



Northern Area Planning Committee

Date: Tuesday, 1 October 2024
Time: 10.00 am
Venue: Stour Hall - The Exchange, Old Market Hill, Sturminster Newton, DT10 1FH

Members (Quorum: 6)

Richard Crabb (Chair), David Taylor (Vice-Chair), Barrie Cooper, Les Fry, Jack Jeanes, Sherry Jespersen, Carole Jones, Rory Major, Val Pothecary, Belinda Ridout, James Vitali and Carl Woode

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

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

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Agenda

Item	Pages
1. APOLOGIES	
To receive any apologies for absence.	
2. DECLARATIONS OF INTEREST	
To disclose any pecuniary, other 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 - 14
- To confirm the minutes of the meeting held on Tuesday 3rd September 2024.
4. **REGISTRATION FOR PUBLIC SPEAKING AND STATEMENTS**
- Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting. Please refer to the Guide to Public Speaking at Planning Committee. [Guide to Public Speaking at Planning Committee](#)
- The deadline for notifying a request to speak is 8.30am on Friday 27th September 2024.
5. **PLANNING APPLICATIONS**
- To consider the applications listed below for planning permission.
6. **P/FUL/2024/01856 - LAND AT MAMPITTS LANE, MAMPITTS LANE, SHAFTESBURY, SP7 8GL** 15 - 36
- Erection of community hub/cafe building with offices over, associated car parking & associated public amenity park.
7. **P/OUT/2023/05838 - KENTOM HOUSE, BAY LANE, GILLINGHAM, DORSET, SP8 4ER** 37 - 56
- Erection of 3 dwellings with off street parking, garaging and private outdoor amenity space (Outline application to determine access only).
8. **P/FUL/2024/01781 - SITE ADJACENT PLANT WORLD NURSERIES, KENDALL LANE, MILTON ON STOUR, GILLINGHAM, SP8 5QA** 57 - 78
- Erect 4 No. open market dwellings and 3 No. affordable dwellings with associated parking and amenity areas, and the construction of a new vehicular access and road to replace the existing vehicular access.
9. **P/FUL/2024/01782 - PLANT WORLD NURSERIES, KENDALL LANE, MILTON ON STOUR, GILLINGHAM, SP8 5QA** 79 - 98
- Development of a cafe, workshop and a new vehicular access and road (to replace the existing vehicular access).
10. **P/HOU/2024/03857 - WHITE GATES, 9 CHURCH HILL, SHAFTESBURY, SP7 8QR** 99 - 110
- Remove existing roof and erect first floor extension.
11. **P/FUL/2024/03916 - COUNTY HALL, COLLITON PARK,** 111 -

DORCHESTER, DT1 1XJ

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Demolish and rebuild sections of the boundary walls.

**12. P/LBC/2024/03235 - COUNTY HALL, COLLITON PARK,
DORCHESTER, DT1 1XJ**

125 -
134

Demolish and rebuild sections of the boundary walls.

13. 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.

14. EXEMPT BUSINESS

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

There are no exempt items scheduled for this meeting.

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NORTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 3 SEPTEMBER 2024

Present: Cllrs Richard Crabb (Chair), Barrie Cooper, Jack Jeanes, Sherry Jespersen, Carole Jones, Rory Major, Val Potheary, Belinda Ridout, James Vitali and Carl Woode

Apologies: Cllrs David Taylor and Les Fry

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

Steven Banks (Planning Officer), Joshua Kennedy (Democratic Services Officer), Hannah Massey (Lawyer - Regulatory), Alex Skidmore (Lead Project Officer), Hannah Smith (Development Management Area Manager (North)), Alister Trendell (Project Engineer) and Megan Rochester (Democratic Services Officer).

3. **Declarations of Interest**

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

4. **Minutes**

The minutes of the meeting held on Tuesday 16th July were confirmed and signed.

5. **Registration for public speaking and statements**

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

6. **Planning Applications**

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

7. **P/FUL/2024/01509 - The Stables, Long Mead, Melway Lane, Child Okeford, Blandford Forum, DT11 8EW**

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 block plans and elevations were shown as the Case Officer highlighted that the proposal had been sensitively designed. Details of the proposed high-quality materials such as slate and timber cladding were also provided which had been chosen to be in keeping for the rural location. The officer's presentation referred to condition 7 when setting out the

principle of the development, whilst providing details of the proposed outbuilding which would have provided incidental use to the main dwelling such as dry storage of vehicles, garden equipment and other domestic storage.

The Case Officer discussed the impacts on local amenities, noting the nearest neighbouring property was 98 metres north, a significant distance and the proposal was situated within a well screened area by mature trees and hedgerows which may have been partially visible from some nearby Rights of Way. There were no visual or landscape impacts, biodiversity enhancements would have been carried out on site in accordance with the approved Biodiversity Mitigation and Enhancement Scheme. There was no flood risk, and the Case Officer highlighted that the access would have remained as approved and there were no demonstrable risks to highways safety.

The Case Officer noted that Child Okeford Parish Council had objected to the proposed development on the basis that a condition was imposed on the planning permission for the associated dwelling that removed permitted development rights. The Case Officer explained that this condition was not imposed with the intention of placing an absolute prohibition on further development on the site falling under permitted development rights but to ensure that any such proposed development was subject to scrutiny given the sensitive location of the site.

The officer's recommendation was to grant planning permission subject to conditions set out in the officer's report.

Public Participation

Mr S Graeser spoke on behalf of the applicant, highlighting that the primary attraction for the proposal was for off grid living. He discussed the use of solar equipment and that the scale and size of the proposal was appropriate. The agent highlighted that there had been a reduction in the height and that the floor level would have been the same as the existing dwelling which was lower than the previous stable building. The proposal received no objections from Highways Officers and a Tree Protection Order had been included to protect the longevity of the oak tree on site. In addition to this, the agent's representation also highlighted that the proposal would not have created any additional noise and nor would it impact on the character or appearance of the area. There were no material considerations to warrant refusal and Mr S Graeser hoped members would endorse the officer recommendation.

Cllr B Ireland made a representation on behalf of Child Okeford Parish Council. She highlighted the history of the site, noting that permission had previously been granted due to lack of housing supply and the titled balance argument. She felt that the proposal conflicted with several policies which would have impacted the character of the area and would have been detrimental to the impacts on the AONB. Child Okeford Parish Council didn't feel as though garages or sheds were permitted on site and were concerned that if approved it would have further intensified domestic development. Cllr B Ireland considered public views and urged the committee to refuse the application.

Members questions and comments

- Questions regarding screening and impacts on visibility during winter months.
- Confirmation as to whether the proposal was an intensification of the site.
- Clarification regarding reimposing Permitted Development Rights.
- Clarity regarding original planning documentation and conditions.
- Members discussed the removal and intention of removing permitted development rights when the previous committee considered the application in May 2023.
- The proposal was outside the settlement boundary and was close to the AONB. There had been no change or justification regarding the removal of Permitted Development Rights.
- Members noted that the existing stable block was higher than the proposed building, therefore it would've been less visually intrusive.
- Members felt that the applicant had taken on board officer comments and had created a proportionate proposal.

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 Belinda Ridout, and seconded by Cllr Carole Jones.

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

8. **P/VOC/2024/03162 - 2A Mill Lane, Charminster, DT2 9QP**

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 approved and proposed elevations, block plans, views from footpaths and site photographs, in particular the existing front elevation and slate roof of the neighbouring Coach House were shown. Details regarding the site location and constraints were highlighted. The Case Officer provided members with a description of the proposed variations which included a change to the roof material from concrete pantiles as existing to grey slate. As well as altering the external wall finishing on the southwest and northwest elevations from brick as existing to cream or white render. The proposal was to also alter the approved dormer roof material from zinc to grey single ply membrane. To demonstrate a visual representation, images of local examples from Mill Lane were provided. The officer's recommendation was to grant planning permission, subject to 2.73 commencement and plan number conditions.

Public Participation

There was no public participation.

Members questions and comments

- Clarification regarding objections raised from the neighbouring property and the impacts on front dormer.
- Members felt that the proposal was reasonable and sensible.

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 Sherry Jespersen, and seconded by Cllr James Vitali.

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

9. **P/VOC/2024/01076 - Frogmore Lane, Sixpenny Handley, Dorset, SP5 5NY**

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 elevations, indicative street scenes and site photographs were shown. Members were given details of the drainage strategy and were provided with a ground coverage comparison of a previously approved scheme with current scheme. The Case Officer informed members that the proposal was situated on an allocated site which was previously granted and complied with policy. Reference was made to policy CHASE7, part e; the implementation of a sustainable drainage solution that protects features and species of nature conservation interest, protects housing on the site from flooding and ensures that there is no increased risk of flooding to other land or buildings. The location was considered to be sustainable, and the proposal was acceptable in its design and general visual impact and there would not have been any significant harm to the landscape character of the AONB or on neighbouring residential amenity. The officer's recommendation was to grant subject to conditions.

Public Participation

Mr McLean made a public objection as a neighbour who lived adjacent to the site. In his representation, he discussed the differentiation between surface and groundwater flooding as well as the impacts on the site. Mr McLean also discussed roadways and highlighted the history of the site. Noting that it had previously been refused due to flooding. He felt that the proposal contradicted advice which had previously been and urged members to refuse.

The agent thanked the committee for the opportunity to speak in support of the proposal. He noted that the proposed amendments resulted in a potential increase which varied across the units. There had been no change regarding the boundary treatments or impacts to neighbouring properties. Mr Moir also highlighted the surface water strategy and noted that there had been no objections raised by the

flood authority. The proposal accorded with the NPPF and Local Plan, if approved it would not have caused harm to the character and appearance of area. He hoped the committee would support the officer's recommendation.

Cllr Mereweather strongly challenged the officer's recommendation. He did not feel as though the proposal complied with national policies and highlighted the distinction between ground water and surface water flooding. Cllr Mereweather informed the committee that a report had been commissioned from groundwater specialists and the results had been shared with the case officer and applicant. Identifying that there was a very high risk for the two properties. He did not feel as though the case officer acknowledged the reality of ground water flooding and that the NPPF guidance on managing flooding had been ignored, specifically paragraphs 116, 177 and 159 where it commented on an increase flood risk. Cllr Mereweather urged the committee to refuse or condition the proposal appropriately.

The Local Ward member reiterated the comments raised by concerned residents. Cllr P Brown highlighted the differences between ground water and surface water flooding, he felt that the application was dangerous and increased risk. The Local Ward member noted the applicant's solution however he was concerned regarding the increase in surface water run off outside the development. Therefore, he encouraged the committee to consider the interest of existing and future residents. He urged the committee to turn down the proposal.

Members questions and comments

- Clarification regarding the drainage strategy and prevention of flooding on the development.
- Concerns regarding flood risk increase.
- Questions regarding how members could have been assured that the varied conditioned wouldn't have increased flood risk.
- Clarification that officers were satisfied with the hydrological assessments.
- Members felt that they had a responsibility for local residents and asked for assurance that both ground and surface water flooding had been considered.
- Questions regarding whether the redundancy in the drainage scheme would have been impacted.
- Following questions and the debate, members noted that. There were no planning grounds to warrant refusal.

