of 5.0m for the internal carriageway.

The proposed new access road will connect with the recently completed 50 dwelling development to the north. The submitted application red line area extends up to the adopted highway shown on the plan included in the Highways comments. The applicants have the rights to provide a vehicular / pedestrian connection off the estate road to the north. The owner of the adjacent has been informed of the application and the application forms have been updated to reflect this.

Concerns have been expressed in relation to the existing footpath. DC Senior Ranger has no objection to the scheme, but requests that the footpath must be diverted under legal order and must be confirmed before any works obstructing the path are commenced. This follows a similar approach to the development granted to the north of the site, under planning application 2/2016/0149. The applicant has confirmed that they are agreeable to this.

Public objections and objection from Gillingham Town Council have been received in relation to the additional traffic and highways safety issues associated with the proposed development. The transport statement includes an assessment of vehicle traffic impact using the national TRICS database; this has shown that the proposed development will have a minimal impact on the highway network. It is not considered that the proposed development would have an impact on the local highway network that would be severe, in accordance with the NPPF.

Policy 23 (Parking) identifies the need to accommodate car and cycle parking in accordance with the Council's standards and that the parking needs of people with impaired mobility are addressed in accordance with the Council's standards. The detailed scheme to be the subject of a reserved matters application will incorporate parking provision in accordance with the Council's standards. The proposals can therefore accommodate parking so as to be compliant with Policy 23.

DC Highways has reviewed the additional information and raise no further objection to the scheme. Planning conditions are recommended to secure the details of construction, visibility spays, layouts/turning/parking areas, cycle parking, electric vehicle charging, travel plans and construction traffic management.

Layout

Whilst layout is a reserved matter and not up for consideration under this Outline application, an illustrative masterplan has been submitted. Gillingham Town Council

have objected to the application on the grounds of layout and design. Whilst the exact layout of the dwellings is to be determined under a subsequent reserved matters application, the illustrative proposal has been designed to provide a mix of 20 market and affordable dwellings at a net density of approx. 32 dwellings per hectare within the developed area. This is consistent with the recently constructed development to north of the site. The density also ensures that the residential dwellings would not appear overly cramped, and the illustrative masterplan demonstrates that dwellings would benefit from good sized gardens, whilst also benefiting from areas of on-site landscaping, open space and flood attenuation.

A simple hierarchy of streets is proposed. There will be a primary street leading through the site from the site access and this links to a mix of private drives, private courtyards and pathways. The streets incorporate traditional carriageways of different widths according to their role in the hierarchy, with footpaths and shared surface streets where greater priority is given to pedestrians and car speeds are consequently lower.

On the northern boundary of the site is an existing PRow. This will form the primary pedestrian and cycle route from the proposed development to local facilities and amenities. The illustrative layout indicates that the proposed dwellings in the northern section of the site will front onto this PRow. Officers consider that an appropriate layout could be provided in a subsequent reserved matters application.

Landscape

Whilst a reserved matter at this stage, DC Landscape Officers have reviewed the proposal and are supportive of the application.

The layout of the proposal will be a simple grid, referencing rural estate housing and courtyards and utilising simple building forms. Plots will be fronted with low level native species hedgerow and flowering lawn mix. An attenuation basin will be located in the main open space in the north-east corner of the site and will be planted up with marginal and riparian plants. This feature would be surrounded by public open space, including amenity grassland and ornamental tree planting with a wildflower understorey. The existing hedgerows on the east, west and south boundaries will be retained and enhanced with native species where appropriate. The existing hedgerow and drainage ditch along the northern boundary be enhanced to form a habitat corridor.

The proposed attenuation basin will be planted to encourage biodiversity. This will soften its appearance too, so that it contributes to rather than detracts from the open space that it will be located in. It is considered that overall, it is possible to successfully integrate the proposed development into the local setting. The DC Landscape Officer supports the principle of the development, subject to the resolution of detailed design issues at reserved matters stage.

Residential Amenity

There will be an inevitable change to the nature of the site from its current use as an open field. The proposed built form, increased vehicular movement, increased

domestic noise and activity will all have an impact upon the neighbouring dwellings and the level of tranquillity currently enjoyed. However, this is unlikely to adversely impact adjacent neighbours to the extent that would warrant the refusal of this application.

The most affected residents will be the properties adjoining immediately to the north of the site within the newly constructed development. The illustrative layout indicates that sufficient distance can be achieved which will mitigate the impact and adequately protect the amenity of the neighbouring residents. This will be subject to the final detailed layout proposals to be examined at Reserved Matters stage.

Overall, it is considered that the amenity of adjacent residents can be sufficiently protected.

Heritage/Archaeology

Policy 5 (Historic Environment) notes that it is important that heritage assets are protected. For any designated heritage asset, great weight will be given to its conservation when considering any proposal that would have an impact on its significance. Any harm to designated and significant undesignated heritage assets will need to be fully justified.

Through the submission of supporting heritage documentation, the significance of heritage assets and the impact of the proposed development has been assessed and special regard has been given to the preservation of those assets in the balancing exercise.

Designated Heritage Assets

NPPF para. 199 requires that 'great weight' be given to the conservation of designated heritage assets and the more important the asset, the greater the weight should be. In addition, para. 200 requires any level of harm to their significance should require 'clear and convincing justification'.

The proposals will result in the following impacts on the significance of identified heritage assets:

Remains of East Haines House & Adjacent Section of Deer Park Pale (Scheduled Monument, 1465898)

The key elements of this monuments' setting are its generally undeveloped surroundings, but also its spatial and functional relationship to the deer park and other sections of pale.

The application site is situated approximately 365 m to the WSW of the asset and has no known spatial or visual relationship with it. The site forms part of what is currently a boundary of built-form formed by Gillingham School and the housing along Bay Lane, and does not form an obvious intrusion into the undeveloped setting of the monument, nor into its spatial or visual setting eastwards into the deer park.

For the above reason, it is considered that the proposals will result in no harm to the asset's significance.

Gillingham Conservation Area ('CA')

The setting of the CA, including the legibility of the landscape setting, has been much diminished by modern development. The distinction between the CA and the hamlet of Bay has been nearly entirely removed, the unification now all but complete with the recent construction at Barnaby Mead. With this in mind, the application site, lying to the south of Bay and immediately adjacent to the large school site, does not form an element which particularly contributes to any vestigial sense of separation.

It is therefore not considered that development of the site to the proposed quantum, or proposed access from the existing Barnaby Mead development, would result in any material harm to the setting of the CA and that any additional heritage issues which could arise (e.g. in scale and materials) could be adequately dealt with at Reserved Matters stage.

For the above reason, it is considered that the proposals will result in no harm to the asset's significance.

Non-Designated Heritage Assets

Bay Farmhouse and Barn

The setting of the asset has been altered by the extent of modern development of Barnaby Mead, most notably by the latest phase recently constructed, and will see the entirety of the land to the west and south of the farmhouse developed in some form. Though the application site forms a pocket of undeveloped land to the south of the farmhouse, it is at some remove from the asset and with intervening modern development. It is therefore not thought that the site contributes to a sense of any vestigial agricultural hinterland around the asset.

For the above reason, it is considered that the proposals will result in no harm to the asset's significance.

Archaeology

The submitted Historic Environment Assessment correctly points out that archaeological remains of various periods and types have been recorded in the vicinity of the present site. The Council's Senior Archaeologist has commented that there is a strong chance that the features identified in the geophysical survey are associated with the archaeological remains of Medieval date found on the adjacent site, not the current proposal site. Hence, in this case it is agreed that further archaeological evaluation is not needed before an informed planning decision can be made. Nevertheless, it is important that those remains that would be disturbed by the proposed development are recorded to an appropriate professional standard beforehand.

A pre-commencement planning condition is therefore proposed requiring the submission of a programme of archaeological work in accordance with a written

scheme of investigation which has been submitted by the applicant to and approved by the Local Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results.

Flooding/Drainage

A Flood Risk Assessment, incorporating Drainage Strategy, accompanies the application. The site of the proposal is shown to fall within Flood Zone 1, as indicated by the Environment Agency's (EA) indicative flood maps. Whilst according to the EA's Risk of Flooding from SW (RoFfSW) mapping, the site is free from the theoretical risk of pluvial flooding up to the 1-in-100 year rainfall event. The same mapping indicates some theoretical pluvial flood risk along a strip down the western edge of the site during the 1-in- 1000-year rainfall event. Overall, the site is considered to be at very low risk of flooding from rivers and surface water.

The SuDS hierarchy has been applied by the applicant and due to the bedrock consisting of mainly Kimmeridge Clay formation, where infiltration rates are likely to be poor, infiltration techniques are being dismissed as a means of surface water management.

The applicant is proposing to discharge surface water runoff into a ditch which runs along the north edge of the site. The surface water discharge will be restricted to greenfield rates and volumes and attenuated within an open attenuation basin on the site. The LLFA have raised a holding objection to the application, on the basis that the applicant had provided no evidence of connectivity between the existing ditch and a surface water sewer.

In response to this, the applicant has undertaken a further drainage inspection and provided an updated drainage strategy. A die trace was used within the headwall to confirm the outfall to the chamber indicated on the submitted drawings. The applicant has confirmed that they have a right to discharge into this sewer. The proposals will maintain the existing catchment and point of discharge, but will also provide improvements to discharge for those critical storm events detailed in the submitted drainage strategy.

Whilst the LLFA holding objection is acknowledged, it is considered that the detailed drainage design of the scheme could be conditioned to the consent to make this development acceptable.

Biodiversity

A suite of ecological surveys were undertaken, consisting of Preliminary Ecological Appraisals and surveys for bat activity and for reptile presence/absence. An ecology update letter has been provided more recently by the applicant. The grassland and hedgerows have not significantly changed since the ecologist's previous visit in October 2020, consisting of the same species and structure, indicating periodic cutting of the sward and hedgerows. The previous results, mitigation and compensation measures therefore still stand. The above findings and recommendations were then submitted within a Biodiversity Plan (BP) under the Dorset Biodiversity Appraisal Protocol (DBAP) for consideration by the Council's Natural Environment Team (NET).

The proposed development would result in the removal of semi-improved species-poor grassland habitat of low ecological value. It is unlikely that the hedgerows would be substantially impacted. The loss of a small area of encapsulated semi-improved grassland is not considered to be ecologically significant.

Reptiles within the site would be translocated to an identified receptor site and a lighting strategy employed to reduce impacts on commuting bats. Recommendations for biodiversity compensation/enhancement include the provision of wildflower meadow grassland, new native hedgerows, wildlife friendly hedgerow management, bird boxes, bat brick boxes, and bee bricks. These measures would compensate for the loss of low value grassland habitat resulting in a net biodiversity gain for the site.

All habitats created as part of the development will be detailed in full within a Landscape Ecological Management Plan (LEMP), which can be conditioned to ensure that it will be submitted to and agreed with the NET prior to the commencement of development. It will include the specification of habitats created at a plan for five years of management.

The indicative layout has now been amended so that it is informed by the results of the surveys. For example, the west and southern boundaries of the site were found to be the most important for commuting bats, which will now be protected as dark corridors. The NET team has now agreed the DBAP submission and has issued a Certificate of Approval, and compliance with the agreed BP can be secured by means of planning condition. It is also considered reasonable for the provision of details of lighting under planning condition, to be provided at the same time as the first submission of Reserved Matters.

Infrastructure

In order to mitigate the impact of the proposed development on surrounding infrastructure, the applicant has agreed the following Heads of Terms:

- 25% affordable housing on site
- Community Facilities Contribution - £2,006.97 per dwelling
- Formal Outdoor Sports Contribution - £1,318.80 per dwelling
- Formal Outdoor Sports Maintenance Contribution - £128.73 per dwelling
- Informal Outdoor Space Contribution - £2,307.36 per dwelling
- Informal Outdoor Space Maintenance Contribution - £1,278.80 per dwelling
- Play Facilities Contribution - £967.52 per dwelling
- Play Facilities Maintenance Contribution - £359.36 per dwelling
- Education Contribution - £6,094.00 per dwelling
- On-site Open Space Provision
- Public Footpath Connections

The above infrastructure contributions will need to be secured under a s106 agreement before planning permission can be granted.

Planning Balance

The purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to this: economic, social, and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. These roles should not be undertaken in isolation because they are mutually dependent.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Proposed development that accords with an up to- date Local Plan should be approved; and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance and a material consideration in determining applications.

There is no in principle conflict with the development plan, by reason that the proposed development is located within the defined development boundary of Gillingham, in accordance with the Core Spatial Strategy of LPP1. It is also accepted that the tilted balance should be applied in the decision-making process on this application, given that the policies referred to in footnote 7 of the NPPF are not engaged. In accordance with paragraph 11 d) of the Framework, as directed by Footnote 8, planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Officers consider that there are significant public benefits derived from the proposed development and include the following:

- Delivery of affordable and market housing, which are both in significant need to boost delivery
- Reduction in the need to travel by car through the site's sustainable location within walking distance of shops, services and transport modes
- The increased spending and support of the local shops and services within the town through regular visits by residents
- Temporary construction jobs
- Open space provision
- Bio-diversity gains

It is important to note that there are no adverse impacts which would significantly and demonstrably outweigh these benefits. Therefore, in this case there are no considerations of specific policies in the NPPF that weigh against the balance towards allowing the proposed housing provision.