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** permission as recommended, was proposed by Cllr Sherry Jespersen, and seconded by Cllr Belinda Ridout.

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

10. **WD/D/20/003259 - Land North of Wanchard Lane, Charminster**

The Case Officer provided members with the following update:

- Due to the reduction in the number of affordable housing units on the site, it had resulted in a reduction in the financial contributions.

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, as well as noting that the location had been altered from the first submission and there had been a reduction in scale due to the view in and out of the site. Photographs of the proposed floor plans, elevations and illustrative Landscape Plans were shown, as well as photographs of the site which identified the principal view of the proposal from the village. The presentation also included details of the site being situated on a gradient and identified the issues regarding this, the proposed pedestrian access as well as identifying affordable housing units. The Case Officer identified the conservation area and the AONB, highlighting an open area within the site and strategic planting which would've created a buffer. Members were provided with details of the proposed local materials and the officer presentation identified the nearby neighbouring property and discussed the impacts. The officer's recommendation was to grant subject to conditions and S106 obligations set out in the report.

Public Participation

Mr Hoskinson made a representation, informing the members that he was the planning director for Wyatt Homes. He was proud of the high quality and well-designed homes as well as the inclusion of community halls, allotments and highways improvements. Noting that it had been sensitively designed to protect the setting and be in keeping with the character and appearance of the area. Mr Hoskinson highlighted that if approved, phase 4 would have contributed to the housing land supply as well as the creation for local employment. In his representation, he highlighted the highway improvements of the scheme which would have aimed to reduce traffic movements and that the proposed new homes would have been energy and water efficient. Mr Hoskinson hoped members would support the officer recommendation.

Members questions and comments

- Clarification regarding the number of visitor and communal parking spaces.
- Confirmation as to whether the other phases of the development are within the conservation area.
- Members were pleased that the affordable housing was policy compliant, however, concerns were raised regarding the location of them.
- Clarification regarding access to the site and through routes.
- Clarification regarding visibility splays and the safety improvements of the revised junction.

- Members sought confirmation that the link roads would have been adopted by the highway's authority.
- Members felt that the proposal was a well thought out design which was well screened and were pleased with the quality and inclusion of affordable housing. In addition to this, they also felt that the materials had been well chosen and thought out to be in keeping with the character of the area.

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 Belinda Ridout, and seconded by Cllr Rory Major.

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

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

11. **P/FUL/2021/02623 - Four Paddocks Land South of St Georges Road, Dorchester**

The Case Officer informed members that the application was unchanged from when it was presented at the previous committee meeting which was held on Tuesday 16th July 2024. However, there was a new condition regarding nutrient neutrality proposed due to the recent change in approach in the Poole Harbour Catchment.

Public Participation

There was no public participation.

Members questions and comments

- Clarification as to why the permitted development rights were being removed.

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 Rory Major, and seconded by Cllr Jack Jeanes.

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

12. **P/OUT/2023/01413 - Land between Linden House and Rose Cottage, Wavering Lane West Gillingham, SP8 4NR**

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 site plan, images looking towards and within the site which identified the boundary were shown. Details of the existing site survey, proposed access and National Cycle and Footpath networks were provided. Members were also informed that the proposal was outside of the settlement boundary and the presentation included details of the principle of development, specifically living conditions, character and appearance as well as highways safety. The Case Officer also discussed Tree Protection Orders and biodiversity impacts. The officer's recommendation was to delegate authority to the Head of Planning and Service Manager for development management and enforcement to grant subject to conditions.

Cllr James Vitali left the room and gave his apologies for the rest of the meeting.

Public Participation

Mr Robinson spoke in objection to the proposal. He highlighted that the proposal was outside the settlement boundary and did not feel as though a need for the proposal had been demonstrated and would set a precedent for further parts of the site in which it was situated. Mr Robinson referred to 5.2 of the planning statement and highlighted that the proposal was rebuilt on original footprint. It would have been an overdevelopment which would've had adverse impacts on living conditions. In summary, residents did not feel as though it complied with local polices and was overbearing and intrusive. Mr Robinson urged members of the committee to refuse the officers recommendation.

Mr Williams thanked the officer for his comprehensive report and presentation. He explained that only access was to be approved at this stage. The agent highlighted that the proposal was within a sustainable location, the layout was illustrative, and it was not evidenced that it would have increased flooding. Mr Williams noted that each case should be considered on its own merit and as there were no adverse impacts, permission should have been granted as recommended.

Members questions and comments

- Members noted the history of the site and the previous reasons for refusal, they queried what material planning reasons had changed to warrant approval.
- Confirmation regarding site access.
- Clarification regarding the published Housing Land Supply figures.
- The proposal was outside the settlement boundary and there were no evidenced exceptional circumstances. In addition to this, the proposal was against the NPPF and neighbourhood plan.
- Members did not support the proposal before them and discussed grounds for refusal based on the proposal being situated on a greenfield site outside the settlement boundary of Gillingham nor did it meet the local housing needs.

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 Sherry Jespersen, and seconded by Cllr Val Potheary due to the site which lied on a greenfield site outside the settlement boundary for Gillingham. The site wasn't allocated for housing development in either the adopted Local Plan or more recent Gillingham Neighbourhood Plan. The proposed development would not have met local identified housing needs, nor represent a type of development that would have been appropriate in the countryside, or otherwise have a demonstrable overriding need for a countryside location. The development of the site would have therefore represented an unsustainable form of development, contrary to the spatial strategy of the adopted development plan, specifically Policies 2, 6 and 20 of the North Dorset Local Plan Part 1 2016. It would also conflict the National Planning Policy Framework 2023.

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

13. **Urgent items**

There were no urgent items.

14. **Exempt Business**

There was no exempt business.

Decision Sheet

Duration of meeting: 10.00 am - 1.12 pm

Chairman

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Agenda Item 6

Reference No: P/FUL/2024/01856			
Proposal: Erection of community hub/cafe building with offices over, associated car parking & associated public amenity park			
Address: Land at Mampitts Lane, Mampitts Lane, Shaftesbury, SP7 8GL			
Recommendation: Grant, subject to conditions			
Case Officer: Jim Bennett			
Ward Members: Cllr Beer and Cllr Jeanes			
CIL Liable: N			
Fee Paid:	£1156.00		
Publicity expiry date:	9 July 2024	Officer site visit date:	18/06/2024
Decision due date:	26 July 2024	Ext(s) of time:	4 th October 2024 requested
No. of Site Notices:	2		
SN displayed reasoning:	x2 lamp posts fronting site		
Where Scheme of Delegation consultation required under constitution:			
SoD Constitutional trigger:	Cllr J Jeanes and the Town Council request this proposal is heard at Northern Area Planning Committee.		
Nominated officer agreement to delegated decision		Date agreed:	

1.0 Introduction

The application is for a change of use of land and to erect a community hub/café building with offices over, form vehicular access, car parking and associated public amenity park. The application is made by Shaftesbury Town Council who, in the interests of fairness and openness have requested this proposal is heard at Northern Area Planning Committee.

2.0 Summary of recommendation:

GRANT subject to conditions.

3.0 Reason for the recommendation:

- The proposal is acceptable in respect of its layout and design.
- It will have a positive impact on local character.
- There is no significant harm to neighbouring amenity.
- Provision is made for a sufficient level of parking.
- The development will provide a much-needed community facility and there are no material considerations have been identified which would warrant refusal.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Principle accords with local development plan and national and local policies.
Scale, design, impact on character of the area and appearance	Community hub building is acceptable in scale and design. Proposal has a positive impact on local character -it is compatible with its surroundings.
Impact on residential amenity	No harmful overlooking, good separation distance with neighbours.
Highway impacts, safety, access and parking	No harm – adequate parking provision with no adverse impact on road safety.
Flood risk and drainage	Flood risk low.
Impact on trees	No loss of trees, all trees will be protected throughout construction.
Biodiversity	DCNET biodiversity enhancement plan & certificate of approval received.

5.0 Description of site and area

The site is located on the eastern edge of Shaftesbury within the settlement boundary. It is located close to, but is not within the Cranborne Chase AONB. The site is made up of Mampitts Green and Mampitts Meadow, and is located to the southeast of Maple Road, south of Snowdrop Wynde and at the east end of Mampitts Lane, close to the local Spar/post office. Mampitts Meadow is mainly rectangular in shape and Mampitts Green is a circular space that juts from the southwest corner onto Mampitts Lane. The Green and Meadow have a combined area of 0.7 hectares. The Green area is a maintained area of open space where children play and is occasionally used for community events. It also provides visual relief from built form. The Meadow area is fenced off from the Green, is enclosed by scrub and is underutilised. It provides ecological value and is a gateway to the countryside and AONB beyond.

The site is broadly level with a gentle slope downwards to the east. A band of trees and scrub that runs along the southern boundary of the site adjacent to Mampitts Lane is protected by Tree Preservation Order.

Mampitts Road and its environs is situated on the eastern edge of the market town of Shaftesbury. The suburban development provides around 670 homes was

constructed between 2011 and 2016. The area is predominantly residential and displays a mix of property types with three storey buildings located towards the centre of the site and mainly 2 storey houses beyond the centre.

The residential character changes at the junction of Maple Road and Mampitts Lane where there is more a community emphasis. A pedestrianised space with seated area is located opposite to Mampitts Green. A convenience store and bus stop are a central focus of the estate and the proposed community hub would add to this central focus.

6.0 Description of Development

A 1½ storey community hub building is proposed with first floor dedicated office space (70sqm). At ground floor level (150sqm) a café is provided. Additional space which can be screened off is available so that the café area can also be used as an informal community venue. The café would have bifold doors opening onto a covered outdoor seating area to the front of the building, facing toward the centre of the Mampitts development. This allows residents to enjoy both indoors and outdoors, whilst maintaining surveillance at the heart of the community. The building has been located toward the back of the available land to maintain as much of 'Mampitts Green' so that useable green amenity space remains to the front of the hub.

In addition to useable green space to the front of the community hub building, public outdoor amenity space is proposed to the east behind the community building. Immediately to the rear of the facility, existing trees and scrub are to be retained, rough grassland is to be improved and a bespoke shelter/social space is to be included. Behind this area – a larger useable circular amenity lawn with islands of shrubs is to be landscaped; and this area would be enclosed by an accessible self-binding gravel pathway, and picnic tables, seated areas, and children's play area.

Provision is made for on street parking for 14 vehicles in a linear form, interspersed with planting adjacent to the community hub building, along Maple Road on an area of land currently laid to verge.