16.0 Conclusion

The application demonstrates that up to 20 dwellings can be accommodated within the site with acceptable access, whilst also responding acceptably to the existing public right of way along its northern boundary. The proposal accords with the core spatial strategy of the NDLP and other than the settlement boundary in which it is within, does not have any specific policies relating to it. There are also no environmental designations on or near the site that constrains the proposal. In the

absence of any Footnote 7 (of the NPPF) reasons for refusal, Officers consider that the “tilted balance” detailed in paragraph 11 d) ii) of the NPPF should be engaged. There are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal. The recommendation is to therefore grant Outline planning permission, subject to the conditions as outlined below, and a S106 agreement to secure Affordable Housing and infrastructure contributions.

17.0 Recommendation

A) Grant, subject to the completion of a legal agreement under section 106 of the town and country planning act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:

- 25% affordable housing on site
- Community Facilities Contribution
- Formal Outdoor Sports Contribution
- Formal Outdoor Sports Maintenance Contribution
- Informal Outdoor Space Contribution
- Informal Outdoor Space Maintenance Contribution
- Play Facilities Contribution
- Play Facilities Maintenance Contribution
- On-site Open Space Provision
- Public Footpath Connections

Or,

B) Refuse permission for failing to secure the obligations above if the agreement is not completed by 6 months or such extended time as agreed by the Head of Planning.

Conditions

Reserved Matters

1. Approval of the details of the layout, scale or appearance of the buildings and the landscaping of the site (hereinafter “the Reserved Matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced. The development shall be carried out in accordance with the approved Reserved Matters.

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

2. Application for the approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission.

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

3. The development hereby permitted shall be begun before the expiration of two years from the date of final approval of the Reserved Matters or, in the case of approval on different dated, the final approval of the last Reserved Matter to be approved.

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

Approved Plans

4. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details:

Site Location Plan 200801 L 01 01 A
Proposed Road Extension and Raised Crossing 4632-001-REV D

Reason: For the avoidance of doubt and to clarify the permission.

Quantum and Parameters of Development

5. The development hereby approved shall be limited to a maximum of 20 dwellings only and shall allow for the provision of the public open space and ecological buffer zone areas as shown on the Illustrative Layout (Drawing No. 200801 L 02 02 F).

Reason: To define the extent and parameters of the permission.

Landscaping

6. No dwelling hereby approved shall be first occupied or used until details of the onsite public open space has been submitted to and approved in writing by the local planning authority. The submission must include details relating to the design, laying out and future arrangements for management and maintenance of the open space. The open space shall then be laid out and maintained as approved for the lifetime of the development.

Reason: To ensure the landscape scheme secured by reserved matters is implemented and satisfactorily maintained in the interests of the character and amenity of the completed development.

Ecology

7. The development hereby approved shall be undertaken in accordance with the ecological mitigation and net gain measures as set out in the Biodiversity Plan dated 01st September 2023 and agreed by Dorset Natural Environment Team on 06th September 2023.

Reason: To conserve and enhance biodiversity.

8. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of any development. The content of the LEMP shall include the following:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.

- c) Aims and objectives of management, including management of the retained and new hedgerows, wildflower grassland and other habitats.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved LEMP must be implemented in accordance with the approved details.

Reason: To protect the landscape character of the area and to mitigate, compensate and enhance/provide net gain for impacts on protected species and biodiversity.

- 9. The submission of reserved matters for appearance and layout shall include a scheme showing precise details of all external lighting (including appearance, supporting columns, siting, technical details, power, intensity, orientation and screening of the lamps). Any such scheme shall comply with the Bat Conservation Trust lighting guidelines (Guidance Note 08/18 Bats and Artificial Lighting in the UK. Bats and the built environment series) and the mitigation requirements as set out in the agreed Biodiversity Plan.

Reason: In the interests of the visual and residential amenity of the area, public safety, protected species and biodiversity.

Highways

- 10. No development of the access, highway layout, turning and parking areas hereby approved shall commence until details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Planning Authority.

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

- 11. Before the development hereby approved is occupied or utilised the following works must have been constructed to the specification of the Planning Authority:

- The proposed raised table crossing of Footpath N64/45 as shown on Dwg No 4362-001 Rev D (or similar scheme to be agreed in writing with the Planning Authority).

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

12. 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 and approved in writing by 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.

Flooding/Drainage

13. Prior to the commencement of the development, a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and providing clarification of how drainage is to be managed during construction, along with details of maintenance and management of the surface water sustainable drainage scheme, shall be submitted to and approved in writing by the local planning authority. The surface water management and maintenance scheme shall be implemented in accordance with the approved details before the development is completed and maintained for the lifetime of the development.

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

Heritage

14. The reserved matters should be informed with particular regard to the attributes of the various character areas established in the Gillingham Neighbourhood Plan (especially Tables 12.3 and 12.6) and Gillingham Town Design Guide (2012) insofar as they pertain to this site.

Reason: To preserve or enhance the character and appearance of the surrounding heritage assets.

Construction

15. Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Planning Authority. The CTMP must include:

- construction vehicle details (number, size, type and frequency of movement)
- a programme of construction works and anticipated deliveries
- timings of deliveries so as to avoid, where possible, peak traffic periods
- contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)

- wheel cleaning facilities
- vehicle cleaning facilities
- Inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
- a scheme of appropriate signing of vehicle route to the site
- a route plan for all contractors and suppliers to be advised on
- temporary traffic management measures where necessary

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

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

Archaeology

16. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant to and approved by the Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results. The archaeological work shall be implemented in full in accordance with the approved scheme.

Reason: To safeguard and/or record the archaeological interest on and around the site

Potential Contamination

17. 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, and implemented as approved. 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.

Officer Report

Application Number:	P/FUL/2022/05225		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	91 Cheap Street Sherborne Dorset DT9 3LS		
Proposal:	Continue use of the building as a takeaway (sui generis), retain enhanced extract plant.		
Applicant name:	Star grill kebab		
Case Officer:	Cass Worman		
Ward Member(s):	Cllr Andrews		
Publicity expiry date:	8 September 2023	Officer site visit date:	Previous
Decision due date:	28 April 2023	Ext(s) of time:	

1.0 Scheme of Delegation following objection from Town Council and request for application to be considered by Committee from Cllr Jon Andrews.

2.0 Summary of recommendation:

GRANT subject to conditions

3.0 Reason for the recommendation:

- The extract equipment has been upgraded and cleaned, and reports prepared by suitably qualified professionals demonstrate that the level of effectiveness of the equipment is satisfactory to successfully remove odours from the site. Environmental Health Officers are satisfied with the findings of the report and agree that subject to the premises being operated in accordance with the necessary measures required for cleaning & maintenance, and operating the extract with the doors & windows closed, that odours will be satisfactorily mitigated.
- Environmental Health have confirmed that previously reported issues with noise from plant and equipment on the premises have been satisfactorily dealt with - the submitted acoustic report indicates, and it is agreed by Environmental Health Officers, that the extract plant serving the development can be expected to suitably limit adverse noise impact.
- Conditions limiting opening hours & ensuring that premises is operated in accordance with maintenance schedule and operating procedures (e.g. keeping all doors shut during opening & regular cleaning & maintenance

Officer Report

schedule) would in officer opinion, prevent significant harm to neighbouring residential amenity.

- The planning process should not seek to replicate and/or obviate other regulatory mechanisms such as statutory nuisance & parking violations - anti social behaviour & poor parking behaviour cannot be successfully controlled through the planning system; Officer opinion is that with the conditions proposed, the operation of the premises would not result in significant harm to neighbouring residential amenity to warrant refusal of the application.
- The modifications undertaken to the previously installed extract equipment on the flat roof does not result in a more significant impact on the setting, nor character & appearance of the listed building, and its visual impact is therefore acceptable.
- The applicants have been compliant throughout the abatement notice & planning application process. The Management Plan demonstrates a commitment by the proprietors to operate the business in recognition of its location in close proximity to residential neighbours. Now that the appropriate ventilation apparatus has been installed, it is Officer opinion that the business should be given suitable opportunity to demonstrate that it can successfully operate in this location.

4.0 Key planning issues

Issue	Conclusion
Principle of development	A hot foot takeaway would be acceptable in a town centre location, if it can be demonstrated that its operation does not result in significant harm to neighbouring residential amenity
Scale, design, impact on character and appearance	The visual impact of the extract equipment is limited to the rear of the premises & considered to be acceptable. There is existing consent for the section of equipment which lies horizontal along the flat roof - the vertical flue section which has been added is required to facilitate the required noise & odour mitigation.
Impact on amenity	Reports prepared by suitably qualified professionals demonstrate that the level of effectiveness of the plant is satisfactory to successfully remove odours from the site & mitigate noise from the plant, subject to the premises being operated in accordance with the necessary measures required for cleaning & maintenance, and operating with the doors closed. Environmental Health Officers concur with the reports & assessments submitted, and that operating with the proposed maintenance & operating schedule (secured via condition) would ensure no significant harm to residential amenity

Officer Report

Impact on heritage assets	There is existing consent for the section of equipment which lies horizontal along the flat roof, which results in less than substantial harm to the setting of the listed building. The addition of the vertical section does not cause any further substantial harm, and the public benefits of its installation is therefore considered to outweigh the harm. The flue is not key in any significant viewpoints from the Conservation Area and is confined to the rear flat roof section of the building – the Conservation Officer has no objections to the installation.
Economic benefits	Continued support for a town centre business
Access and Parking	Reports of poor parking behaviour associated with the business are noted, however the planning system should not (and in this instance cannot) duplicate other regulatory measures, such as parking restrictions - Vehicle users are responsible for complying with any extant parking restrictions, and infringements are enforceable by the Police & Traffic Wardens

5.0 Description of Site

Ground floor former shop unit, which was previously operated by Tamburino's as a Pizza café/restaurant & takeaway, following granting of application WD/D/18/002725 in March 2019.

The premises lies at the bottom of Cheap Street, the town's main shopping street, at the junction of Cheap Street and South Street. It lies within the designated Secondary Shopping Frontage.

The building is Grade II listed, and forms a group with the adjoining buildings at nos. 87 - 93. Dating from the early C19, it is constructed of stone (painted) with a clay tiled roof and was at one time a butchers shop. The interior and shop front are modern.

Prior to occupation by Tamburino's, the ground floor unit was in retail use.

The upper floors are understood to be vacant/used for ad hoc storage – there is no access to the upper floors from the ground floor of the application site.

To the rear there is a single storey extension on top of which is an extraction unit which lies horizontal to the roof was installed by Tamburino's, granted via application WD/D/18/002725. This extract has been modified, with a vertical flue added to the apparatus.

The rear courtyard adjacent to the single storey extension is used for bin storage. The courtyard shares an intimate relationship with neighbouring properties in Johnson's Courtyard.

6.0 Description of Development

Officer Report

The application is made for retrospective consent for change of use from Class E café/restaurant to hot food takeaway (sui generis) and installation of flue & external apparatus.

The application is retrospective, the hot food takeaway is currently operational & the additional section of flue & extracts have been installed.

The proposed opening hours are:

Sunday to Thursday 4:00pm to 10:30pm
Friday & Saturday 4:00pm to 11:00pm

7.0 Relevant Planning History

WD/D/18/000181 - Decision: GRA - Decision Date: 24/04/2018
Internal and external alterations to enable replacement of existing signage

WD/D/18/002650 - Decision: GRA - Decision Date: 30/01/2019
Display of non illuminated fascia sign and vinyl lettering signs to the windows.

WD/D/18/002720 - Decision: GRA - Decision Date: 30/01/2019
Internal and External Alterations to facilitate Change of use

WD/D/18/002725 - Decision: GRA - Decision Date: 19/03/2019
Change of use from A1 (Retail) to A3 (Cafe & Restaurant) with associated internal and external alterations

P/PARO/2022/04989 - Decision: INVALID - Decision Date: 30/08/2022
Want to change license from A3 to A5 we opened take away kebab shop and need A5 license. *Wrong Application Form submitted*

The application is made in conjunction with Listed Building Consent ref P/LBC/2023/00760 - Retain enhanced extract plant in association with use of the building as a takeaway

Planning Enforcement case ref EN/2022/00424

Environmental Health Premises ID 9772, Star Grill Kebab, Sherborne

8.0 List of Constraints

Application Site is Grade II listed:
NO 89 (MIDLAND BANK). NO 91 listed building grade G2. HE Reference: 1152151 -
Distance: 0

Within setting of other Listed buildings, including:

LB - Grade: II Listed Building: MIDLAND BANK List Entry: 1110777.0; - Distance:
15.96

LB - Grade: II Listed Building: 93, CHEAP STREET List Entry: 1110778.0; -
Distance: 3.04

Officer Report

LB - Grade: II Listed Building: SAINTS JOHN BUILDING (THE PARADE) COMPRISING NO 92 CHEAP STREET (PREMISES OCCUPIED BY SENIOR AND GOODWIN) AND PREMISES OCCUPIED BY R E BATH TRAVEL SERVICES List Entry: 1110748.0; - Distance: 15.25

LB - Grade: I Listed Building: THE CONDUIT (THE PARADE) List Entry: 1110747.0; - Distance: 22.38

LB - Grade: II Listed Building: PREMISES OCCUPIED BY MR PEARSON List Entry: 1110717.0; - Distance: 16.81

LB - Grade: II Listed Building: ROSE COTTAGE List Entry: 1324376.0; - Distance: 24.06

LB - Grade: II Listed Building: PREMISES OCCUPIED BY PHILLIPS List Entry: 1110678.0; - Distance: 24.38

LB - Grade: II Listed Building: PREMISES OCCUPIED BY JOHNSONS OF SHERBORNE LTD List Entry: 1324395.0; - Distance: 18.27

CON - Application is within Sherborne Conservation Area - Distance: 0

Within Setting of Scheduled Monuments:

- Sherborne Abbey, remains of (List Entry: 1002383); - Distance: 66.51

- The Conduit Cross (List Entry: 1002673); - Distance: 16.34

LP - ECON4; ; Sherborne – Town Centre Distance: 0

LP - ECON 4; ; Cheap Street/Long Street, Sherborne – Secondary Shopping Frontage - Distance: 0

DESI - Nutrient Catchment Areas: Somerset Levels Hydrological Catchment (Phosphates) - Distance: 0

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

Within the Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

9.0 Consultations

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

Consultees

Sherborne Town Council

OBJECT - number of strong concerns expressed by local residents; including noise and smells generated from the premises, dangerous parking, anti-social behaviour and alleged late night operating beyond 11pm.