The proposal follows refusal of a similar form of development under ref. P/FUL/2023/06670, as it was considered that the layout would result in the urbanisation of the area due to the extent of the uninterrupted linear parking along the site frontage, insufficient landscaping, and would fail to make a positive contribution towards the environment, and the appearance of the area, contrary to Policy SFDH5 of the Shaftesbury Neighbourhood Plan, Policy 24 of the North Dorset Local Plan, and the NPPF.

P/FUL/2023/05314 - Decision: GRA - Decision Date: 08/03/2024 - Erection of Community Centre with associated parking & landscaping on land to the rear of the Green, on the land to be used as amenity & play space.

7.0 Relevant Planning History

2/2002/0415 - Land at Salisbury Road. Mampitts Road and Gower Road, Shaftesbury, Dorset. Develop land for residential and mixed use purposes with

associated open space, create vehicular and pedestrian accesses This application was allowed at appeal ref: APP/N1215/1191202 Decision: GRANTED - Decision Date: 03/05/2007

2/2002/0800 – Land adjacent to Greenacres, Salisbury Road, Shaftesbury, Dorset. Develop land for residential, business and retail purposes, form vehicular and pedestrian access. This application was allowed at appeal ref: APP/N1215/1191206 - Decision: GRANTED - Decision Date: 03/05/2007

2/2008/1137 - Phase 1 Land at East Shaftesbury, Gower Road, Shaftesbury, Dorset. Erect 75 dwellings with associated works including parking, garage blocks, access roads and highway works (reserved matters for outline application 2/2002/0415, seeking consent for landscaping details). Phase 1A. Decision: GRANTED - Decision Date: 18/03/2009

2/2010/1101/PLNG - Phase 1 Land at East Shaftesbury, Gower Road, Shaftesbury, Dorset. Erect 96 dwellings, estate roads, landscaping, open space, and SUDS corridor at Phase 3 - Parcel 2. Reserved Matters application following Outline Permission No 2/2002/0415 to determine appearance, landscaping, layout, and scale. Decision: GRANTED - Decision Date: 16/03/2011

2/2012/0310/PLNG - Phase 1 Land at East Shaftesbury, Gower Road, Shaftesbury, Dorset. Erect 238 No. dwellings with associated parking, estate roads, open space, suds corridor, and form vehicular and pedestrian access. (Reserved Matters to determine Appearance, Landscaping, Layout and Scale following Outline Permission No. 2/2002/0415). Parcels 3 and 5. Decision: GRANTED - Decision Date: 25/07/2012

2/2016/0658/PAEIA - Legal Agreement Signed: 04/09/2017 Erect 97 No. dwellings on land east of Shaftesbury (Parcels 6 & 7), with associated access, parking, open space, and landscaping.

2/2016/1898/OUT - Land At Langdale Farm, Mampits Lane, Shaftesbury, Dorset Develop land by the erection of 20 No. dwellings, (outline application with all matters reserved). Decision: REFUSE - Decision Date: 10/10/2017

P/FUL/2023/05314 - Decision: GRA - Decision Date: 08/03/2024 - Erection of Community Centre with associated parking & landscaping

P/FUL/2023/06670 - Decision: REF - Decision Date: 08/03/2024 - Change of use of land and erect community hub/cafe building with offices over, form vehicular access, car parking and associated public amenity park.

8.0 Constraints

TPO - TPO (TPO-573-2017) - NULL: NULL - Distance: 0

LP - 15; Settlement Boundary; Shaftesbury - Distance: 0

DESI - Nutrient Catchment Areas - Distance: 0

PAR - Shaftesbury CP - Distance: 0

DESI – National Landscape formerly Area of Outstanding Natural Beauty (AONB): Cranborne Chase & West Wiltshire Downs; - Distance: 320.47

DESI - Agricultural grade: Grade 2, 3a and 4; - Distance: 0

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

EA - Groundwater Source Protection Zone - Distance: 0

EA - Risk of Surface Water Flooding Extent 1 in 1000 - Distance: 0

Right of Way: Footpath N1/7; - Distance: 18.37m

Right of Way: Footpath N1/39; - Distance: 1.16m

9.0 Duties

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

Clause 85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (AONB)

10.0 Policies

North Dorset Local Plan Part One

Policy 1 – Presumption in favour of sustainable development

Policy 2 – Core Spatial Strategy

Policy 3 – Climate Change

Policy 4 - The Natural Environment

Policy 14 (J & K)

Policy 15 – Green Infrastructure

Policy 18 - Shaftesbury

Policy 23 – Parking

Policy 24 – Design

Policy 25 - Amenity

Shaftesbury Town Council Neighbourhood Plan 2019 - 2031

Policy SFGI1 - Protect important and locally valued green spaces

Policy SFDH3 The scale and positioning and orientation of buildings

Policy SFDH4 A range of open areas and enclosed spaces should be incorporated into the design of new places

Policy SFDH5 – Provision must be made for cars.

Policy SFDH7 – Development should use materials that respect the area's heritage.

Policy SFCL1 – Community Facilities

Policy SFCL3 – Support safe walking and cycling routes

Material Considerations

Emerging Local Plans:

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

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

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

National Planning Policy Framework

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

Other relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social, and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces, and wider area development schemes.

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

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'.

- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 183). Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.

The Government are currently consulting on various changes to the NPPF. Whilst this is only draft at present, there is a clear intention to boost the supply of housing, including changes to the standard methodology for calculating housing targets.

Supplementary Planning Document/Guidance

Cranborne Chase National Landscape Management Plan (2019 – 2024)

Cranborne Chase AONB Landscape Character Assessment

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

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.

In this regard the facility will provide more ready access to community facilities in the locality, with 2 disabled persons parking spaces included adjacent to community hub. WC facilities are particularly well situated to the front of the hub, with level access directly from the green.

13.0 Financial benefits

It is not expected that the facility will bring about significant financial benefits for Dorset Council and residents of the local community, although will pay business rates when up and running, which will benefit the public purse. The community café may create 2 full time positions and additional revenue can be secured from the letting of the café and hall, which will contribute towards the costs of running the facility and its long term viability. The office space at first floor will deliver economic development benefits within the community which is supported by North Dorset Local Plan Policy 11 and will ensure that the development is financially sustainable in the long term, a key theme of the National Planning Policy Framework.

14.0 Consultation Responses

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

Consultation Responses	Brief Summary of Comments
Town Council	Resolved not comment on its own application, but request the application be heard by the Northern Area Planning Committee.
Ward Member J Jeanes	Overall a good design and would benefit the immediate and wider local area, but concerns over the parking arrangements provided for access to the building and surrounding landscaped area. There is already a parking issue on Maple Road and I fail to see how this design will prevent these parking spaces being taken up by residents and people parking for work purposes. This may lead to the problem of those that drive to this site being unable to park, although recognises that not everybody would drive to this site. Requests referral to the Northern Area Planning Committee.
Highways Officer	<p>The current proposal is effectively a resubmission of P/FUL/2023/06670, which was considered at committee and subsequently refused permission (but not on highway safety grounds).</p> <p>The proposed parking layout provides car parking spaces sited perpendicular to the adjacent public highway and complies with the Council's parking guidance in terms of numbers, and includes</p>

	<p>the provision of a disabled parking bay. It should be noted that the parking layout should prevent vehicles from parking on-street on the eastern side of Maple Road for the extent of the parking bays.</p> <p>At the previous planning committee, concern was voiced regarding the management of these spaces and the likelihood that they would be used by non-community hall users. Whilst this is not a highway safety concern, the applicant has suggested that “drop-down bollards can be put in place and managed by the hub manager.”</p> <p>Cycle parking has been catered for with the provision of 6 covered cycle racks located on the southern side of the proposed building.</p> <p>No objections, subject to crossing construction, turning/manoeuvring and parking, cycle parking and construction method statement conditions.</p>
Tree Officer	<p>This proposal will not detrimentally affect any existing tree features and no objections are raised. A landscaping scheme should be commissioned to mitigate for the loss of the existing green space.</p>
Natural Environment Team	<p>The proposals do not meet the NET trigger list for BNG consultation, and so we have no formal comment on BNG for this application. A Biodiversity Plan (BP) has been approved and a Certificate of Approval issued. Recommend that implementation in full of the approved BP is a condition of any approval, to ensure compliance with wildlife legislation, NPPF (2023) and Natural England Protected Species Standing Advice.</p>
Environmental Protection	<p>Recommend conditions to require further information be submitted to and approved in writing by the Local Planning Authority (LPA) before the installation and use of any kitchen extraction system or any externally mounted plant and to control the hours of construction activity.</p>
Third Parties	<p>Comments received from 23 parties. Comments from 16 parties object to the proposal, while 7 comments were received in its support.</p>

Summary of comments of objections:

- The proposal is identical to the previously refused scheme.

- The proposed two-storey building is in front of the existing tree line and will urbanise Mampitts Green, the only substantial green area on the estate, with buildings, rather than the green vista to the east of the estate.
- The design reduces the 'Green' which is a most valuable area for recreation and community events.
- The proposal fails to make a positive contribution towards the environment & the appearance of the area
- Detriment to highway safety
- Traffic management survey should be undertaken.
- Those who use the Community Hall, especially the disabled, should have ready access to parking when they need it. The proposal to install individual lowering bollards for each space to control parking is unworkable.
- The area already suffers from on-street parking problems
- Lack of local support for the proposal.
- The application is submitted to sabotage the residents' proposal for a Community Hall behind the treeline which has planning approval and is preferred.
- The Town Council's public consultation exercise is criticised.
- Building in an already densely built up area will encourage Anti-Social Behaviour
- All the purposes of having can be achieved by having it built behind the treeline, as in the other proposal, without having to destroy the amenity, beauty and character of the Village Green and the views it affords.
- The proposals for the field behind the treeline are poor, mundane and provides no compelling justification why it is imperative for the Hall to be on the Village Green instead.
- The Town Council do not have a reputation for competency when it comes to the buildings they have stewardship for.
- The application is unlawful as it was not ratified by the full Town Council.
- The 2007 planning agreement states that: "The Developers and District Council covenant that in the event that a neighbourhood hall is constructed, it shall not be used for any purpose other than as a creche nursery school public hall or purposes within D2 of the Uses Classes Order 1987 (as amended)". Use as Class B1A (Office Space) and commercial coffee shop would be contrary to the agreement.

Summary of comments of support:

- This proposal would be a valuable and convenient addition to the community in the East of Shaftesbury, providing a space for residents to rent hall space and the addition of a cafe providing a much needed social area.
- Currently, residents have to travel to access social infrastructure and employment within Shaftesbury this application will go some way to addressing both.
- The proposal is not out of character with the surrounding area and the landscaped area will provide an improved green space.
- The siting of the building and car parking minimises urbanisation by placing the building and car parking within the 'urban' Mampitts Square instead of the currently open green field to the rear of the site.