Sherborne East Ward Member – Cllr Jon Andrews

Request application is considered by North Planning Committee following complaints from local residents.

Officer Report

DC - Env. Services – Protection – Environmental Health

No objection – submitted reports demonstrate (and it is agreed) that extraction plant will suitably limit adverse noise impact during proposed opening hours, and that the filtration system provides the required odour reduction, when operated & maintained in accordance with the maintenance schedule and proposed planning conditions.

DC - Conservation Officers

No objection - There is existing consent for the section of equipment which lies horizontal along the flat roof, which results in less than substantial harm to the setting of the listed building. The addition of the vertical section does not cause any further substantial harm, and the public benefits of its installation is therefore considered to outweigh the harm. The flue is not key in any significant viewpoints from the Conservation Area and is confined to the rear flat roof section of the building

DC - Highways

Further to my site visit a full assessment of the development proposal was made and no unacceptable impact on highway safety was identified. I understand the public's concern for vehicles parking outside of the premises when in operation. There are enforceable yellow lines which the Traffic wardens or the police can enforce for any illegal obstruction. Hence, the Highway Authority has NO OBJECTION to the proposal.

DC – Licencing

No comment - No late night refreshment licence is required as premises is to close by 11pm. No alcohol sales, therefore no licence required.

Representations received

It should be noted that some representations have been submitted to the associated LBC application P/LBC/2023/00760, and therefore reference has been made to these comments here as they address planning matters rather than those concerned with the listed nature of the building.

Objectors to the scheme, raise the following summarised concerns:

- Unacceptable smells from site – having to keep windows closed to prevent smell ingress into dwellings is intolerable
- Keeping doors of the takeaway closed does not prevent the smell
- Unacceptable noise from equipment
- Unacceptable noise from staff after hours
- Delivery vehicles and oil changing vehicles block the highway and result in dangerous conditions for other road & footpath users
- Anti-social behaviour of customers, including shouting, dropping litter, inappropriate waiting on yellow lines & continuous running of car engines, inappropriate parking on yellow lines & obstruction of highway

Officer Report

- Operators do little to abate the situation
- Operating after 11pm
- Bins are left blocking the pavement
- Insufficient (ie no) parking provision
- Commercial sized flue is unsightly, inappropriate in a Conservation Area & impacts enjoyment of private amenity space
- Retrospective application & should not be allowed
- Is not licenced
- In combination with granted application at 87 Cheap Street would result in unacceptable 'line' of hot food takeaways

Supports of the scheme, state that the business is suited to its location within the town centre, provides a welcome town centre provision and that the application provides an opportunity to improve the current situation regarding noise & odour via consideration during a formal planning process.

Total - Objections	Total - No Objections	Total - Comments
10	3	0

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

10.0 Duties

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

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

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

11.0 Relevant Policies

Adopted West Dorset and Weymouth & Portland Local Plan:

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

- INT1 - Presumption in favour of Sustainable Development
- SUS2 - Distribution of development
- ENV4 - Heritage assets
- ENV10 - The landscape and townscape setting
- ENV12 - The design and positioning of buildings

Officer Report

- ENV14 - Shopfronts & advertisements
- ENV16 - Amenity
- HOUS4 - Development of flats, hostels and houses in multiple occupation
- ECON4 - Retail and town centre development
- COM2 - New or improved community infrastructure
- COM7 - Creating a safe & efficient transport network
- COM9 - Parking standards in new development

Material Considerations

National Planning Policy Framework:

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

Relevant NPPF sections include:

- Section 4 – Decision making
- Section 6 - 'Building a strong, competitive economy', Planning policies & decisions should help create the conditions in which businesses can invest, expand and adapt.
- Section 7 'Ensuring the vitality of town centres' - Planning policies and decisions
- should support the role that town centres play at the heart of local communities,
- by taking a positive approach to their growth, management and adaptation.
- Section 12 'Achieving well designed places indicates that all development to be
- of a high quality in design, and the relationship and visual impact of it to be
- compatible with the surroundings.
- Section 16 'Conserving and Enhancing the Historic Environment'- When
- considering designated heritage assets, great weight should be given to the
- asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Other Material Considerations

Sherborne Conversation Area Appraisal

WDDC Design and Sustainability Development Planning Guidelines (2009)

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.

Officer Report

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

13.0 Public Sector Equalities Duty

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

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

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

The application seeks regularisation of a change of use from café/restaurant to hot food takeaway and addition to the rear flue. It would not give rise to any particular impacts on persons with protected characteristics.

14.0 Financial benefits

Support of a small local business & associated employment
Associated spend & support of other associated town centre businesses
Business rates

15.0 Environmental Implications

Impacts on neighbouring amenity

16.0 Planning Assessment

Application & Site History

The application is retrospective, the hot food takeaway is currently operational & the additional section of flue has been installed.

An abatement notice was served in late 2022 by the Council’s Environmental Health department, as it was their determination that there had been a statutory odour nuisance caused by the premises. A planning enforcement case ref EN/2022/00424 was also investigated during this time.

Environmental Health Officers (EHO) have been engaged with the premises and operators of the business & their agent during the investigation following complaints of noise & odour from the premises. They have also engaged with occupants of

Officer Report

neighbouring properties, who have provided noise & smell diaries as part of their investigation into statutory nuisance.

Following receipt of the abatement notice, modifications to the extract equipment were undertaken to improve the ventilation & odour abatement. There were however reports that the ventilation system was not being used, and that doors were being left open which prevented proper odour dispersal up the new flue. Issues of noise from the equipment was also reported.

Further investigations by EHO were undertaken, and Planning & Environmental Health Officers requested that a suitably qualified consultant was engaged to undertake a noise & odour assessment in support of the retrospective planning application.

These reports have now been supplied from Soundguard Acoustics Ltd & Southern Air Solutions: Further cleaning & maintenance of the system has been undertaken, and the ventilation system has been checked & its performance measured by Southern Air Solutions. A Management Plan and Equipment Maintenance Plan has also been provided in support of the application.

Principle of Development

Policy ECON4 requires that retail and other town centre uses make up about 75% or more of the use of premises within secondary shopping frontages, of which this site is situated. It is considered that the use of this site as a hot-food takeaway is acceptable given its town centre location and previous retail/commercial use.

The principle of development is therefore considered to be acceptable.

Amenity – Noise from equipment

The submitted acoustic report indicates, (and is agreed by EHO) that the extract plant serving the development can be expected to suitably limit adverse noise impact to occupants of neighbouring properties, prior to the proposed opening times restriction of up to 23:00hrs.

Amenity – Odour from equipment

The submitted odour report indicates, (and is agreed by EHO) that the ventilation plant serving the development can be expected to suitably mitigate odour impact to occupants of neighbouring properties, subject to sufficient servicing and maintenance of the system, operating the Extract System at all times during cooking, and under the correct operating conditions.

In order that the filtration system provides the required odour reduction, it is therefore critical that appropriate servicing and maintenance of the system is undertaken, as appropriate cleaning and inspection/changing of filters is imperative for the filtration system to provide the odour reduction currently being measured at the site.

Front and back doors to the premises need to be kept closed during times of operation, (except for access and egress), as well as the front window louvres, for the extract system to operate effectively.

Officer Report

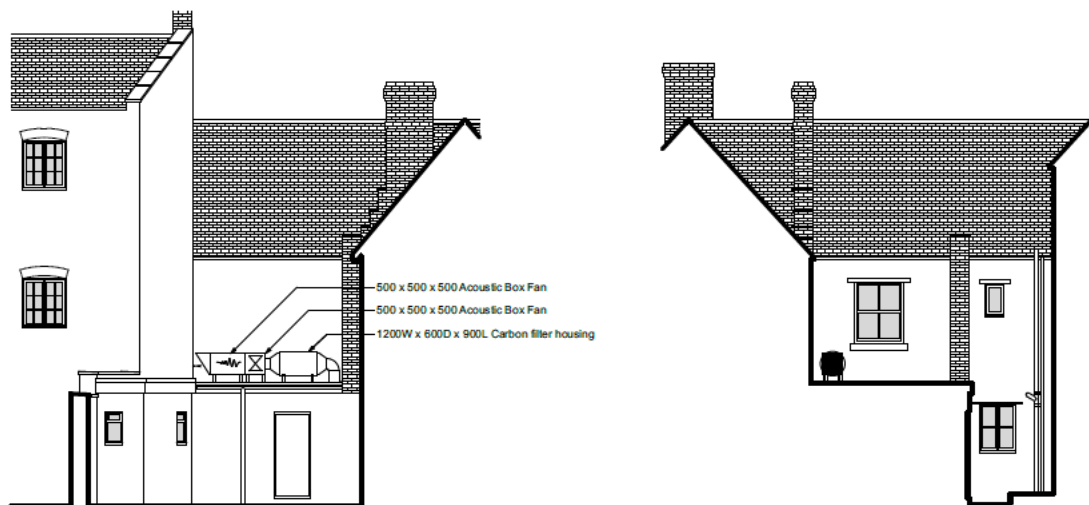
EHO agrees that as demonstrated by the reports and performance measuring undertaken by Southern Air Solutions, that the equipment that has been installed, when properly operated & maintained, is sufficient to reduce odours emanating from the site, so as not to result in unacceptable odour impacts to occupants of neighbouring dwellings. The Maintenance Schedule has been assessed by EHO who are in agreement that the proposed maintenance schedule, which includes a 6 monthly full system clean and filter inspection every 6 months, and replacement no less than every 12 months, is appropriate. Southern Air Solutions has also confirmed that the next inspection/clean is booked in, in accordance with this recommendation.

Reports in June 2023 from a neighbour to EHO confirmed that with the external door closed to the rear, the odour had significantly diminished.

Therefore, with this servicing and maintenance schedule secured by condition, in combination with ensuing doors & windows are kept closed & an opening hours condition ensuring the premises closes no later than 11pm, it is Officer opinion that the premises can operate effectively without significant adverse effect on the living conditions of neighbouring properties which would warrant refusal of the application.