- Mampitts Green space will be preserved.
- This plan was conceived as a result of a community led consultation the results of which supported construction of, not another hall, but a community "hub".
- The opposing plan, which claims to have the support of the neighbourhood, undertook no consultation in any way comparable to STC's project.
- This application addresses concerns over parking and Highways have raised no objections.
- Bollards will regulate use of the car parking.
- The proposal will result in a 10% increase in net-biodiversity and has a 10% smaller building footprint than the recently approved application.
- The building placement will reduce the likelihood of antisocial behaviour and crime as all four sides of the building will be viewable from the public realm.
- The rear of the site's landscaping is impressive and will facilitate access to the natural environment, much requested in the public consultation exercise.
- The addition of the office space on the first floor will deliver economic development benefits

15.0 Community Involvement

The application is supported by a statement from the Town Council outlining the community involvement undertaken in relation to the submission. This is not a statutory requirement for this size of development. Nevertheless, it is positive that a wide section of the community was involved and inputted to the proposal.

Leaflets were distributed and the design team engaged with 100 residents during a pop-up event which took place on Mampitts Green. STC engaged with the wider community; shoppers were leafleted at the weekly farmers market, Shaftesbury youth council, parents of three local primary schools, the local youth club, football club, open house and Shaftesbury carnival club. Social media engagement reached 17,000 people.

445 responses were received and analysed to prioritise what type of facility the community needed. Outdoor space, wildness/woodland area, a walking trail, sports area/multi use games area (MUGA) and a youth club were responders' preference. It is positive that the community has been involved and the proposal delivers the main part of their needs.

16.0 Planning Assessment

Principle of development

The site is located on the eastern edge of the market town of Shaftesbury within the settlement development limit in an area that is the focus for new development as set out in the Shaftesbury (East) Masterplan 2004. Community facilities are sparsely spread throughout the residential estate with no central community hub in the area and this proposal would be a valuable and convenient addition to the community in the East of Shaftesbury in accordance with Policy 14 of the Local Plan. The site is designated for a community facility within the masterplan and the addition of office space at first floor level is acceptable. Therefore the principle of development is

acceptable, subject to the material planning considerations outlined in the following sections.

Impact on the character of the Area

The community hub site is laid out so that the hub building is situated to the rear of Mampitts Green. The location was chosen to maintain the Mampitts Green area to the front; and retain open space to the east. The siting of the building at this location is similar to that set out in the indicative plan (see above), although the proposed location is preferable as it sits further into the site, retaining useable green space to the front for use by the community. In order to retain The Green, parking is provided in a linear arrangement along the roadside.

The building is well placed and orientated so that it incorporates an element of natural surveillance, creating a coherent sense of place and reinforcing the existing local pattern of development. While it is accepted that the proposal will introduce built form into the site, its siting will create a more rounded public realm in the area of Mampitts Square, yet retaining The Green as a functional space and landscape feature.

The height of the building and finish allows the building to assimilate with its surroundings. The building is 1 ½ storeys, the office predominantly utilising roof space for accommodation and clad with timber, similar to that on adjacent apartment developments. It is lower in height than neighbouring buildings so will appear neither overbearing nor incongruous. It is proposed that the building will be heated by energy efficient air source heat pump system and that solar panels will be incorporated into the roof to reduce reliance on imported energy.

The building is located so that there is ease of movement in and around the building with paved areas and landscaped areas to the east providing a new and generous park facility for the community. A step free accessible path encompasses an amenity lawn area. Picnic benches and seats are provided; and a children's playable structure is included. A bespoke shelter/social space is located to the rear of hub building within an area of rough grassland, adjacent to a walkway, providing shelter in the rain. Existing trees and shrubs will be protected and additional trees, scrub island beds and meadow will be introduced onto site.

The newly created public space is safe, uncluttered and would work effectively for all sections of the community including the mobility impaired with disabled parking spaces situated close to the entrance of the hub building.

It is proposed that a band of parking spaces is located adjacent to the hub building to the north on an area currently laid to grass verge. The band is at a curved section of Maple Road which reduces the visual impact of the parking spaces when approaching the site from Mampitts Lane, yet also provides good access for disabled residents. The Shaftesbury Neighbourhood Plan policy SFDH5 advises that if communal car parking areas are proposed it should not result in extensive areas of uninterrupted parking. To this end the linear parking will be interspersed with heavy standard tree planting in accordance with paragraph 136 of the NPPF, which acknowledges that trees make an important contribution to the character and quality of urban environments, helping mitigate and adapt to climate change and

encourages planning decisions to ensure that new streets are tree-lined. Sensitive placement of trees and wildflower meadow are included and will ensure that the parking arrangement is permeable and relates well to the hub building. It is considered that all features of the proposal conform with the relevant aspects of the Council's design principles set out in policy 24 – Design of the Northern Area Plan part one; and design policy set out in the NPPF paragraph 131- 141.

Impact on amenity

The proposal seeks to secure a good standard of amenity for all neighbours and future users of the community hub facility. A well designed building and sensitive management of scrub land, trees and bushes will improve the appearance of the amenity land.

There would be no loss of privacy with the hub building situated 20m from the closest building- its orientation and height (1.5 storey - 6.7m) ensure no harmful overlooking, or loss of light.

Comments have been received that the position of the building will encourage anti-social behaviour and while such behaviour is difficult to eradicate entirely, officers consider the siting of building enables natural surveillance in front of the treeline, from the public realm of Mampitts Square.

Initially the café plans to open from 8am – 6pm five days a week, moving to some evening openings for supper clubs, community events, Friday night specials for teenagers and similar may be arranged. Shorter hours may operate during the winter months and longer hours in the summer. It is not considered necessary to include a condition to restrict opening hours as it is unlikely that noise nuisance will arise from the use of the facility and separation distance from residential property. No negative impact from noise or smells is expected, however conditions are proposed to ensure that if hot food is to be prepared, then appropriate ventilation and extraction is provided.

A secured bin store located behind an area of wildflower meadow, is neither highly visible nor expected to cause harm to amenity in terms of smell.

There will be a marginal increase in traffic, but it is not considered to be harmful to residential amenity. A sufficient number of parking spaces is provided in accordance with Dorset Councils Parking Standards Guide. There is an apartment building on the opposite side of Maple Road to where parking is proposed, but the orientation of the building towards the Green will ensure visual amenity for residents is protected. As a local community building, it is anticipated that many users will walk or cycle to the facility.

The intention of the proposal is provision of a peaceful space that will improve residential amenity and it is considered that the proposal conforms with Policy 25 - Amenity and NPPF.

Highways and Parking

In line with Dorset Council's Parking Standards guidance - 3 parking spaces are required for the office space at first floor level (90sqm); Ground floor space measures approximately 140sqm, therefore an additional 9 spaces are needed for the café space. 2 further spaces for full time staff. A total of 14 spaces would be provided.

Provision is made for 14 spaces, an acceptable level of parking provision. Parking standard figures provide an indication of the level of parking required, but it should be noted that the proposal is for a community facility and that it is expected that most patrons would walk to the facility. Currently, residents rely on car borne travel to access social infrastructure within Shaftesbury and this proposal will go some way to addressing the local shortfall in accordance with Policy 14.

Concern is raised by notified parties that the parking spaces for the community hub will be used by non-hub users. To address this, the applicant suggested that parking management in the form of retractable bollards could be employed to restrict unauthorised parking. In practice the use and placement of so many bollards would be problematic and to enforce their use and management by the LPA would be contrary to paragraph 56 of the NPPF, which states that imposition of conditions must, among other things, be enforceable and reasonable.

The Highway Authority express a preference for no bollards, as lowering of 14 bollards on a daily basis would be unworkable and likely result in an obstruction to the free flow of traffic. They raise no objection in terms of highway safety, parking provision or lack of a traffic management survey. The highway officer is content with level of provision, including disabled parking provision particularly as it is located close to the entrance of the hub building; and as bicycle parking with 6 covered bike storage racks are to be provided. The Highway Authority has no objection subject to a number of conditions, which do not include details of the bollarded parking restriction. Consequently, the highway arrangements, including the proposed parking arrangement are considered to be acceptable.

Biodiversity, Trees and Landscaping

The application is supported by a Biodiversity mitigation plan and certificate of approval signed by DCNET on 14th December 2023.

An ecological impact assessment and reptile survey were undertaken and submitted. It is considered that native hedgerow and tree lines potential for foraging bats so measures to reduce light emissions are included within the environmental plan which will be secured by way of condition. Loss of grassland and bramble scrub will be mitigated through a landscaping scheme which provides enhancement to remaining grassland and creation of scrub areas set out in the accompanying landscape plan. Clearance of bramble will only be allowed outside the bird breeding season and protective fencing will be put in place. Measures will be put in place to protect badgers and hedgehogs passing through the site and excavations should be covered at night to prevent entrapment and ramps should also be placed in excavations to provide a way out if animals become entrapped.

All trees are to be retained and protected throughout construction phase and additional trees are to be planted, including along the line of Maple Road. Conditions are proposed to ensure planting is delivered, including an appropriate planting medium for the 'street trees' and a site visit with tree officer is undertaken to ensure proper means of protection of on-site trees and scrub is in place.

Flood Risk

The site is in flood zone 1 and in an area that is not susceptible to flooding due to high levels of ground water. Flood maps indicate that there is a low risk of flooding due to surface water with the extent of surface water run off 1 in 1000. This risk is low and can be readily managed. There is a surface water sewer running across the site and a simple scheme whereby water is transferred from the roof and hardstanded areas is attenuated and connected to the sewer may be secured by condition.

Other Matters and Section 106 Agreement

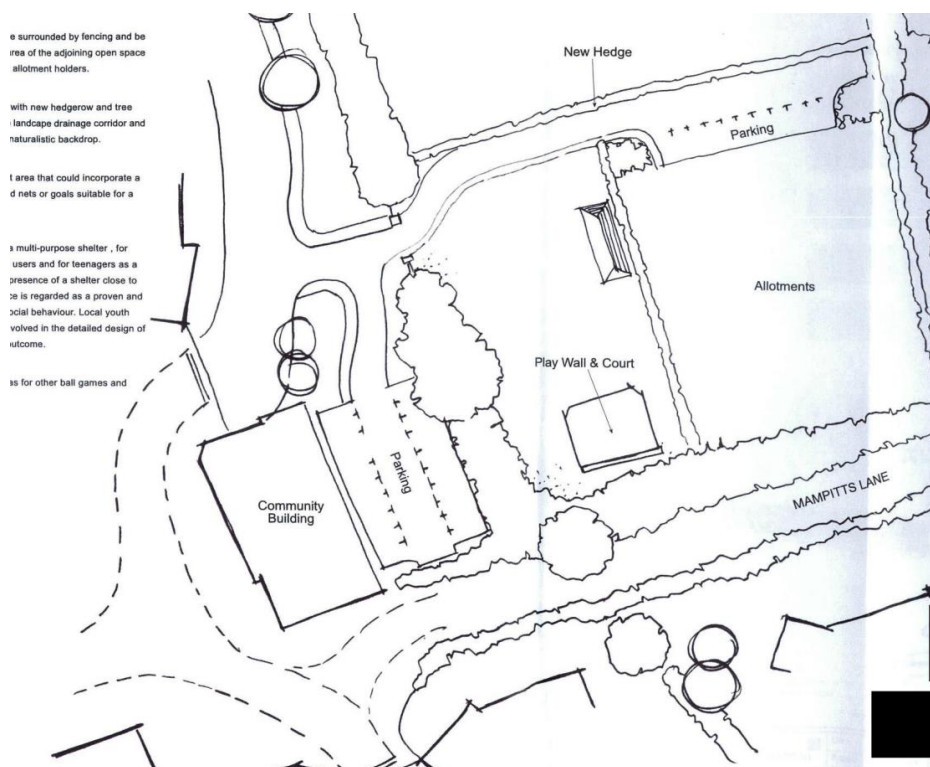
Comments that the submission is made by the Town Council to block the approved application submitted by the community group are not a material planning consideration. There is clearly a divergence of opinion in respect of the alternative schemes, but each application is considered on its individual planning merits. Both applications have been considered by the LPA and while different, both are deemed acceptable. Which application gets implemented is a matter beyond the control of the LPA.