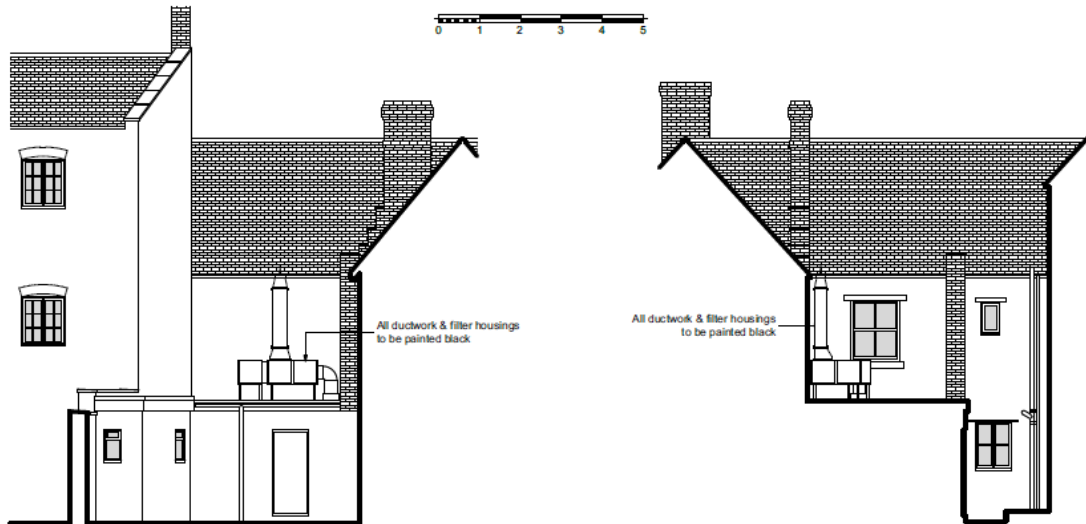
Amenity – visual impacts

There is existing consent for the section of equipment which lies horizontal along the flat roof to the rear. Approved apparatus ref WD/D/18/002725:



It is officer opinion that the addition of the vertical section does not cause any further substantial harm to the visual amenities of this already consented equipment. This proposal:

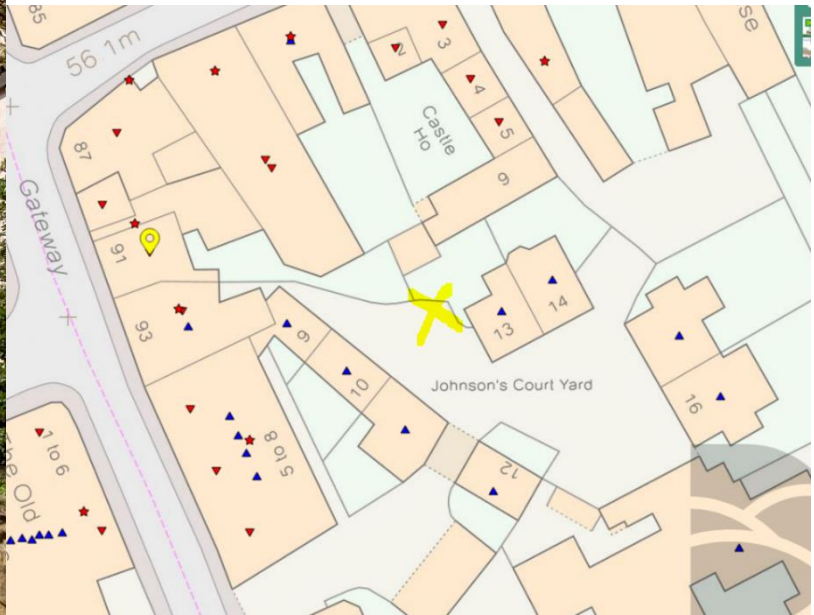
Officer Report



EHO have confirmed that this vertical section of flue is necessary to provide the required odour filtration to make the application acceptable in odour mitigation terms. The odour filtration system would not be able to function using the previously agreed configuration. Therefore the public benefits of its installation is considered to outweigh any harm to the visual appearance of the site caused via the additional flue installed. Officers acknowledge that the commercial nature of the extract is not attractive, and that it is visible from amenity spaces within Johnson's Yard – however the flue is not key in any significant viewpoints from the street scene and it is not unusual to locate ventilation apparatus to rear flat roof sections of buildings within a town centre location to facilitate a town centre use such as this.

The visual impact due to its location tucked into the corner of the courtyard is limited to glimpsed views from amenity spaces, and due to this relationship with neighbouring properties, is considered to be acceptable. The photo below was taken from the yellow X, within the parking area in Johnson's Courtyard:

Officer Report



Amenity – Noise & disturbance from associated activities, including impacts from inappropriate parking

Concern is raised regarding the impact of inappropriate parking by customers and delivery drivers, and the impact this has on the immediate road network and impacts to other road and pavement users.

The disruption this is reported to cause is noted, however it is the responsibility of the vehicle user to ensure that they are complying with any parking/unloading restrictions in place. The Management Plan outlines how there are two regular deliveries each week, always during the week at around midday, received through the main front doors and completed as quickly as possible to minimise any traffic disruption. Smaller deliveries are brought in by the proprietors through the rear access door as required. The Management Plan also outlines how the proprietors and staff are to ensure that the business results in as little disturbance results as possible, which includes encouraging their customers to park responsibly.

Reports of inappropriate and anti-social behaviour of customers is also noted. The town centre location must be acknowledged. The Management Plan outlines proposed opening hours of Sunday to Thursday 4:00pm to 10:30pm & Friday & Saturday 4:00pm to 11:00pm. No late night provision of refreshment is proposed with this application and the opening hours would be controlled by condition.

The Management Plan has acknowledged the concerns raised by local residents, and as such outlines how proprietors and staff are to encourage their customers to park responsibly, use the bins provided, not to litter the street and asking them to respect the neighbourhood by making as little noise as possible.

Officer Report

Impacts on heritage assets

There is existing consent for the section of equipment which lies horizontal along the flat roof, which results in less than substantial harm to the setting of the listed building. The addition of the vertical section does not cause any further substantial harm, and the public benefits of its installation (which is required for odour filtration) is therefore considered to outweigh the harm. The flue is not key in any significant viewpoints from the Conservation Area and is confined to the rear flat roof section of the building.

Highways

The Council's Highways Engineer has undertaken a site visit and made a full assessment of the site – no unacceptable impact on highway safety was identified. The Highways Engineer note that there are enforceable yellow lines which the Traffic Wardens or the police can enforce for any illegal obstruction. Hence, the Highway Authority has NO OBJECTION to the proposal.

Summary

EHOs cases have been closed as no statutory nuisance had been identified in the process of their investigations. EHO have confirmed that the reports & supporting information which has been provided by suitably qualified professionals, demonstrates that the premises can operate without significant adverse impacts to occupants of neighbouring dwellings, when operated in accordance with the operating procedure (keeping ventilation extract on at all times during cooking, and keeping all doors and windows closed at all times except for access & egress), adherence to the maintenance schedule, and restriction on opening times secured by planning condition.

The applicants have been compliant throughout the Environmental Health Abatement Notice & planning application processes, and have complied with all requests of Officers – they have instructed the appropriate reports to be compiled, in combination with undertaking the required servicing, cleaning, maintenance & enhancement of the newly installed extract equipment as advised by their professional equipment providers.

The Management Plan demonstrates a commitment by the proprietors to operate the business in recognition of its location in close proximity to residential neighbours, and it is Officer opinion that now that the appropriate extract ventilation system & associated filters & apparatus has been installed, that the business should be given suitable opportunity to demonstrate that it can successfully operate in this location.

18.0 Recommendation: Approve subject to the following conditions:

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

P01 Location Plan.pdf

P02 Existing Floor Plan.pdf

Officer Report

P03 Proposed Floor Plan.pdf

P04 Existing and Proposed Principal Elevations.pdf

P05 Existing and Proposed Secondary Elevations.pdf

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

2. The Extract System as outlined & described in Equipment Maintenance Plan, produced by Southern Air Solutions Ltd, dated 17 August 2023, shall be switched on and ran at full speed (ie No. 5 on the fan speed controller) at all times during cooking to ensure a suitable discharge velocity in excess of 10m/sec at all times.

Reason: In order to protect the living conditions of surrounding residential properties.

3. The Extract System as outlined & described in Equipment Maintenance Plan, produced by Southern Air Solutions Ltd, dated 17 August 2023, shall be cleaned, maintained and serviced in strict accordance with the schedule outlined in the Maintenance Plan, namely:
The carbon filter shall be checked and, if required, replaced every six months; or no later than every 12 months;
Every six months professional cleaning of the internal duct from canopy to the filter unit shall be undertaken.

A maintenance log (including receipts) demonstrating this servicing has been suitably carried out shall be maintained and submitted to the Local Planning Authority no later than 14 months after granting of the permission. Thereafter a maintenance log (including receipts) shall be maintained in perpetuity, for inspection by the Local Planning Authority within 14 days notice.

Reason: In order to protect the living conditions of surrounding residential properties.

4. During opening hours, all doors and windows of the premises shall remain closed at all times (except for the access and egress of patrons and staff from the building).

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

5. The premises shall only be open to patrons between the hours of 4:00pm to 10:30pm Sundays to Thursdays, and Bank Holidays, and 4:00pm to 11:00pm Friday & Saturdays.

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

Officer Report

6. No alterations or changes to the measures of odour control of the Extract System, nor deviation of the approved Maintenance Plan, as outlined & described in Equipment Maintenance Plan, produced by Southern Air Solutions Ltd, dated 17 August 2023, shall be undertaken without an application to and approval in writing from the Local Planning Authority

Reason: In order to protect the living conditions of surrounding residential properties.

Agenda Item 8

Application Number:	P/FUL/2022/03360		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Former Priory Hospital, Fairfield Bungalows, Blandford Forum, Dorset, DT11 7HX		
Proposal:	Convert former special needs residential care home into 16 No. flats and carry out associated external alterations, including construction of terraces and balconies. Erect cycle store.		
Applicant name:	Culverdene Properties Ltd. & Crestland Homes Ltd.		
Case Officer:	R Temple		
Ward Member(s):	Cllr Lacey-Clarke & Cllr Byron Quayle		
Publicity expiry date:	23 August 2022	Officer site visit date:	21/06/2022
Decision due date:	14 September 2022	Ext(s) of time:	15/05/2023

1.0 The application is being heard at planning committee as it was sent through the scheme of delegation after an objection from a ward Councillor was retained against officer recommendation and due to the Dorset Council interest in the site in view of the current use.

2.0 Summary of recommendation:

Refuse permission on the grounds of loss of an in-need care use and associated loss of jobs owing to the future cessation of the care use.

3.0 Reason for the recommendation:

The development would result in the loss of a clearly viable care use, given its current occupation as reablement care, which provides for older people, and would result in a loss jobs. As such, it would be contrary to both Policy 11 and 14 of the North Dorset Local Plan and policy 3 of the Blandford+ Neighbourhood Plan and would result in a loss of a viable use of an in-need care use and a subsequent loss of jobs.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The proposal would lead to the loss of the current C2 use. The use provides much needed accommodation for mainly older people leaving hospital. The loss of the C2 use would not be outweighed by benefit of 16 open market dwellings. The development would result in the

	loss of a clearly viable care (employment) use, given its current occupation as reablement care and it would not result in an increase in jobs. As such, it would be contrary to both Policy 11 and 14 of the North Dorset Local Plan and Policy B3 of the Blandford+ Neighbourhood Plan and result in a loss of a viable use of an in-need care use and a subsequent loss of jobs. As such the development is unacceptable in principle.
Scale, design, impact on character and appearance	Very few changes externally to building so limited impact.
Impact on amenity	No change to windows facing residential properties. No change in scale so no additional impact in terms of overbearing impact, overshadowing or visual intrusion.
Economic benefits and viability	Job creation during construction, custom to local shops and facilities. Council tax income and new homes bonus. The cost of retrofitting a secure residential institution of this type to C3 use to building regulation compliance is significant. Rendering even a 100% free market residential development of 16 dwellings unviable.
Access and Parking	16 spaces and 2 disabled spaces is considered acceptable for the 16 units with cycle storage also provided. Considered to be enough parking for the development and the existing access is held to be safe. No Highways Officer objection.
Impact on Trees	The location of the cycle store has been moved to protect the root protection zone of the nearest mature tree. An acceptable tree protection and arboricultural report has been submitted and its requirements will be conditioned.
Impact on public rights of way	The development will not increase the size of the building. Thus, will have no physical impact on the public right of way to the rear of the site. Although there will be additional use of the footway by future residents.

5.0 Description of Site

The site contains a large two-storey building with shared garden to rear (east) which back onto a public right of way. Parking is to the east of the site which includes 16 spaces plus 2 disabled spaces.

The site slopes from east to west and there are trees to the front of the building on the open green space.

The site is within an established residential area characterised mainly by houses and a day centre building; a right of way runs to the rear of the application site.

The current use of the building is that it is leased to Dorset Care and provides care for patients leaving hospital. This is following medical operations and treatment where the patients are not yet able to be discharged to their homes and require all round care. The use currently employs 22 staff, 18.3 full time equivalent, not at full complement, it would be expected to employ circa. 27 staff at full occupancy.

6.0 Description of Development

Conversion of a former special needs care home to 16 apartments (11 two bed and 5 one bed) with the installation of balconies to the rear. Shared garden to rear and open greenspace to front with cycle parking building to south side and waste storage building to front. 18 parking spaces to front including 2 disabled bays.

7.0 Relevant Planning History

2/2010/0586/PLNG Two storey 16 bed residential care home for people with complex needs. Granted 03/08/2010

2/2018/0153/FUL Install 3-metre-high metal security fencing with access gate. Granted 27/04/2018.

8.0 List of Constraints

Blandford St Mary and Bryanston Conservation Area

North Dorset Local Plan Part 1 (2011-2031); Adopted; Inside the Settlement Boundary; Policy 2 and 16;

Neighbourhood Plan - Made; Name: Blandford + NP; Status Adopted 22/06/2021;

Risk of Surface Water Flooding Extent 1 in 100

Risk of Surface Water Flooding Extent 1 in 1000

Areas Susceptible to Groundwater Flooding; Clearwater; $\geq 50\% < 75\%$;

Areas Susceptible to Groundwater Flooding; Clearwater; $< 25\%$;

Dorset Council Land (Freehold): Land remaining from sale of Phoenix House, Churchill Road, Blandford Forum

Site of Special Scientific Interest (SSSI) impact risk zone;

Within the Blandford St Mary and Bryanston Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

Right of Way located to the rear (east) of the site “Old Railway Walk”

9.0 Consultations

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

Consultees

1. Blandford Forum Town Council- objects to the application due to the lack of both affordable housing and parking allocated to the site, with concerns over the safety of that junction when entering the site with the increase in trips that the development will result in.

Upon re-consultation on 24/04/2023 the Council withdrew their objections but added an additional objection with the following:

“...object to the change of use of 16 self-contained flats (to be sold at market value) to re-enablement units as it raises questions of the possibility of increased transport in the area and the loss of section 106 money which is urgently needed to support other infrastructure facilities in Blandford.”

A further and final comment from the Town Council stated their support for the application following considerations of the amendments and additional submission from the applicant.

2. Cllr. Quayle (Ward Councillor)- objects to the application due to the lack of both affordable housing and parking for this site. Concerns over the safety with the expected number of vehicles expected to use this access at the junction.

Objection on highways safety grounds maintained at scheme of delegation consultation stage.

3. Blandford Civic Society- Good to see a potential new use for this particular white elephant, which has had a succession of uses since it was built for Dorset County Council, but when it was in use by the Priory Hospital with few patients but many staff, there were considerable issues over neighbour amenity – overlooking from windows, noise from the car park, shortage of parking spaces and highway safety of the access road junction with Heddington Drive. The lack of objection from

the highway authority is noted, but can we be assured that as 16 individually occupied flats with 27 bedrooms there will not be similar problems exacerbated by the addition of balconies at the rear. Will the 20 bicycles have direct access to the Trailway to avoid having to share the narrow access road along with the inevitable car users, and will only 18 parking spaces really be sufficient? Many of the cheaper flats whose purchase price 12 months ago are quoted are, we think, age restricted, and so reduced the average price, but have high management fees – has this been taken into account in the viability test for affordable housing?

4. Housing Enabling Team- This application proposes the conversion of a former residential care home into one- and two-bedroom market homes. Policy seeks the provision of 30% affordable housing within Blandford Forum, on sites of ten or more dwellings. The AHVR which accompanies this application states that “in view of the low level of profit and landowner return, no affordable housing can be provided. Instead, the application proposes sixteen small, open market flats, for which there is a need in Blandford Forum.”

There is a high need for affordable housing across the Dorset Council area and the Housing Enabling Team would support this development if it were to bring forward a policy compliant level of affordable housing and therefore expect the Financial Viability Appraisal to be independently assessed.

5. Landscape- No comment

6. Rights of Way Officer- no objection to the proposed development, but would be very grateful for a financial contribution to be made for tree works adjoining the development because one of the first things new residents complain about is trees and we do not have the budget to deal with all requests.

7. Highways- no objection subject to conditions

8. Urban Design- No comment

9. Tree Officer- no objection to the proposal subject to the tree report being made a condition of any planning consent.

A domestic landscaping scheme and post planting maintenance for the period of 5 years following completion of the development should also be conditioned to further enhance the site.

10. Wessex Water- No objection subject to informatives.

11. Dorset Care-

- There would be a disbenefit if the current use were to cease,
- Loss of 27 jobs at full occupancy. Currently 18.3 full time equivalent,

- Care Dorset provides short-term care for people being discharged from hospital at Shottsford House (formerly known as the Priory Hospital). The service is called Reablement and we currently have 12 bedrooms available for this service; this supports the wider Health and Social Care system across Dorset. Reablement services help people to regain their independence and confidence after an incident/hospital stay (sometimes can also be used to avoid hospital admission). Generally, people are discharged from hospital to home but if this can't happen for any reason then they may be discharged to a reablement bed for some extra support before being well and safe to go home.
- Care Dorset initially took out a short term lease of 2 years with the landlords and more recently some discussions have taken place to negotiate a longer lease.
- By offering the reablement beds we are able to help adults to continue to prepare to return home after a hospital stay, to free up NHS beds/clinical services and to provide a seamless transfer from reablement beds into community based reablement when needed. This relatively new approach/provision has been positively received by the Dorset 'system'.

Representations received

One letter of objection received objecting on the grounds of overlooking, highways safety and noise levels.

10.0 Relevant Policies

Development Plan

North Dorset Local Plan (NDLP) Part 1 (2016)

Policy 1	Presumption in Favour of Sustainable Development
Policy 2	Core Spatial Strategy
Policy 4	The Natural Environment
Policy 6	Housing Distribution
Policy 7	Delivering Homes
Policy 8	Affordable Housing
Policy 11	The Economy
Policy 13	Grey Infrastructure
Policy 14	Social Infrastructure
Policy 15	Green Infrastructure
Policy 16	Blandford
Policy 23	Parking
Policy 24	Design
Policy 25	Amenity

Blandford + Neighbourhood Plan (B+NP) (2011-2033)

B1	Blandford Forum and Blandford St Mary Settlement Boundaries
B3	Employment

The original version of the Blandford + Neighbourhood plan was made (adopted) on the 22 June 2021. The plan is currently being reviewed and further details regarding the review can be found below.

Material considerations

Blandford + Neighbourhood Plan Review

As the relevant local planning authority, Dorset Council is required to consult on the modified plan before the examination of the Plan review takes place. The consultation is running from Friday 14 April 2023 until the end of Friday 26 May 2023.

At this early stage in the Neighbourhood Plan process the policies upon consultation cannot be given weight.

National Planning Policy Framework

2. Achieving sustainable development
4. Decision making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
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 access of the proposed development has been designed for buggies and wheelchairs and the building (constructed in 2012) is designed to be accessible for all users.

The loss of the current use would directly impact on persons with protected characteristics. Older people with frailty and disabilities are most likely to benefit from the reablement provision. Therefore, if the use was to stop, this group would be adversely impacted. Care Dorset have confirmed that the facility serves the whole Dorset Council boundary area. Care Dorset have also stated that this is a good location in the centre of County, and that it would present a real commercial challenge to find a property of this specification and size to meet this need.

13.0 Financial benefits

What	Amount / value
Increase in Council tax	Council tax for 16 dwellings
New Homes Bonus	Not known

The proposal would not provide affordable housing or the normal amount of community infrastructure payments due to the high cost of converting the building from a care facility to a residential use.

14.0 Climate Implications

A condition will be included to ensure Electric Vehicle charging points are included in the car park. The development will also be expected to meet building regulations which includes meeting sustainability targets.

The development proposes the re-use of an existing building for private market flats. This carries its own sustainability benefits by reusing an existing structure as opposed to demolition and re-building new flats.

15.0 Planning Assessment

Principle

Policy 2 (Core Spatial Strategy) of NDLP requires development to be located in accordance with the spatial strategy which directs development to the 4 main towns, which includes Blandford Forum (and larger villages). The town is recognised as one of the most sustainable locations, where homes, and facilities are easily accessible. The application is for the conversion of an existing building within the defined development boundary of Blandford Forum.

The current use class falls under Class C2 care home. The facility is in use by Care Dorset. a Local Authority Trading Company wholly owned by Dorset Council, this is known as. Care Dorset launched in October 2022. The care provided at this site in

Blanford is enablement care. This specialist hospital discharge facility supports Dorset Council's Adult Social Care and Dorset Integrated Care Board in reducing people stranded in hospital that are medically fit for discharge.

Officers are not aware of any other available sites to replace this facility should it close. The specialist care home environment provided by the old Priory Hospital would be very hard to replicate within Dorset and it would not be possible to find suitable alternative accommodation very easily, with no suitable commercial leases of alternative care homes for rent or sale at present.

Policy 14 of the Local Plan states, 'One of national policy's core principles is for planning 'to take account of and support local strategies to improve health, social and cultural well-being for all, and deliver sufficient community and cultural facilities and services to meet local needs'. Policy 14 aims to deliver these principles and to ensure that the social infrastructure that our communities need is planned for positively. In particular, it aims to deliver health services (hospitals, general surgeries and health centres). The loss of the care facility would fail to meet the aims of Policy 14 in this regard, as the current use supports the functioning of hospitals by freeing up beds and supporting people and thus supports the wider Health and Social Care system across Dorset. Dorset Care has confirmed that the loss of the care facility would not be easily replaced.

Paragraph 93 of the NPPF states that to provide the social, recreational, and cultural facilities and services the community needs, planning policies and decisions should:

"a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs".

Policy 11 of the NDLP has a section on uses on employment sites which states:-

"Existing employment sites and sites identified for future employment uses will be protected from other forms of development. On such sites, the Council will permit employment (B Class) uses and, where it would support businesses and/or provide a wider range of jobs, may also permit:

o community uses, such as community halls; and

p healthcare facilities, such as doctors' and vets' surgeries (but not any healthcare facility with a residential element, such as a care home); and

q education facilities, including training facilities for businesses and preschool nurseries; and r small-scale retail, which is ancillary to a B Class use."

The NDLP seeks to protect care home facilities, especially when they are in demand and provide jobs. It is clear that in this case it would be very difficult for Dorset Care to find suitable alternative accommodation and the removal of this use would mean the loss of 18.3 full time equivalent jobs. The facility at full capacity would employ approximately 27 staff. This would also result in a knock-on impact on NHS beds in hospitals as these patients would have to remain in hospital for care.

The B+NP policy 3 Employment is even stronger in its protection of employment land stating:

“Development proposals that will result in the loss of employment floorspace will be resisted, unless it can be demonstrated that either there will be an increase in jobs as a result of the proposals enabling a higher employment density to be achieved or the use is no longer viable.”

The development would result in the loss of a clearly viable care use, given its current occupation as reablement care. And it would not result in an increase in jobs.

As such, the development would be contrary to both Policy 11 and 14 of the NDLP, policy 3 of the B+NP and 6. “Building a strong, competitive economy” of the NPPF resulting in a loss of a viable use of an in-need care use and a subsequent loss of jobs and planning permission should be withheld for this reason.

Scale, design, impact on character and appearance

The scale, design and character of the building will not change because of the conversion but appearance will vary slightly given the proposed balconies to the rear. However, these are a modest alteration and only effect on side of the building. They are considered to be in character with the existing structure and will not alter its appearance significantly. Overall, the development is considered to be acceptable visually.

Impact on amenity

The impact on residential amenity will be mostly the same as the existing. The changes to the front (east) of the building are very limited and this elevation faces the neighbouring dwelling of The Beeches.

To the rear the newly proposed balconies will look over the shared amenity space of the site, the railway and the recreation ground. It is not considered that there will be any significant change to residential amenity.

The proposed dwellings are considered to meet internal space requirements of the Government’s Technical housing standards – nationally described space standard. Thus, well sized internal living accommodation will be provided.

Economic benefits and viability

The development would result in the addition of 16 flats and make an important contribution to housing supply. It would also result in an increase in Council tax payments, custom for local shops and a new homes bonus payment for the Council.

Developments of over 9 units are required to contribute towards affordable housing either through onsite contributions by providing units or via financial contributions. As the former North Dorset Local Plan area does not have a CIL charging scheme, development over 9 units are also required to make contributions in the form of financial planning obligations towards community infrastructure.

Paragraph 58 of the NPPF states that *'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'*

National Planning Policy Guidance (PPG) Paragraph: 007 Reference ID: 10-007-20190509 explains with regard to changes in site circumstances that *'Such circumstances could include, for example where development is proposed on unallocated sites of a wholly different type to those used in viability assessment that informed the plan; where further information on infrastructure or site costs is required; where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people); or where a recession or similar significant economic changes have occurred since the plan was brought into force.'*

NPPF para 58 refers to up-to-date policies – now that the North Dorset Local Plan is more than 5-years old it is considered it's policies are not up-to-date in terms of viability. In addition, the "Whole Plan Viability Study" is 8 years old, thus the economic circumstances have changed.

In this instance the scheme would have to have provided 30% affordable housing, 4.8 dwellings, and £172,637 of planning contributions (when all are totalled).

A viability assessment was submitted as the applicant recognised that there has been events that have altered the costs in the construction market since the adopted of the NDLP in 2016. These events are the economic recession during the COVID 19 pandemic and the impacts of the UK leaving the European Union (in terms of the single market) and resultant inflation. These have led to an increase in building materials, services and labour for construction.

A significant factor in the development being unviable is the cost to convert the existing secure residential institution to residential dwellings is over £1million. This was owing to the building being built to specific standards to qualify as a secure

residential institution. These standards are then resource intense to physically revert to C3 dwelling use as has been demonstrated in the viability statement and analysis by the District Valuer. See table below from the District Valuer Viability Review Report:

Non-Technical Summary of Inputs for 100% open market scheme

100% market scheme Inputs	Agent	DVS Viability Review	Agreed (Y/N)
Assessment Date	17 May 2022	20 September 2022	-
Site Area:	3,600m ² , 0.36 Ha	3,600m ² , 0.36 Ha	Y
Gross Internal Area:	1,107m ² , 0.11 Ha	1,107m ² , 0.11 Ha	
Development Period	24 months	17 months	N
Gross Development Value	£2,690,000	£3,475,000	N
Comprising:			
Market Housing GDV blended value rate	£2,690,000	£3,475,000	N
Affordable Housing GDV	n/a	n/a	
Other GDV	n/a	n/a	
S.106 Total	-	£172,637	N
Total Development Cost (excludes policy; land and fees; profit)	£1,648,323	£1,653,504	N
Comprising:			
Construction Cost Total and £/m ²	£1,648,323 £1,419/m ²	£1,653,504 £1,494/m ²	N
Externals Total	£0	£0	Y
Abnormal Cost Total	£0	£0	Y
Professional Fees %	7%	7%	Y
Contingency %	-	3%	N
Finance Interest and Sum	5% debit: 1.5% credit	6% debit: 2% credit	N
Other Fees			
Marketing Fees	-	0.5%	N
Sales / Agency Fees	1.25%	1.5%	N
Legal Fees	0.5%	£650/unit	N
Land Acquiring Costs	SDLT + 1.93%	SDLT +1.75%	N
Profit Target %	15%	17.50%	N
Benchmark Land Value	£384,336	£990,000	N
EUV	Not provided	£900,000	N
Premium	n/a	£90,000 (10% of EUV)	N
Purchase Price	Not stated	£1,050,000	-

Alternative Use Value	n/a	n/a	-
Residual Land Value	£384,336	£657,324	N
Viability Conclusion Full Policy Scheme	Not viable	Not viable	Y
Deliverable Scheme	100% open market scheme	No	N

A viability assessment was submitted with the application which has been reviewed and agreed by the District Valuer (DV). The development would not be viable were it subject to any affordable housing requirements and/or planning contributions. As such the officer accepts the findings of the viability assessment and DV's report and no affordable housing or contributions could be provided by the proposal.