Comments on the Town Council's competency for management of the buildings they have stewardship for and that the application is unlawful, as it was not ratified by the full Town Council are not material to the LPA's consideration of this planning application.

Comment has been received that the proposal would be contrary to the 2007 planning agreement which states that the building should be used only as a creche, nursery school, public hall or purposes within Class D2 of the Use Classes Order. Class D2 ceased to exist in September 2020, its uses becoming sui generis. The applicant confirms that the first floor office space would be let to the local community and emphasise that there is no intention to let it to outside companies, other than those that serve and are providing a service to the local community. This will help ensure the building can generate funding to secure its future without reliance on the public purse. In this respect the applicant is satisfied that the proposal complies with the S.106. It is the view of officers that the building could still be used for all of the purposes envisaged by the 2007 agreement. A community café would provide a community benefit and would not preclude use of the building for other community uses. The office space is located at first floor, within the roof void of the building and again would not prevent use of the building for its intended community purposes. If the type of office use at first floor level moved beyond the scope of the 2007 agreement, the applicant could seek a variation to the agreement to facilitate such use. Officer view is that use of the first floor for office use would not preclude the overarching community use of the building, conversely it would assist with enhancing the building's viability. It should also be noted that since September 2020 - café,

office, creche and nursery school uses fall within the same use Class E, being uses which can be carried out in any residential area without any detriment to the amenity of that area. Community buildings now fall under Class F2.

A legal agreement was made in January 2007 between North Dorset District Council and developers related to planning application ref. 2/2002/0415 – the over-arching planning application to develop land for residential and mixed-use purposes which now forms the Mampitts Lane/ Maple Road/ Allen Road area. Amongst other benefits, a contribution was secured to provide a community facility. An area of land to be used for community and recreational purposes and a neighbourhood hall was designated by the S106 - the site proposed for this application. The contribution sum was secured to be used towards construction costs. An indicative plan for the Neighbourhood Hall Site was drafted for the S106, shown below.



(Indicative neighbourhood hall site secured by S106 associated with 2/2002/0415; sealed Jan 2007)



Layout proposed by current application - 2024

It is intended that a report be presented to Cabinet on the 15th October 2024 to reach a decision on who to award the S.106 funding to, i.e. the Town Council or the community CLT, which received planning permission for a similar proposal in March 2024. The Cabinet funding decision is a separate process, and the securing of planning permission is only one part of a whole host of criteria each proposal has to fulfil. Members are not being requested to express a preference for the Town Council or CLT scheme at this stage, merely to consider whether the scheme before them is acceptable on its own merits.

17.0 Environmental Implications

It is considered that that long term ramifications of the development are positive in terms of impact on the environment. The proposed timber construction material is most sustainable. Solar panels and inclusion of air source heat pump units ensure no external power source is required. The proposal will reduce reliance upon the private motor car to access similar facilities. The DCNET is satisfied that hard and soft landscape proposals will result in biodiversity net gain on site.

18.0 Conclusion

The proposal is acceptable in respect of its scale, layout, design, and landscaping. The proposed development is compatible with surroundings, and acceptable separations distances are in place to ensure no harmful overlooking nor negative impact on amenity. Adequate parking provision is made and it will not have an adverse impact on road safety. The development will provide a much-needed community facility and no harm has been identified which would warrant refusal. The application accords with the Development Plan as a whole and there are no material considerations indicating that a different decision should be made.

Recommendation: Grant, subject to the following conditions:

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

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

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

S03 Location plan
P01 Proposed ground floor plans
P02 Proposed first floor plans
P04 Proposed south-west & north-west elevations
P05 Proposed south-east & north-east elevations
P03 Proposed roof plan & bin store details
P07 B Proposed renders 1-3
P08 B Proposed renders 4-6
P11 F Landscaping layout

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

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

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

4. 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 14.12.2023 must be strictly adhered to during the carrying out of the development. The development hereby approved must not be first brought into use unless and until:

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

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

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

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

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

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

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

6. Before the development is occupied or utilised the first 5.00 metres of each vehicular access, measured from the rear edge of the highway, must be laid out and constructed to a specification submitted to and approved in writing by the 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.

7. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number PO6 Rev C 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.

8. Before the development is occupied or utilised the cycle parking facilities shown on Drawing Number P01 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. No works or development shall take place before a scheme for the protection of the existing trees and hedges to be retained shown on drawing number STC-TPP-1 - Tree Protection Plan has been submitted to and approved in writing by the local planning authority. Such a scheme will comply with the provisions of BS58372005 (Trees in relation to construction) or any replacement standard

that may be in force at the time that the development commences. The approved scheme for the protection of the existing trees shall be implemented before development commences and be maintained in full until the development has been completed.

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.

10. Prior to commencement of development above slab level, 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, including the street trees on Maple Road shall be submitted to and approved in writing by the Local Planning Authority. 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.

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

Reason: In the interest of visual amenity.

12. Prior to the installation and use of a kitchen extraction system, a scheme containing full details of the arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues and details of operating hours shall be submitted to and approved in writing by the LPA along with an appropriate odour assessment. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and always operated when cooking is being carried out unless agreed in writing by the LPA.

Reason: To control noise and odour emissions in the interests of adjoining amenity

13. Prior to the commencement of installation of externally mounted plant, details of such plant shall be submitted to the LPA along with a suitable and sufficient

noise assessment. Such an assessment could be conducted in accordance with BS4142:2014 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. The assessment shall be submitted to and approved in writing by the LPA. The agreed scheme (together with any required measures) shall be installed to the agreed specification prior to the first use of the relevant plant and maintained and operated in that condition thereafter unless agreed in writing by the LPA.

Reason: In the interest of residential amenity.

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Agenda Item 7

Application Number:	P/OUT/2023/05838		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Kentom House Bay Lane Gillingham Dorset SP8 4ER		
Proposal:	Erection of 3 dwellings with off street parking, garaging and private outdoor amenity space (Outline application to determine access only).		
Applicant name:	Executors of the Estate of Mrs W Stokes (Deceased)		
Case Officer:	Steven Banks		
Ward Member(s):	Cllr Val Pothecary, Cllr Belinda Ridout, Cllr Carl Woode		
Publicity expiry date:	26 July 2024	Officer site visit date:	N/A
Decision due date:	7 June 2024	Ext(s) of time:	7 June 2024
No of Site Notices:	3		
SN displayed reasoning:	In order to publicise the proposal.		

1.0 Reason for the referral of the application to the committee

The recommendation of officers is contrary to the opinion of Gillingham Town Council. The Chairman and Vice Chairman of the committee requested the consideration of the application by a committee.

2.0 Summary of recommendation:

Grant outline planning permission subject to conditions.

3.0 Reason for the recommendation:

- The application site represents a sustainable location for residential development.
- Three dwellings, sited within the application site, of a design, form and scale, which would not harm the character of the area, could be achieved.
- The application site could accommodate three dwellings of a size and in a position which would not result in an overbearing or overshadowing effect which would cause material harm to the amenity of the occupiers of existing or proposed properties.
- The application site could accommodate three dwellings of designs and in positions that would not result an overlooking effect which would harm the amenity of the occupiers of existing or proposed properties.
- An area of high flood risk which could affect the route to the site is not considered represent a risk which would warrant not granting planning permission.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development, by reason of the location of the application site, within the

	settlement boundary of Gillingham, and the proposed residential use, is supported by policy 2 of the local plan.
Character of the area	Application P/OUT/2023/05838 seeks outline planning permission, only, for the principle of development and the development of an access. Only these matters are being considered. Three dwellings, sited within the application site, of a design, form and scale, which would not harm the character of the area, could be achieved. The proposed density would be in character with the settlement pattern of Bay.
Living conditions	<p>The application site could accommodate three dwellings of a size and in a position which would not result in an overbearing or overshadowing effect which would cause material harm to the amenity of the occupiers of existing or proposed properties.</p> <p>The application site could accommodate three dwellings of designs and in positions that would not result an overlooking effect which would harm the amenity of the occupiers of existing or proposed properties.</p>
Flood risk and drainage	In light of the low probability of a design flood occurring at the junction between Bay Lane and Bay Road and the emergency services needing to and not being able to, safely, reach the application site, and the nature of flooding in the Dorset area, it would not be reasonable to refuse to grant planning permission on the grounds of flood risk. The risk to occupiers of the dwellings is considered to be minimal.
Highways / Parking	<p>The Highway Authority did not object to the proposal, on the grounds that there would be an unacceptable impact on highway safety or that the residual cumulative impacts on the efficiency of the transport network would be severe, subject to the imposition of conditions on any planning permission.</p> <p>A layout which incorporates an acceptable level of parking could be achieved within the application site.</p>

Conservation Area and heritage assets	The proposed development, on this historic land and lane, would not affect, directly, the setting of the town centre conservation area which is some distance from the site. Nor would it impact on the setting of any listed building. Tresilian is a non-designated heritage asset, however, the proposal would not impact, directly, on its setting or harm its significance.
Trees	The proposal would result in the loss of trees. The trees are not protected. It is recommended that a condition, relating to landscaping, should be imposed on any permission.
Biodiversity	A certificate of an approved biodiversity plan has been submitted.

5.0 Description of Site

The site is located within the settlement of Gillingham, in the area known as 'Bay'. It is situated, approximately, 500 metres from the centre of the town of Gillingham.

The site measures circa 0.25 hectares (0.61 acres) and is of an atypical shape. The site is home to an extant dwelling, known as Kentom House, which is set back from the highway in the south-east corner of the site. It has a large building to its rear (east) and two smaller sheds to its north.

Currently, the site access comprises of a private driveway, which runs along the southern boundary of the site. The driveway is derived from Bay Lane to the west of the site. A garden area can be found to the north of the driveway. A narrow section of garden land continues north before meeting Bay Road. The section of garden land that abuts Bay Road sits between 'Morley Place', on Bay Lane, and 'Bay Cottage' and '1 Bay Villas' which can be accessed from Bay Road. Further residential properties are located to the south and southwest of the site. Agricultural land bounds the site's eastern boundary.