Access and Parking

The access to the site will not change from existing, 18 parking spaces are proposed including 2 disabled spaces and a cycle store. There has been no objection from the Council's Transport Development Liaison Manager (Highways) subject to conditions covering completion of the cycle parking store prior to occupation and a pre-commencement condition for a construction method statement.

There has been public objection on the grounds of lack of parking and highway safety from the access junction where the access meets Fairfield Bungalows. 18 spaces and cycle parking are considered to be sufficient for the 16 unit development and should conditions be complied with there is not considered to be a highways danger in terms of use of the access from Fairfield Bungalows turning in to the site.

Impact on trees

There are 7no mature trees to the front of the building covered by Tree Preservation Orders. Only one tree (to the very south of the site) will be affected by the development as this will be near to the location of the cycle shed. Following the submission of a tree report the location of the cycle shed was moved westward to remove it from the root protection area (RPA) of the tree. The tree officer has no objections to the development subject to a condition ensuring the recommendations for tree protection in the tree report are followed.

Impact on public rights of way

There will be no impact on the trial way to the rear (west) of the site as the building will not be increasing in size.

The impacts from the increased use of the public right of way and other highways is considered to be acceptable from the future residents of the proposed residential units.

Ecology

The application is complemented with a signed certificate of approval from the Council's Natural Environment Team (NET). The requirements and enhancement

requirements for biodiversity contained in this approved Biodiversity plan (BP) will be conditioned to ensure their implementation. It is expected that should the BP be fully complied with then the development will lead to a biodiversity net gain.

Matters Raised in Representation

With regards to Cllr concerns/objections, they are considered to be the following:-

- Lack of on-site affordable housing provision or equivalent affordable housing contribution
- On-site parking provision
- Highways safety with regards to the junction of the access to the site, in relation to increased trips to and from the site from the proposed use as 16 residential units.

With regards to bullet point one, the applicant has provided an Affordable Housing Viability Review (AVHR) to evidence that the proposed development would not be financially viable to carry out, should affordable housing provision on-site or as contributions be required for the development to be granted permission. As this is the case, we consulted the District Valuer (DV) (a qualified third party) to analyse the review and robustly assess the evidence submitted. The DV's conclusion was that the proposed development would not be viable should it be subject to policy compliant levels of affordable housing and contributions. The planning officer has assessed the findings of the DV and agrees with them. In brief, the costs to convert the current building (Class C2 residential institution) into residential units are high given the specification the structure was built to originally. This included a requirement for it to be a secure residential institution.

With regards to points two and three; the officer consulted the Transport Development Liaison Manager (TDLM) (Dorset Council Highways) who cover both these issues. They concluded no objection to either the amount of on-site car and cycle parking. In this instance 16 regular car parking spaces are proposed and 2 disabled spaces, 18 overall. This is for 16 residential units (5 one bed and 11 two bed). In addition, 20 cycle spaces are proposed in a building to the south of the site. Given the site is in a sustainable location in terms of distance to local amenities and ease of access to the local pedestrian highway network (assisted by the North Dorset railway to the rear of the site), the level of parking provided on site is considered to be acceptable. How the on-site parking is allocated to residents has not been made clear by the applicant but is likely to be non-allocated.

The TDLM also considered highway safety and concluded that the access arrangements meet highway safety standards. However, conditions were recommended to ensure highway safety during construction phase and the use phase of the development. In addition to a condition to ensure the cycle parking is constructed and made available for use prior to the occupation of the dwellings and

maintained thereafter. These conditions are recommended to be included if this permission is granted.

The parking/highway concerns raised have already been assessed in the Access and Parking section above.

Public representation

The officer notes the concerns raised by residents to the north-east of the application site. They raised the concerns below:-

“I am concerned about the traffic due to the junction from Holland way.

I am also concerned about the flat windows over looking my property. Currently all the window are tinted out the side of the beeches which gives privacy to the residents. I am concerned about it over looking due to my children's bedrooms.

I am also concerned about the noise level this will create. The car park is very echoey and would request some trees be planted to create a sound barrier and privacy”

Whilst taking into account their comments;

- the first point has been addressed above and the access and traffic level created by the development is considered acceptable,
- the windows for the proposed flats will be the same as the existing windows. These are approx. 45m away from the side windows of 8 The Beeches and set down at a lower level. The Council can't control if they (Residents of the Beeches) retain the tint on their windows or not through this planning application, that is up to the occupiers of The Beeches. As such, it is not considered the development would give rise to an increase in overlooking to neighbouring dwellings or gardens compared to the existing use (when occupied). (included below is a map showing the relationship of the application building and the side elevation of 8 The Beeches. The blue line indicates the potential view of the side of 8 the Beeches from upper floor windows of Priory Hospital)



- with regards to the third point, the use of the car park is not considered to be significantly higher than when this property was occupied under its existing use as a residential institution so would not lead to a significant increase in noise and disturbance. A landscaping condition will be included to encourage additional planting on the site, but this is not specifically required to make the application acceptable.

Planning Balance

The development will create 16 open market dwellings, counting towards the Council's housing land supply, with no significant impact on neighbouring amenity, an acceptable impact visually and sufficient cycle & car parking. It would provide 16 housing units towards the Council's 5 year housing land supply. Whilst it is regrettable that no affordable housing or planning contributions can be paid this is considered reasonable in these circumstances. The legitimacy of this is proven by the submission of a viability assessment, independently reviewed and verified by the District Valuer. Should the development have been liable to affordable housing or planning contributions (community infrastructure payments it would not be viable for the conversion to go ahead.

However, the development would result in the loss of a viable care use, given its current occupation as reablement care and it would result in a loss of jobs, and the subsequent impact on those persons with protected characteristics, in particular older people. Significant weight should be afforded to this harm in the planning balance, especially in view of the lack of any identified alternative provision. Policy 14 of the Local Plan aims to ensure that the social infrastructure that our communities need is planned for positively. In particular, it aims to deliver health

services (hospitals, general surgeries and health centres). The loss of the care facility would fail to meet the aims of Policy 14 in this regard, as the current use supports the functioning of hospitals by freeing up beds and supporting people and thus supports the wider Health and Social Care system across Dorset. Dorset Care has confirmed that the loss of the care facility would not be easily replaced.

As such, the development would be contrary to both Policy 11 and 14 of the NDLP and policy 3 of the B+NP result in a loss of a viable use of an in-need care use and a subsequent loss of jobs.

As such, on balance, the application is considered to fail to meet policy requirements and is recommended for refusal.

16.0 Conclusion

The current use supports the functioning of hospitals by freeing up beds and supporting older people to leave hospital, and thus supports the wider Health and Social Care system across Dorset. The loss of the care facility would not be easily replaced. The development would result in the loss of a clearly viable care use, given its current occupation as reablement care and it would result in a loss of permanent jobs. As such, it would be contrary to both Policy 11 and 14 of the North Dorset Local Plan, policy 3 of the Blandford+ Neighbourhood Plan and section 6. "Building a strong, competitive economy" of the National Planning Policy Framework and result in a loss of a viable use of an in-need care use and a subsequent loss of jobs.

Therefore, the application is considered to fail to meet policy requirements and is recommended for refusal.

Recommendation: REFUSE for the following reason:

1. The development would result in the loss of a specialist care provision use, given its current occupation as reablement care, and would result in the loss of jobs. As such, it would be contrary to both Policy 11 and 14 of the North Dorset Local Plan (adopted 2016), policy 3 of the Blandford+ Neighbourhood Plan (made March 2023) and the NPPF.

This page is intentionally left blank

Officer Report

Application Number:	P/FUL/2022/06061		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Summerfield Farm, Butts Lane, Stour Provost, Gillingham SP8 5RU		
Proposal:	Erection of rural workers dwelling		
Applicant name:	Mr and Mrs L Trowbridge		
Case Officer:	Jim Bennett		
Ward Member(s):	Cllr Somper		
Publicity expiry date:	15 November 2022	Officer site visit date:	27 th October 2022
Decision due date:	29 November 2022	Ext(s) of time:	

1.0 Reason for referral to committee

1.1 There is an outstanding objection from the Parish Council.

2.0 Summary of recommendation

2.1 The recommendation is to grant permission subject to conditions. The conditions include an occupancy restriction (to respond to the fact that the dwelling would not be permitted in this countryside location were it not for a need being demonstrated). It is also recommended that certain permitted development rights are removed so that the Council, as local planning authority, retain control over the floorspace of the dwelling; this is to ensure that the dwelling size remains commensurate to the need identified.

3.0 Reason for the recommendation

3.1 The principle is acceptable. A need has been evidenced for a permanent occupational dwelling in this location according with the criteria in policy 33 of the North Dorset Local Plan Part 1 – 2016.

3.2 There are no issues arising from the design and siting of the dwelling proposed. It is a development plan policy compliant proposal.

Officer Report

4.0 Key planning issues

Issue	Conclusion
Principle of development	A need has been evidenced for a permanent occupational dwelling in this location according with the criteria in policy 33 of the North Dorset Local Plan Part 1 – 2016.
Scale, design, impact on character and appearance	A dwelling faced in natural materials and of a plain, two storey gabled form that assimilates into this landscape setting and is redolent of existing farmhouses in the surrounding countryside.
Impact on amenity	Significant distance from other dwellings. No overshadowing, overlooking or noise and disturbance issues.
Access and Parking	Acceptable subject to conditions.
EIA (if relevant)	Neither Schedule 1 nor Schedule 2 development.
Habitat Regulations	No designation is affected. The site is in the River Stour's catchment in terms of foul drainage (outside of the Poole Harbour and Somerset Levels catchments).

5.0 Description of Site

5.1 The site is on the west side of the B3092 between the villages of Stour Provost and Todber but lying with the former's parish. It extends to 0.2 ha including a narrow access strip which links the main plot to the road. The plot itself is some 140m west of the B3092. Countryside in agricultural use characterises the site and its surroundings, albeit there are dwellings in the locality. The land falls to the west.

6.0 Description of Development

6.1 To erect a two storey farmhouse, 4-bed farmhouse, faced in natural stone with a slate, gabled roof. A single storey carport wing would extend from the northeast facing gable end.

Officer Report

- 6.2 The dwelling is for a farm worker. It would be the third dwelling on the farm. The majority of the land farmed by the applicant owned by Dorset Council but the land on which the dwelling is proposed is owned by them.

7.0 Relevant Planning History

- 7.1 None relevant.

8.0 Constraints

- 8.1 Public Footpath N71/63 skirts the eastern boundary of the “plot” part of the site, crossing the access strip as it does so.

9.0 Consultations

Councillor Somper

- 9.1 I know that some residents are concerned about the need aspect and that the dwelling is not attached to the land that is farmed and which is not owned by the applicant. There was a suggestion of having any new dwelling tied to the land in some way. I've suggested that any concerns raised need to be added to the Portal.

Stour Provost Parish Council

- 9.2 Raised concerns over the location of the proposed dwelling, which is far away from the farm, and it appears to be outside the village settlement area and in an open part of the Stour Valley noted for its landscape and beauty. It was also noted that if this application is successful that a clause to state that the dwelling becomes a part of the estate and cannot be sold as an individual dwelling.

DC Rights of Way

- 9.3 I have no objection to the proposed development, as shown in the plans accompanying the application. However, throughout the duration of the development the full width of the public footpath must remain open and available to the public, with no materials or vehicles stored on the route.

Wessex Water

- 9.4 No objection. The site is some distance from public sewers and will need to rely on private non-mains drainage.

DC Highways

- 9.5 No objection subject to conditions.