The site benefits from road access onto Bay Lane which meets Bay Road, which can be found approximately 65 metres to the north of the extant access. Bay Road provides access to the centre of Gillingham.

There is currently as a small apple orchard on the western area of the site. The site is in an established residential area comprising 2 storey dwellings which vary in their style, age and materials.

6.0 Description of Development

This is an outline application for the erection of 3 dwellings with off street parking, garaging and private outdoor amenity space. Access and principle of development are the considerations at this stage.

It is proposed to access the site from Bay Lane. As part of the proposals the apple trees would be removed.

7.0 Relevant Planning History

- 2/1974/0370 - Decision: REF - Decision Date: 28/08/1974
Erect detached house
- 2/1984/0047 - Decision: GRA - Decision Date: 22/03/1984
Demolish existing house and build new dwelling
- 2/1986/0880 - Decision: REF - Decision Date: 02/12/1986
Develop land by the erection of a dwelling.
- 2/1989/0855 - Decision: GRA - Decision Date: 31/08/1989
Develop land by erection of a house and garage, form vehicular access thereto
- 2/1989/0599 - Decision: REF - Decision Date: 17/07/1989
Develop land by erection 2 No. dwellings, form vehicular access
- 2/1991/0655 - Decision: REF - Decision Date: 13/11/1991
Develop land by erection of a dwelling, form vehicular access
- 2/1992/0484 - Decision: GRA - Decision Date: 19/08/1992
Develop land by erection of a dwelling, form vehicular access thereto
- PRE/2014/0241/PREAPP - Decision: UNN - Decision Date: 30/07/2014
Erection of 2 storey house on side garden of Bay Cottage
- 2/2015/0159/FUL - Decision: REF - Decision Date: 21/04/2015
Erect 1 No. dwelling, form new vehicular and pedestrian access and 2 No. parking spaces.
- P/PAP/2023/00219 - Decision: RES - Decision Date: 06/06/2023
Creation of a new access and the erection of 3no. dwellings

8.0 List of Constraints

Area of Local Character - GH3

Within Settlement Boundary

Gillingham Neighbourhood Plan - 'Made' 27/07/2018

Risk of Surface Water Flooding Extent 1 in 100

Risk of Surface Water Flooding Extent 1 in 1000

Right of Way - Footpath N64/37 - Distance: 37.47

Scheduled Monument - Remains of East Haines House and the adjacent section of the deer park pale (List Entry: 1465898.0) - Distance: 332.42

Locally Important Heritage Assets: Bay Villas

Locally Important Heritage Assets: Bay Cottage

Locally Important Heritage Assets: Tresillian

Locally Important Heritage Assets: Meadowsweet

Locally Important Heritage Assets: Prospect

Locally Important Heritage Assets: Primrose Cottage

9.0 Consultations

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

Consultees

1. Environment Agency

I have checked our records and we have assessed the above application and can confirm that we have no comments to make as this consultation did not fall within a category to which we required a consultation on.

2. Ramblers Association

No comments received

3. Dorset Fire & Rescue Service

No comments received

4. SGN (Southern Gas Networks)

The response included a plan which confirmed the location of pipes.

5. DC - Natural Environment Team

A certificate of an approved Biodiversity Plan has been submitted.

6. DC - Rights of Way Officer

No comments received

7. DC - Highways

No objection, subject to the imposition of conditions on any permission.

8. DC - Dorset Waste Team

No comments received

9. DC - Building Control North Team

No comments received

10. DC – Drainage

No objection subject to the imposition of a condition, relating to a detailed drainage strategy, on any permission.

Confirmed that the level of flood risk on the access roads is minimal and that there are relatively few places in Dorset where a road would not have the potential to be blocked by water.

11. DC - Conservation Officers

The proposed development on this historic land and lane does not directly impact on the conservation area or on the setting of a listed building. Whilst Tresilian could be considered a non-designated heritage asset the proposal does not directly impact on its setting.

As such, I'm afraid I cannot make any comments on a proposal that does not directly harm a designated or non-designated heritage asset.

12. Gillingham Town Council

Recommend refusal

The application was considered by the Planning Committee on 13th November 2023 where it was agreed and resolved to recommend refusal of Planning Application P/OUT/2023/05838 for the following reasons:

- *The proposals, which will result in the loss of an historic orchard, will have a damaging effect on the historic character of Bay which is designated as an Area of Local Character; therefore, the application is contrary to Saved Policy GH3 of the North Dorset Local Plan.*
- *Bay Lane is a busy pedestrian route to Gillingham School and the proposals will result in an increase in danger to highway users.*
- *The proposals will exacerbate existing parking problems along Bay Lane.*
- *The proposals are considered to be an overdevelopment of the site.*
- *The application is considered to be contrary to Policy 23 of the Gillingham Neighbourhood Plan which states: new developments should respect the more historic street layouts where these are still evident. The importance of the historic routes into the town and the mix of uses along these routes should be acknowledged in the layout and design of any new developments. All new developments adjoining or close to the rural edges of the town (including the river corridors) should be planned and designed to maintain the sensitive transition between the urban and rural environment, and opportunities taken to make this accessible to the public and protect important views from within the town to these more rural areas.*
- *The application is considered to be contrary to Policy 24 of the Gillingham Neighbourhood Plan which states: The density of new developments should respect the surrounding context and setting. The amount the building is set back from the road should take into account the degree of enclosure and front gardens typical of that area*

... Any new development should provide a positive face onto (and primary entrances visible from) the road (or both roads in the case of corner plots), in a style in keeping with the character of the local area. Blank elevations facing the street or public realm are to be avoided. Parking provision should be carefully considered to ensure that it does not dominate the street scene or detract from the degree of enclosure provided by the general pattern of development. Sufficient space should also be available on site to provide space to store recycling containers, amenity areas and storage associated with the building/s.

Representations received

Total - Objections	Total - No Objections	Total - Comments
15	0	1

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

Summary of comments of objections:

The authors of the statements of objection, to the proposed development, expressed, in their statements, concerns that the proposed development would harm: the character of the area; highway safety; and biodiversity.

References, in the statements, were also made to: no consultation of neighbours; an insufficient level of parking; the setting of a precedent; the drainage of the site; and a lack of a need for the proposed housing.

10.0 Duties

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

Section 66 requires that when considering whether to grant planning permission for a development which affects a listed building or its setting, there is a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

11.0 Relevant Policies

Development Plan

Adopted North Dorset Local Plan Part 1 2011-2031 (January 2016):

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 17 - Gillingham

Policy 23 - Parking

Policy 24 - Design
Policy 25 - Amenity

Retained Policy From The North Dorset District-Wide Local Plan (1st Revision) (2003)

GH3 - Areas of Local Character

Gillingham Neighbourhood Plan

Policy 23 – The Pattern and Shape of Development
Policy 24 – Plots and Buildings
Policy 25 – Hard and soft Landscaping
Policy 27 – Protection of Locally Important Heritage Assets

Material Considerations

Emerging Local Plans:

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

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

The Dorset Council Local Plan

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

National Planning Policy Framework

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

Other relevant NPPF sections include:

- Section 4 'Decision making': Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- Section 5 ‘Delivering a sufficient supply of homes’ outlines the government’s objective in respect of land supply with subsection ‘Rural housing’ at paragraphs 82-83 reflecting the requirement for development in rural areas.
- Section 11 ‘Making effective use of land’
- Section 12 ‘Achieving well designed and beautiful 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. Paragraphs 131 – 141 advise that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Good design is a key aspect of sustainable development.

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

- Section 14 ‘Meeting the challenges of climate change, flooding and coastal change’
- Section 15 ‘Conserving and Enhancing the Natural Environment’- Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 ‘Conserving and Enhancing the Historic Environment’- When considering designated heritage assets, great weight should be given to the asset’s conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 205). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 209).

Other material considerations

The Government are currently consulting on various changes to the NPPF. Whilst this is only draft at present, there is a clear intention to boost the supply of housing, including changes to the standard methodology for calculating housing targets.

The written ministerial statement of 30th July 2024 regarding Building the Homes we Need, makes clear the Government’s commitment to tackle the housing crisis, restore and raise housing targets, building homes in the right places, and moving to strategic planning. There is also a commitment to build more affordable homes and infrastructure. The statement is a material consideration and highlights the need to deliver housing.

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

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

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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.

As an outline application, with the aim of, only, establishing the principle of development and the access to the development, there is a limited plan showing indicative positions of dwellings. There is no footpath along Bay Lane to ensure that people with disabilities, mobility impairments or pushing buggies would be accommodated. However, Bay Lane is a quiet no through road which slopes, gently, up to the site, from Bay Road. A level threshold could be achieved, for ease of access, to the dwellings.

14.0 Financial benefits

The proposed development, by reason of its nature and scale, would: Support and require a modest amount of labour from the construction industry during the phases of development; house a small number of people who would, in turn, make a small contribution, through expenditure, to the viability of local retailers and service providers; house a small number of workers who might join the local labour force and make a slight contribution to the economic competitiveness of the area; and also, once occupied, result in a slight increase in the amount of Council Tax, which contributes to the delivery of services and investment, received by the Council. Therefore, the proposal, by reason of its nature and scale, would make a small but still beneficial contribution to the economy.

15.0 Environmental Implications

The construction of the dwellings would have a carbon footprint. The production of materials and the transportation of materials would contribute to this footprint.

The occupation of the dwellings would create a carbon footprint. Energy from non-renewable sources would be consumed. It is inevitable that journeys to and from the site would be made by vehicles. Vehicles which use internal combustion engines and battery electric vehicles have carbon footprints.

Sustainability measures could be incorporated into the development.

There would be a requirement for the buildings to meet the requirements of building regulations, which among other things, require energy efficiency standards to be met.

The proposal would introduce additional domestic noise and activity to the site. Given the scale of the proposed development and the existing residential development in the area, the proposed development would not result in noise or air pollution which would harm the environment.

The site is located in a highly sustainable location with easy access to public transport and within walking distance of the town centre and most key day to day services and facilities.

16.0 Planning Assessment

Principle of Development

Policy 2 of the Local Plan contains the spatial strategy which directs new development towards the most sustainable locations. It is identified, in the core spatial strategy, that the four main towns, Blandford, Gillingham, Shaftesbury and Sturminster Newton, will be the main focus for growth.

The application site is identified, on the policies map of the development plan, as forming part of the envelope which is shaped by the Gillingham Settlement Boundary. The land within the Gillingham Settlement Boundary is identified, in policy 2 of the Local Plan, as a sustainable location for residential development. The principle of development, by reason of the location of the application site, within the settlement boundary of Gillingham, and the proposed residential use, is supported by policy 2 of the Local Plan.

Character of the Area

Policy 24 of the North Dorset Local Plan requires that development must be designed to improve the character and quality of the area within which it is located. Saved Policy GH3 of the North Dorset Local Plan permits development within the Bay Area of Local Character, which respects the individual local character of the area. It is identified in Policy 23 of the Gillingham Neighbourhood Plan that new development should respect historic street layouts and maintain a sensitive transition between the urban and rural environment. It is identified in Policy 24 of the

Gillingham Neighbourhood Plan states that new development should be of a high design quality and respect the qualities and character of nearby buildings and the area in which it is situated.

Bay Lane is characterised by dwellings of varying designs and materials. The development which can be found in Bay Lane is of a relatively low density. Dwellings can be found to the north of the application site and to the south of the application site. The dwelling known as Kentom House, outbuildings and trees can be found within the red line of the application site.

The proposed site plan, which is being treated as illustrative, and as such, not part of the formal proposal, indicates how the proposed development could be laid out.

As identified above, as part of this application for outline planning permission, approval has been sought for the matter of access. Details of appearance, landscaping, scale and layout would be considered as part of any applications for the approval of reserved matters. Detailed plans have not been provided.

In their consultation response, the Town Council commented that the proposal would harm the character of Bay, and would be an overdevelopment of the site. It is accepted that the proposal would result in an increase in built form in the area. However, it is considered that three dwellings, sited within the application site, of a design, form and scale, which would improve the character of the area, could be achieved. There is sufficient room within the site to provide layout that would be in keeping with the prevailing character of Bay with ample room for three dwellings without resulting in overdevelopment. Concern has been raised from the potential loss of fruit trees. The application is outline and the full details of landscaping would be required at the reserved matters stage. There would be sufficient space for planting to soften the appearance of the development.

The proposed access, by reason of its positioning and size, would not harm the character and appearance of the area.

It is therefore considered that the proposed development could comply with policy 24 of the North Dorset District Local Plan, saved policy GH3 of the North Dorset District Local Plan and policies 23 and 24 of the Gillingham Neighbourhood Plan, which seeks to achieve well designed places.

Residential Amenity

The application site could accommodate three dwellings of a size and in a position which would not result in an overbearing or overshadowing effect which would cause material harm to the amenity of the occupiers of existing or proposed properties.

The application site could accommodate three dwellings of designs and in positions that would not result an overlooking effect which would harm the amenity of the occupiers of existing or proposed properties.

The proposal could accord with Policy 25 of the NDLP which seeks to ensure that development proposals do not have a significant adverse effect on the living conditions of the occupiers of properties.

Drainage / Flooding

Initially, the application site comprised of land which has been assessed as having a 1 in 100 (1%) and 1 in 1,000 (0.1%) annual probability of flooding from surface water. The application site also comprised of land which has been assessed as having a 1 in 100 (1%), plus a 20% allowance for climate change, annual probability of flooding from surface water and a 1 in 100 (1%), plus a 40% allowance for climate change, annual probability of flooding from surface water. The area of the application site has been amended. The application site, now, does not include land which has been assessed as being at risk from flooding.

A Flood Risk Assessment and Drainage Strategy has been submitted as part of the application. In this document it is expressed that infiltration techniques have not been confirmed as feasible and that an attenuation-based strategy has been provided as a fallback option. This option included an indication of a site layout. The submitted scheme does not relate to an approved layout and does not represent a preferred scheme.

A drainage engineer, of the Council, confirmed that in order to ensure that the site would be satisfactorily drained, a condition relating to a detailed drainage strategy should be imposed on any permission. It is recommended that, in order to prevent an increase in flood risk, such a condition should be imposed on any permission.

On the basis of the material which has been submitted, it is considered that the application site itself is not at risk from flooding.

It is identified in part e) of policy 3 of the local plan that, development should seek to minimise the impacts of climate change overall through avoidance of areas at risk of flooding from all sources and the incorporation of measures to reduce flood risk overall.

Bay Lane, which runs from north north west to south south east, would provide vehicular and pedestrian access to the proposed development. Vehicular access to Bay Lane is achieved via Bay Road. The junction which includes Bay Lane and Bay Road comprises of land which has been assessed as falling within the fluvial medium risk Flood Zone 2, and fluvial high risk Flood Zone 3. There are also areas of high-risk surface water flooding around the junction.

In the Flood Risk Assessment which has been submitted as part of this application it is submitted that: access/egress to the site would be via Bay Lane which leads to Bay Road; the route passes through Flood Zone 2 and Flood Zone 3; in the 0.1% annual exceedance probability (AEP) event the flood depth would be 0.54m; the hazard rating for the area would be classified as a 'danger for most' or a 'danger for all' depending on the velocity; and that a 'danger for some' is defined as a danger for the general public and a 'danger for all' is defined as a danger for the emergency services.

It is identified in the Flood Risk Assessment, that the hazard rating is in accordance with FD/2320/TR2. R&D Technical Report FD/2320/TR2, Framework and Guidance for Assessing and Managing Flood Risk for New Development was published in

October 2005. In the Flood Risks to People Phase 2 FD2321/TR1 The Flood Risks to People Methodology March 2006 document, hazard to people is identified as a function of velocity and depth. The velocity of the water is not identified in the Flood Risk Assessment.

Members of emergency services might not be able to, safely, reach the development during a design flood due to the depth of the water at the junction between Bay Lane and Bay Road. However, the possibility of such an event is very low. Furthermore, it was considered in the Flood Risk Assessment, that the site could be evacuated if sufficient warning was provided.

In view of the low probability of the emergency services needing to and not being able to, safely, reach the application site, it would not be justified to refuse to grant planning permission on the grounds of flood risk. The site itself would not be at risk of flooding for its lifetime, nor would the development make flooding worse elsewhere.

Highways / Parking

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

The Town Council, in its consultation response, expressed that the proposal would exacerbate parking problems along Bay Lane and harm highway safety.

The Highway Authority did not object to the proposal, on the grounds that there would be an unacceptable impact on highway safety or that the residual cumulative impacts on the efficiency of the transport network would be severe, subject to the imposition of conditions on any planning permission. It is recommended that that these conditions should be imposed on any planning permission.

In their consultation response, the Highway Authority expressed that, *provision has been made to drive into and out of the site whilst vehicles are parked opposite, suitable visibility splays are provided allowing for the approach speeds of vehicles and the site plan confirms that adequate on-site provision can be made for car parking. The junction of Bay Lane with Bay Road is acceptable for use by the low-level traffic generation of the three dwellings, with the available visibility in both directions up and down the road considered to be acceptable and compliant with the guidance provided by Manual for Streets (MfS).*

As identified above, as part of this application for outline planning permission, approval has been sought for the matter of access. Details of appearance, landscaping, scale and layout would be considered as part of any applications for the approval of reserved matters. Detailed plans have not been provided. A layout which incorporates an acceptable level of parking could be achieved within the application site.

It is therefore concluded that the proposal should not be refused on highways grounds.

The Highways Authority recommended that a condition relating to turning and parking should be imposed on any permission. In the interest of highway safety and the proper development of the site, it is recommended that such a condition should be imposed on any permission.

Conservation Area and heritage assets

The Gillingham Conservation Area is located, at its nearest, approximately 440m to the southwest of the site. Between the application site and the Conservation Area is located the modern Barnaby Mead development. Due to the distance and the intervening development the proposal would not have an impact on the setting of the Conservation Area or result in any harm.

Located to the south of the application site is Tresillian. This is identified in the Gillingham Neighbourhood Plan as a non-designated heritage asset. Officers consider that a development could, satisfactorily, be sited on the application site without harming its setting. The Conservation Officer raised no concerns.

The proposal would comply with Policy 5 of the Local Plan and Policy 27 of the Neighbourhood Plan.

Loss of Trees

The trees within the application site are not protected. Details of landscaping would form part of the reserved matters application. The indicative plans show adequate space for new and replacement planting.

Biodiversity

A document certifying that the Biodiversity Plan submitted by the applicant has been approved by the Dorset Natural Environment Team has been received. The Biodiversity Plan which has been signed by the Dorset Natural Environment Team relates to an indicative scheme. It is possible that a different scheme could be proposed as part of any reserved matters application. Therefore, it is recommended that a condition, relating to the submission of a Biodiversity Plan that relates to any scheme of any application for relevant reserved matters, should be imposed on any permission.

Other Issues

Publicity

In the letters of representation, it was questioned how the application was publicised. The Town and Country Planning (Development Management) Procedure Order (England) 2015 requires, for minor development (Development of 10 or less dwellings, less than 1000m² floorspace or a site less than 0.5ha), the Local Planning Authority to advertise an application for planning permission through the use of website and site notice to be displayed for 21 days or neighbour notification. The application which is the subject of this application has been advertised on the Dorset Council website and through the display of site notices. The requirement of the relevant legislation has been met.

The setting of a precedent

It has been raised that the application may set an undesirable precedent. However, future applications will be judged on their own merits.

Need

Reference, in a third party statement, was made to the lack of a need for the development of three dwellings. Policy does not require a demonstration of the need for residential development within the settlement boundaries of the Local Plan.

Social benefits

The proposal, by reason of its scale and nature, would make a small contribution to ensuring that a sufficient number and range of homes are provided to meet the needs of present and future generations.

17.0 Conclusion

The site is located within the settlement boundary for Gillingham and therefore the principle of development is accepted. Officers consider that three dwellings could adequately fit onto the site without any adverse impact upon the character of the area, non-designated heritage assets and the amenity of existing or future residents. The access to the site would not result in any highway danger and the site itself has been amended to avoid any onsite risk of flooding. There are no substantive reasons to refuse the application on flood risk grounds.

The proposal would comply with the development plan taken as a whole and there are no material considerations that would indicate otherwise.

18.0 Recommendation

Grant, subject to the following conditions.

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

Reason: To ensure the satisfactory development of the site.

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

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

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

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

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

3148-Loc-01 B – Received 30/04/2024

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

5. Prior to the commencement of any development, hereby approved, above ground level, a detailed surface water management scheme for the site, shall have been submitted to, and approved in writing by, the Local Planning Authority. Prior to the occupation of the development, hereby approved, the approved detailed surface water management scheme shall have been implemented in accordance with the approved details. The surface water management scheme shall be maintained in perpetuity.

Reason: In the interest of the proper development of the site.

6. There must be no gates hung so as to form an obstruction to the vehicular access serving the development, hereby approved.

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.

7. Prior to the commencement of any development, hereby approved, a Biodiversity Plan shall have been submitted to, and approved in writing by, the Local Planning Authority. Prior to the occupation of the development, hereby approved, all of the measures of the approved biodiversity plan shall have been fully implemented. The approved measures shall be maintained in perpetuity.

Reason: In the interest of biodiversity.

8. Prior to the commencement any development, hereby approved, a lighting strategy, which reflects the need to avoid harm to protected species and to minimise light spill, shall have been submitted to, and approved in writing, by the Local Planning Authority. There shall be no lighting of the site other than in accordance with the approved strategy.

Reason: In the interests of biodiversity and the character of the area.