Officer Report

DC Estates

- 9.6 The Council's Estates team were consulted due to the applicant's reliance on a Council owned farm for their need (this is the farm and farmland on the east side of the B3092 known as Provost Farm, the dwelling would be sited on land owned by the applicant on the opposite side of the road).
- 9.7 DC Estates advise: -
- a) The applicant has a functional and financial need for a home but this need is predicated on their tenancy of the Dorset Council owned farm (Provost Farm) including its land and buildings.
 - b) The applicant has a Promotion tenancy until 2035.
 - c) The current Management Plan for Dorset Council farm tenancies includes Starter and Promotion tenancies. The objectives behind the Plan are to encourage new farmers to have short fixed term Starter tenancies and then progress to a longer 15-20 year Promotion tenancy with the hope that they will then eventually move onward to a private farm thereby freeing up Dorset farms for new farmers and so the cycle continues.
 - d) In reality, Promotion tenancy holders have not moved onto Private farms because of supply issues and Promotion tenancies have been renewed for 5 or 10 year periods. When considering such an extension the performance of the tenant will be taken into account, for example have they met their obligations under the tenancy, have they appropriately maintained the buildings and managed the land, have there been any animal welfare concerns and what level of financial investment has the tenant made into the holding.
 - e) None of these issues have been experienced with the applicant; they are considered a good tenant who has invested their own capital into the holding.
 - f) There is an understanding by the Council as to why the applicant would not invest in the building of a new home on Dorset Council owned land and it is entirely reasonable that the applicant has, instead, sought to build a home as near to the Dorset Council farm as possible on their own land.

Other representations received

Total - Objections	Total - No Objections	Total - Comments
4	1	3

Officer Report

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

9.8 Members are advised that the application was peer reviewed by an independent consultant on behalf of the Council. They produced an initial review and a second review following the submission of further information from the applicant. Some of the following third party representations refer to the peer reviewer's comments. Consideration of the peer reviewer's conclusions, the comments of the third parties and those of the Council's Estates surveyor is included in the Assessment section of this report in relation to whether there is a need or not for the development.

9.9 Comments received: -

- a) The farm (Summerfield Farm) upon which this house may be built makes up just 1.67% of the total acreage of Stour Provost Dairy farm. The other 98.33% of the working farm is between 300m and 4 miles away and is not within the immediate vicinity of the proposed rural workers dwelling.
- b) 708 acres (98.33% of Stour Provost Dairy Farm) are under various short-term tenancy arrangements, with Provost Farm being a Dorset County Council (DCC) farm. It is unclear if a request has been made to DCC for a rural dwelling to be erected on Provost Farm, being the main site of the dairy. Furthermore, it is unknown whether DCC have assessed the long-term benefits of building a rural dwelling on its own land rather than on land not owned by the council and which may at some time not be associated with Provost Farm.
- c) The application states that the 12 acres at Summerfield Farm are used for youngstock rearing. The application estimates that there are 300 youngstock, meaning that Summerfield Farm would only be able to cater for a very small proportion of this total and therefore most youngstock would be kept elsewhere. The acreage of Summerfield Farm, a proportion of which is in a flood zone, will reduce even further with a new build meaning even more youngstock being further away from the proposed rural workers dwelling.
- d) none of the reports appear to mention the fully serviced residential mobile home stationed at Provost Farm which could be used for the accommodation of the farm employee or the fact that this mobile home may be rented out to others not employed by the enterprise.

Officer Report

- e) The proposed site and design of the house is not commensurate with the existing buildings on Summerfield Farm; it is distant from the road and from the existing build line on the west side of the B3092 and Butts Lane.
- f) It appears that the financial viability question was assessed in August 2022, since when both inflation and interest rates have increased substantially. Financial viability should probably be revisited and made available for review.
- g) Question the reason why Dorset Council, as freehold owners of Provost Farm, will not allow the construction of a new dwelling at Provost Farm - which is the most appropriate location for any new dwelling associated with the holding / enterprise.
- h) Should the Council, as landlords, accept that a new dwelling at Provost Farm is the most appropriate solution or should the Council, as the LPA, be prepared to approve this application for a dwelling at the 5ha holding at Summerfield Farm, in full knowledge that, within a few years, there is likely to be an application to remove the agricultural occupancy condition.
- i) Notwithstanding the above, the proposed dwelling at Summerfield Farm is contrary to NDLP Policy 33 as it is sited in an exposed location and is not well related to existing farm buildings - either at Summerfield Farm or at Provost Farm.
- j) Stables have been built at Summerfield Farm [Planning Application 2/2017/0461/FUL] <https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=52863>. This confirms that the existing holding at Summerfield Farm (given here as 14.30 acres) is for the keeping of horses for private recreation and that the size of the holding is appropriate for the four horses. This suggests that the land at Summerfield Farm is to be used for the keeping of horses for private recreation and is separate from the business at Stour Provost Dairy. This does not align with Reading Agricultural Consultants paragraphs 2.5 and 2.6.
- k) An existing barn on the land at Summerfield Farm was converted from an agricultural building to Dwelling, [Planning Application 2/2016/0553/AGDWPA] <https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=50993>. The barn was then sold to a private buyer. This would have been an ideal opportunity to provide accommodation units close to the Stour Provost Dairy to support operation of the dairy [North Dorset Local Plan 10.261]. Presumably the essential need described below from Reading Agricultural Consultants para 2.6 and 5.6, was the same essential need at the point in time that the decision was made to sell the barn to a private buyer.

Officer Report

10.0 Duties

10.1 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 Development Plan policies

North Dorset Local Plan 2003 (Saved policies)

11.1 The site is outside of the saved settlement limits.

North Dorset Local Plan Part 1 (2016)

11.2 In the context of the site's location outside of the saved settlement limits, the following policies are considered relevant;-

- 1 – Presumption in Favour of Sustainable Development
- 2 – Core Spatial Strategy
- 4 – The Natural Environment
- 6 – Housing Distribution
- 20 – The Countryside
- 23 – Parking
- 24 – Design Policy
- 25 – Amenity
- 33 – Occupational dwellings in the countryside

12.0 Other material considerations

Dorset Council Local Plan

12.1 The Dorset Council Local Plan Options Consultation took place between 18 January and 15 March 2021. The Plan remains at a very early stage in the process towards adoption. Negligible weight is afforded to it as a material consideration at this time.

National Planning Policy Framework 2021

12.2 Noting the following sections :-

- 1. Introduction
- 2. Achieving sustainable development
- 3. Plan-making
- 4. Decision-making
- 5. Delivering a sufficient supply of homes

Officer Report

12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

12.3 Paragraph 80 of Section 5 states: -

“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

(a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;”

National Planning Policy Guidance

12.4 This is the on-line complementary tool to the NPPF. Guidance in relation to the application of paragraph 80 a) of the NPPF can be found in paragraph 010 Reference ID: 67-010-20190722 of the PPG.

13.0 Human rights

13.1 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.

14.0 Public Sector Equalities Duty

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

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

Officer Report

14.2 Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and, in considering the merits of this planning application, the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. The isolated location means that dwelling would not be appropriate for a person with restricted mobility but low weight is given to this in the planning balance as the dwelling is intended to meet a specific need.

15.0 Financial benefits

What	Amount / value
Material Considerations	
Employment during construction	Support construction sector.
Spend in the local economy	Spend from future residents of the development
Non Material Considerations	
Contributions to Council Tax	As per appropriate charging bands

16.0 Planning Assessment

Principle

16.1 Policy 2 and 6 of the Local Plan set out the spatial strategy for the North Dorset area, identifying the four main market towns of Blandford, Gillingham, Shaftesbury and Sturminster Newton as the focus for future development in recognition of their population and service provision. Below this, Stalbridge and 18 larger villages are identified based on population, range of services and proximity to services, together with consideration of local issues, as being able to accommodate a degree of growth to meet local and essential needs. Outside of the settlement boundaries of the 4 main towns and larger villages areas, countryside policies apply. Development within the Countryside is to be strictly controlled unless it is required to enable essential rural needs to be met.

16.2 The site is in the countryside and detached from any settlement with services and facilities that could provide an acceptable degree of sustainable living and falls to be considered under policy 20 of the Local Plan which establishes the criteria for countryside development. In this case the applicant has submitted that a need exists for an agricultural worker to live on site in this location.

16.3 Policy 20 refers to Figure 8.5 of the Local Plan Part 1 which, in turn, refers to policy 33. The latter provides a series of criteria against which proposals for occupational dwellings in the countryside should be assessed. The policy is consistent with the

Officer Report

NPPF (including the complementary guidance in the PPG) and can be afforded substantial and determinative weight when considering the proposed development at this time.

16.4 Policy 33's criteria are as follows: -

- a) the need relates to a full-time worker and does not relate to a part-time requirement; and
- b) there is an essential existing functional need for a worker to live at, or in the immediate vicinity of, their place of work; and
- c) the economic viability of the enterprise to which the proposed dwelling relates can be demonstrated by satisfying the 'financial test' applied by the Council; and
- d) the functional need could not be fulfilled by any other means; and
- e) it is of the minimum size and an appropriate design commensurate with the established functional requirement and reflective of the enterprise's financial projections; and
- f) it is sited so as to meet the identified functional need and is well related to existing farm, forestry or rural business buildings, or other dwellings.

16.5 In the context of the above, the Council instructed a peer review of the applicant's submission to be undertaken to establish whether there was accordance with the policy. Further information was submitted by the applicant in response to this review and a further peer review by the same reviewer was undertaken. This concluded: -

"Having read through the revised appraisal, we would conclude that on balance this application in most respects would weigh in favour of a third dwelling. However, as has been shown, we believe due to the complexities and specific nature of this application we believe the enterprise to which this dwelling relates has limited prospects from this location which would potentially leave an agriculturally tied dwelling on 5ha of land which may at some point in the future be unrelated to the business."

:

16.6 The vast majority of the land not in the ownership of the applicant but farmed by them is owned by Dorset Council. The percentage split is as per the third parties' representations. Members will note that the peer reviewer advises that there is a need for this additional dwelling for a full-time worker in association with the land farmed, but that need is heavily predicated on the continued tenancy of the Dorset Council owned land.

16.7 The peer reviewer advised that a location on the Council owned land would be preferable in terms of meeting the need.

Officer Report

- 16.8 The scale of the proposed dwelling is considered commensurate to the need (accepting a reasonable level of floorspace is required for the worker's dependants). These conclusions are taken with full acknowledgement of the dwelling's four-bedroom size.
- 16.9 The case officer, following the peer reviewer's assessments, is also content that the need cannot be met by other means i.e. there is no existing dwelling meeting available that would respond to the need and no other strategies such as remote monitoring would be appropriate (the peer reviewer is satisfied that a full-time additional presence on the land is necessary). It is unfortunate that a barn conversion recently in the applicant's ownership could have potentially responded to the need. However, one can only assess what is available at the time of the application and this barn was in separate private ownership when the current application was submitted and remains so.
- 16.10 In the context of all of the above, the advice was sought from the Council's Estates team in their capacity as landlord for the majority of the land farmed by the applicant. Their comments are reproduced earlier in this report. Of note is that it is probable that the tenancy will be renewed in 2035 if the applicant remains a "good tenant". There is nothing to suggest that they won't be, and one can reasonably conclude that they will retain the tenancy until, at the very least, 2040 and most probably much longer.
- 16.11 It is also noted that the Estates surveyor advises that it would be unreasonable for the applicant to build a dwelling on the Council's land because of the investment required on land they don't own. This may, at first sight, appear a contradiction (a dwelling could be allowed on non-Council land due to the probable extended length of the tenancy but the probability of extending the tenancy is not sufficient to reasonably require the building of a house on the Council land).
- 16.12 The point, in the Estate surveyor's and case officer's opinion, is that the degree of investment required to build the dwelling is so significant that even the very small risk of the tenancy not being renewed is sufficient to make the scenario of the applicant having to build their house on Council owned land unreasonable.
- 16.13 It is therefore concluded that the need is evidenced for a permanent occupational dwelling in this location according with the criteria of policy 33 of the Local Plan Part 1.
- 16.14 However, it is necessary to impose conditions to tie occupancy to an agricultural worker (or someone who last worked in agriculture and their resident dependants). It is also necessary to restrict permitted development rights to ensure that the Council

Officer Report

retains control over the floorspace of the dwelling so that it remains commensurate in scale to the need identified.

Landscape and visual impact (including affect from public rights of way)

- 16.15 The case officer assessed the proposal from the various visual receptors within the landscape. This included from the B3092 but also from the public footpath N71/63 that skirts the eastern boundary of the main body of the site (and crosses the proposed access). They also walked along public footpath N71/64 which follows the valley floor adjoining the River Stour to the west of the site.
- 16.16 The landscape does not benefit from any formal designation but it is, nonetheless of some degree of quality. The number of walkers on the local footpaths suggest it is certainly a landscape valued locally, albeit not a Valued Landscape. The site is prominent from some visual receptors within this landscape, certainly from public footpath N71/63 and to a lesser degree from N71/64. It does benefit from trees just beyond its boundaries which would screen the dwelling from views from N71/64 directly to the west but would permit a view from the northwest.
- 16.17 Buildings are not uncommon in the landscape. Nor are they uncommon on higher ground. It is also a landscape characterised by C20th non-vernacular buildings, including the bungalow further south and the farm buildings at Provost Farm to the east.
- 16.18 The proposed dwelling responds to context with its traditional gabled form, slate roof and natural stone facing. In doing so, it is redolent of some of the farmhouses that pepper pot the local landscape. Careful control of boundary treatments and facing materials will ensure that the proposal assimilates sensitively into the landscape with negligible harm or adverse visual impact.

Other matters

- 16.19 The distance to other dwellings ensures no residential amenity issues.
- 16.20 The dwelling and its access are located on land at the lowest risk of flooding from all sources.
- 16.21 There is no biodiversity mitigation required. Net gain measures can be secured by condition.
- 16.22 The Council's Highways Manager raises no objection subject to conditions.

17.0 Conclusions

Officer Report

17.1 The principle is acceptable. A need has been evidenced for a permanent occupational dwelling in this location according with the criteria in policy 33 of the North Dorset Local Plan Part 1 – 2016.

17.2 There are no issues arising from the design and siting of the dwelling proposed. It is a development plan policy compliant proposal.

18.0 Recommendation

18.1 Grant permission 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:

- SK-1580-100 A Proposed site plan
- SK-1580-101 B Proposed floor plans
- SK-1580-102 A Proposed elevations
- Location plan received 30th September 2022.

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

3. Prior to the first occupation of the dwelling hereby approved: -

a) details of all proposed means of enclosure, boundary walls and fences to the site, shall be submitted to, and approved in writing by, the Local Planning Authority.

b) The said approved boundary treatments shall have been completed.

Reason: To minimise landscape harm given the prominence of the site from public footpaths to the east and west.

4. Any soft landscaping that comprises part of the boundary treatment scheme required by condition 3 shall be maintained in accordance with the agreed details and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Officer Report

Reason: To minimise landscape harm given the prominence of the site from public footpaths to the east and west.

5. Prior to their use on the development hereby approved, details and samples of the facing stonework (including coursing, mortar mix and pointing) and roof slates shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development given the prominence of the site when viewed from public visual receptors on the public footpaths and the B3092.

6. The occupation of the dwelling hereby approved shall be limited to a person solely, or mainly, employed, or last employed, prior to retirement, in the locality in agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990, or in forestry (including any dependants of such a person residing with him/her) or a widow, or widower, of such a person.

Reason: The site is in an area where new dwellings would be contrary to the provisions of the approved Local Plan and normally would not be permitted except where there is an overriding need in the interests of agriculture or forestry.

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

Reason: To ensure that the size of the dwelling in terms of floorspace remains commensurate in scale to the need identified.

8. Prior to the first occupation of the dwelling hereby approved, 2 bat boxes, 2 bird boxes and a bee brick shall have been installed within the site in accordance with details previously submitted to and agreed in writing by the Local Planning Authority. The said bat boxes, bird boxes and bee brick shall be retained thereafter for the lifetime of the development.

Reason: To secure the necessary biodiversity net gain measures.

9. Prior to the first occupation of the dwelling hereby approved, the first 5.00 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note 2 below), must be laid out and constructed to a specification previously submitted to and approved in writing by the Local Planning Authority.

Officer Report

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.

10. Prior to the first occupation of the dwelling hereby approved the turning/manoeuvring and parking shown on Drawing Number SK-1580-100 A shall be completed in accordance with the details shown on this drawing. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

11. Before the dwelling hereby approved is first occupied any entrance gates must be set back a minimum distance of 5.00 metres from the edge of the carriageway and hung so that the gates can only open inwards. Thereafter, the gates must be retained at their approved position, maintained and kept free from obstruction.

Reason: To enable a vehicle to be parked clear of the public highway whilst the gates are opened or closed, preventing possible interruption to the free flow of traffic.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

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

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

- offering a pre-application advice service, and
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

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

2. 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.

Officer Report

Application Number:	P/HOU/2023/01242		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	River House Stalbridge Lane Sturminster Newton DT10 2JQ		
Proposal:	Erect first floor extension to roof and raise height, erect studio.		
Applicant name:	Mr & Mrs M Jones		
Case Officer:	Jane Green		
Ward Member(s):	Cllr Jones		
Publicity expiry date:	23 April 2023	Officer site visit date:	03 May 2023
Decision due date:	16 May 2023	Ext(s) of time:	Required

1.0 The applicant is an elected member, Mrs Carole Jones

2.0 Summary of recommendation:

GRANT subject to conditions

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

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The proposal is acceptable in its design and general visual impact and there is no significant harm to the Sturminster Newton Conservation Area or the settings of the Grade II* Sturminster Newton Mill and Grade I listed town bridge nor the Scheduled Ancient Monument, Sturminster Castle.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of extending the property is acceptable

Scale, design, impact on character and appearance of the area including the Conservation area	The proposed development would not have an adverse impact on the visual amenities of the site or locality.
Impact on amenity	The proposed development would not have a significant adverse impact on the living conditions of occupiers of residential properties.
Impact on landscape or heritage assets	The impact on the wider landscape and the setting of listed buildings, ancient scheduled monument and designated conservation area is not significant.
Impact on biodiversity	The proposed development will have no detrimental impact on biodiversity and a proportionate level of biodiversity enhancement is proposed.
Access and Parking	The proposed development does not result in any alterations to existing parking and access arrangements.
Flood risk	The extension does not extend into the flood zone area, nor does it not materially alter the existing impermeable area, with no external surfaced area being changed.

5.0 Description of Site

River House is a modern house built to contemporary, one and a half storey design with brick and timber-faced elevations under a clay tiled roof. It has an L shaped floor plan for which planning permission was granted in 2004. It was built in 2005 / 2006 as a replacement for a pair of derelict cottages on a site which is set above the steeply sloping SW bank of the River Stour at this point on the NE edge of Sturminster Newton. The rear elevation facing towards the river is generously glazed and is of two-storey height. The house is positioned some 65m WNW of Sturminster Newton Mill (at its closest point). The house is positioned towards the SE end of a long narrow plot and occupies a wooded setting. The property has a frontage to and is accessed from the unclassified Stalbridge Lane. There is on-site garaging, parking and turning for several cars. There are several other properties in this locality on the rural edge of the town. The property stands within the designated settlement and conservation area boundaries.

6.0 Description of Development

Erection of first floor extension to roof and raise height and erect studio.

7.0 Relevant Planning History

2/2003/1180 - Decision: REF - Decision Date: 03/03/2004

Demolish dwelling and erect 2 No. dwellings, modify vehicular access

2/2003/0235 - Decision: REF - Decision Date: 05/06/2003

(Demolish existing) erect 2 no. dwellings, modify vehicular access

2/2004/0814 - Decision: GRA - Decision Date: 12/10/2004

Demolish dwelling and erect 1 No. replacement dwelling with double garage, modify vehicular access

2/2009/0047/PLNG - Decision: WIT - Decision Date: 12/03/2009

Erect single storey lower ground floor extension and single storey ground floor extension.

2/2012/1005/PLNG - Decision: GRA - Decision Date: 04/10/2012

Erect side extension.

2/2011/0681/PLNG - Decision: GRA - Decision Date: 01/08/2011

Erect wall/fence with brick piers (remove part of existing fence).

2/2013/0634/PLNG - Decision: GRA - Decision Date: 13/08/2013

Erect extension to existing balcony.

2/2015/0926/HOUSE - Decision: GRA - Decision Date: 03/09/2015

Erect two storey extension.

2/2019/1539/HOUSE - Decision: GRA - Decision Date: 13/08/2020

Split Level Extension

P/NMA/2021/03093 - Decision: GRA - Decision Date: 28/09/2021

Non-material amendment to Planning Permission No. 2/2019/1539/HOUSE to reduce ridge height of extension to match existing.

8.0 List of Constraints

Application is within Sturminster Newton Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

Public Rights of Way: Footpath N53/70, N53/66; N53/43 and N53/39;

EA - Risk of Surface Water Flooding Extent 1 in 30 within site

EA - JBA - Risk of Groundwater Emergence; Groundwater levels are either at or very near (within 0.025m of) the ground surface.; Within this zone there is a risk of groundwater flooding to both surface and subsurface assets. Groundwater may emerge at significant rates and has the capacity to flow overland and/or pond within any topographic low spots.

Higher Potential ecological network

Wildlife Present: Himalayan Balsam and S41 - bat

Site of Special Scientific Interest (SSSI) impact risk zone

Scheduled Monument: Sturminster Castle (List Entry: 1002719)

EA - Main River Consultation Zone

Flood Zone 3 – within site

Minerals and Waste Safeguarding Area

Minerals and Waste - Sand and Gravel

Listed buildings – Sturminster Newton Mill – Grade II* and Grade I listed Town Bridge (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

9.0 Consultations

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

Consultees

1. **W - Sturminster Newton Ward** – No comments received (Ward member is applicant)
2. **P - Sturminster Newton TC** – No comments received
3. **DC - Rights of Way Officer** – No comments received
4. **DC - Minerals & Waste Policy** – No comments received
5. **Ramblers Association** - No comments received

Representations received

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

10.0 Duties

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

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

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

11.0 Relevant Policies

North Dorset Local Plan Part 1 2011-2031

Policy 2 – Core Spatial Strategy

Policy 4 – The Natural Environment

Policy 5 – The Historic Environment

Policy 24 – Design

Policy 25 – Amenity

Sturminster Newton Neighbourhood Plan 'Made' 08/03/2019

Policy 1. Design and character of buildings and their settings

Policy 2. Important views and landscape sensitivity

National Planning Policy Framework 2021:

2. Achieving sustainable development

4. Decision-making

12. Achieving well-designed places

14. Meeting the challenge of climate change, flooding and coastal change

15. Conserving and enhancing the natural environment

16. Conserving and enhancing the historic environment

Other material considerations

The Sturminster Newton Town Design Statement July 2008

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.

Officers have considered the requirement of the duty, and it is not considered that the proposal would give rise to specific impacts on persons with protected characteristics.

14.0 Financial implications

None

15.0 Environmental Implications

None

16.0 Planning Assessment

Principle of development

The principle of extending a residential property is acceptable. The proposed development follows a 2015 and 2020 permission for extensions to the southeast elevation, neither of which were implemented.

Scale, design, impact on character of area including conservation area

The application proposed a glazed gable extension to the first-floor southeast elevation. The glazed extension would extend from the first floor, supporting struts creating a canopy over the back door.

The construction, design and appearance of the proposed development is entirely consistent with, and would complement and reinforce, the modern and distinctive character of the existing building. The development would add some limited, but not excessive, additional built to the southeast end of the house. The extension and studio element are considered to be in scale with the main dwelling and would appear as a subservient and appropriate addition to the dwelling. It would therefore not have an adverse impact on the visual amenities of the character of the site or locality.

Impact on amenity

The property is detached, with no immediate neighbours, the nearest being Mill Banks some 30 metres away to the southwest. The glazed extension would not result in overlooking into any neighbouring properties, there being no properties to the southeast other than the Mill. Likewise, the proposed studio would not result in any overlooking. There are no concerns with regards to overshadowing or overbearing as a result of the proposals, and overall, it is considered that proposed development would not have a significant impact on the living conditions of occupiers of neighbouring residential properties.

Impact on landscape and heritage assets

The gable extension and studio element would be viewed in the context of the sloping roof and elevation which they are attached. The glazed element will result in a stronger visual appearance to the southeast elevation, which is considered to be acceptable within the context of the modern design of the building and with high quality materials would not jar with the verdant setting of the site. The spacing between the listed Mill building and the intervening landscape screening affords interruptions to the intervisibility between the extension and the located Mill building to the southeast and from the Grade I listed Town Bridge. In considering these heritage asset's conservation weight is given to their importance.

The proposal is considered to have no materially adverse effect on the character and appearance of the setting of the listed Mill building, and listed Town Bridge beyond and therefore no harm to their significance.

The proposals would complement and reinforce the existing character of this good quality, contemporary design; the application is therefore considered to preserve the character or appearance of the Conservation Area. This conclusion has been reached having regard to: (1) section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the

desirability of preserving or enhancing the character or appearance of a conservation area; and (2) Local Plan policy.

Impact on biodiversity

Previous planning applications revealed the dwelling contained a maternity bat roost. During the course of the application process a Biodiversity Plan was submitted and has been certified by the Council's Natural Environment Team. The site is being used by commuting and foraging bats and the biodiversity plan proposes details of mitigation in terms of lighting. It is considered with the proposed mitigation measures the proposal would have no adverse impact on biodiversity.

Access and parking

Access and parking remain unaltered by the proposals, the proposal would not compromise road safety and sufficient parking is retained.

Flood risk

The site is on the edge of Flood Zones 2 and 3, the extension does not extend into the flood zone area, nor does it not materially alter the existing impermeable area, with no external surfaced area being changed.

17.0 Conclusion

The proposed development complies with the policies of the Sturminster Newton Neighbourhood Plan and the North Dorset Local Plan, and the relevant sections of the National Planning Policy Framework as already listed above. By assessing the significance of the heritage assets and their importance it is considered there is no harm to their setting by the development.

18.0 Recommendation

GRANT of planning permission 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:
5099-01 Location, block and proposed plans

5084-02 C Existing & Proposed first floor plan

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

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

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

4. Prior to first occupation or use of the development hereby approved the mitigation measures as detailed in the Biodiversity Mitigation Plan dated 24 July 2023 shall be completed in full.

Reason: To minimise impacts on biodiversity.

Informative Notes:

1. The applicant is reminded of their responsibility to submit photographic evidence of compliance with the Biodiversity Plan to Dorset Natural Environment Team in order to comply fully with requirements of condition 4.

2. Informative: National Planning Policy Framework Statement

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

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

- offering a pre-application advice service, and
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

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