9. Prior to the occupation of the development, hereby approved, the first 10m of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing), must have been laid out and constructed to a specification which must have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interest of highway safety.

10. Prior to the commencement of any development, hereby approved, a scheme for the turning and parking of vehicles must have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme must have been constructed prior to the occupation of any part of the development. Thereafter, these

areas must, in perpetuity, be maintained, kept free from obstruction and available for the purposes specified.

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

11. Prior to the commencement of any development, hereby approved, details of a scheme for the storage of bicycles shall have been submitted to, and approved in writing by, the Local Planning Authority. Prior to the occupation of the development, the scheme must have been completed in accordance with the approved details. Thereafter, the scheme shall be maintained, kept free from obstruction and made available for the storage of bicycles in perpetuity.

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

12. Prior to the occupation of the development, hereby approved, the visibility splay areas as shown on Drawing PHL-01 D must have been cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. The splay areas must thereafter, in perpetuity, be maintained and kept free from all obstructions.

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

13. Prior to the commencement of any development, hereby approved, a Construction Method Statement (CMS) must have been submitted to, and approved in writing by, the Local Planning Authority. The CMS must include details of:

- the locations where the vehicles of site operatives and visitors shall be parked
- the locations where loading and unloading of plant and materials shall take place
- the locations where plant and materials used in constructing the development shall be stored
- delivery, demolition and construction working hours

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

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

14. Prior to the commencement of any development, hereby approved, above ground level, details of the finished floor levels of all of the buildings shall have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be relative to an ordnance datum or such other fixed feature as may be agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

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Agenda Item 8

Application Number:	P/FUL/2024/01781		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Site adjacent Plant World Nurseries Kendall Lane Milton on Stour Gillingham SP8 5QA		
Proposal:	Erect 4 No. open market dwellings and 3 No. affordable dwellings with associated parking and amenity areas, and the construction of a new vehicular access and road to replace the existing vehicular access.		
Applicant name:	Plant World		
Case Officer:	Jennie Roberts		
Ward Member(s):	Cllrs Pothecary, Cllr Ridout and Cllr Woode		
Publicity expiry date:	8 June 2024	Officer site visit date:	3 July 2024
Decision due date:	4 October 2024	Ext(s) of time:	4 October 2024
No of Site Notices:	1 at entrance to site		
SN displayed reasoning:	To publicise the application to passers-by		

1.0 This application is brought before the planning committee at the request of the chair and vice-chair, because the recommendation is contrary to that of the town council. Additionally, Cllr Pothecary requested that the application be heard at committee if officers were minded to refuse the application.

2.0 Summary of recommendation:

REFUSE

3.0 Reason for the recommendation:

- The site is located in an unsustainable location, outside of any settlement boundary and the principle is therefore unacceptable. Furthermore, it has not been demonstrated that the proposed development would be acceptable in relation to the protected trees on the site.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Milton on Stour is an unsustainable location, with no settlement boundary. Residents would be likely to rely on private motor vehicles to access facilities and services and as such, the principle of the proposal is unacceptable.
Affordable housing	The application proposes for three of the houses to be First Homes, the tenure of which would be secured by a s106 agreement. The proposed tenure of the affordable homes would not comply with local plan policy.
Scale, design, impact on character and appearance	The proposed scale and design of the development would have an acceptable impact upon the character and appearance of the surrounding area.
Impact on the living conditions of the occupants and neighbouring properties	The proposal would have an acceptable impact on the residential amenity of nearby properties. It would also provide an acceptable level of residential amenity for the proposed dwellings themselves.
Impact on landscape or heritage assets	The proposed development would preserve the character of the setting of the nearby non-designated heritage asset, Kendalls House.
Flood risk and drainage	The site is identified by the Council's Strategic Flood Risk Assessment as being at very low risk of flooding from rivers, sea, surface water or groundwater.
Highway impacts, safety, access and parking	The proposal would have an acceptable impact in relation to highway safety, access and parking provision.
Impact on trees	The site is protected by an Area Tree Preservation Order; a large number of trees will need to be removed to facilitate the proposed development, but details of appropriate

	mitigation for this have not been provided, so the impact cannot be properly assessed at present.
Biodiversity	The application is supported by a Natural Environment Team-approved Biodiversity Plan, and the development would be acceptable in terms of its impact on biodiversity.

5.0 Description of Site

This level site currently forms part of the grounds of Plant World, a plant nursery in Milton on Stour, which is accessed off the B3095. It comprises approximately 0.25 hectares of land in the southwest corner of the site, and is heavily treed, with some areas of hardstanding. Milton on Stour is a small village without a settlement boundary, which lies to the north of Gillingham. The site is outside of any conservation area and is not within the National Landscape (AONB). There are no listed buildings near to the site, although Kendalls House (located c.50m to the south of the site, on the opposite side of Kendalls Lane) is identified as a non-designated heritage asset in the Gillingham Neighbourhood Plan.

6.0 Description of Development

The application seeks full planning permission to erect develop 4 open market dwellings (2 x 4-bed detached and 2 x 3-bed semi-detached) and a terrace of 3 x 2-bed First Homes (a type of affordable housing). Each dwelling would have two storeys, constructed with natural stone walls beneath pitched plain tile roofs. A small private amenity area and space for parking (4 spaces for the 4-bed dwellings and 2 spaces for the 2-bed and 3-bed dwellings) would be provided for all dwellings.

Access to the proposed dwellings would be derived from a new vehicular access off the B3092 and a private estate road. The new access would also serve the nursery, with the existing access to the nursery closed as part of the proposal. The site is adjacent to Kendall Lane but there would be no access to the development from this lane.

7.0 Relevant Planning History

2/1990/0765 - Decision: REF - Decision Date: 29/10/1990

Change of use, agricultural land to agricultural/garden centre and erect office/sales/facilities building

2/1991/0680 - Decision: GRA - Decision Date: 16/07/1993

Construction of sheds & polytunnel for agricultural use

2/1996/0322 - Decision: GRA - Decision Date: 02/10/1998

Relief from conditions 1 & 2 attached to P/P 2/91/680 (time limited to expire 30/6/96) to permit permanent retention of sheds and polytunnels

2/2001/0625 - Decision: GRA - Decision Date: 01/11/2001

Erect building to provide indoor display area, erect toilet block, form new vehicular access, extend car park

2/2002/0024 - Decision: GRA - Decision Date: 04/03/2002

Erect building to provide indoor display area, erect toilet block, form new vehicular access and extend car park (amended scheme)

2/2009/0634/PLNG - Decision: GRA - Decision Date: 05/10/2009

Planning Application to vary condition numbers 11 and 16 on planning application 2/2001/0625 to allow the access to be re-designed

P/FUL/2022/03709 - Decision: WIT - Decision Date: 17/11/2022

Erect 5 No.dwellings with garages, form new vehicular and pedestrian access and block in existing access. Create estate road and associated infrastructure.

Erect 1 No. detached cafe and 1 No. detached workshop with parking.

8.0 List of Constraints

Countryside location outside of a Settlement Boundary

Site of Special Scientific Interest (SSSI) impact risk zone

9.0 Consultations

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

Consultees

1. **Gillingham TC** – support:

- new vehicular access is an improvement
- lack of identifiable 5-year housing land supply triggers policy of presumption in favour of sustainable development. The proposed development is considered to be sustainable, as local amenities are easily reached without reliance on a vehicle
- dwellings reflect character of area
- dwellings will be screened by trees and not visible from highway
- will not impact on any heritage assets and impact on wider landscape character would not be significant
- applicant has addressed Saved Policy MS1 of the North Dorset Local Plan through inclusion of package treatment plant
- Proposal addresses need for affordable housing for local people
- Well-designed layout

2. **Highways** – no objection, subject to conditions

3. **Dorset Waste Team** – no comments received

4. Trees – unable to support at present:

- The whole site is protected by an Area Tree Preservation Order
- A large number of trees will need to be removed; details of appropriate mitigation for this have not been provided.
- Retained trees will be under threat due to new residents wishing to carry out excessive or detrimental tree surgery operations; common reasons for such requests include fears that the trees will fall during high winds, needing lights on during the day due to heavy tree cover, leaf litter and seed detritus that may become slippery or block gutters, not enough light in the gardens
- Should further information be forthcoming with regard to mitigation planting I am happy to be re-consulted.
- Should planning consent be forthcoming I would also suggest gutter guards are fitted to each property and I would also ask that permitted development rights be withdrawn to prevent future conflict with existing retained trees or subsidence issues due to the soil type (slowly permeable, seasonally wet, slightly acidic but base rich loamy and clayey soils with impeded drainage).

5. National Highways – no objections

6. Building Control North Team – no comments received

7. Gillingham Ward Member - Cllr Pothecary – requested that application be heard at committee if officer minded to reject application

8. Gillingham Ward Member – Cllr Ridout - no comments received

9. Gillingham Ward Member – Cllr Woode – no comments received

10. Highways Asset Manager– no comments received

11. Planning Policy:

- Site outside any development boundary and proposed scheme is contrary to spatial strategy in adopted local plan
- Para 11 of NPPF sets out 'presumption in favour of sustainable development' which applies when policies most important for determining an application are out of date. Footnote 8 specifies that this can be when the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, or where the Housing Delivery Test indicates that

the delivery of housing was below 75% of the housing requirement over the previous three years

- Most recent housing land supply position for North Dorset is above five years and the most recent housing delivery test result was 75%, Suggesting that the minimum requirements a footnote 8 have been met and the presumption does not apply
- However, deliverable supply was tested at recent appeal in Marnhull, where the inspector concluded that it be discounted to the equivalent of 4.83 years.
- Current position is therefore that North Dorset cannot currently demonstrate a 5-year supply of deliverable housing sites, falling slightly short at 4.83 years. Therefore, presumption in favour of sustainable development applies. This means granting permission unless: (i) policies in the NPPF provide a clear reason for refusing the proposed development; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- Overall sustainability of location should be considered, including need for future residents to access day-to-day needs, and the mode of transport they are likely to choose. The more likely a site is to be car dependent, the more likely it is to be considered unsustainable, and therefore would give greater grounds for refusal. The site is adjacent to an offroad cycle path, which would give pedestrians and cyclists a reasonable option to travel to and from Gillingham. However, while this has a tarmac surface, it is unlit and so may be less appealing in the dark and during inclement weather. It is c.30 minutes' walk between proposed site and centre of Gillingham town centre (Lloyds Bank), exceeding most benchmarks for a walkable neighbourhood. The government's National Design Guide (2021) defines 'walkable' as local facilities that are within walking distance, which is generally considered to be no more than a 10-minute walk (800m radius). Walkable Neighbourhoods by Sustrans (2022) also recommends 800 metres / 10-minute walk to be the longest distance the majority of people are willing to walk to meet their daily needs.
- With respect to the emerging Dorset Council Local Plan, very limited weight should be given to the contents of the Options Consultation published in January 2021, although it should be noted that the draft policies in the Options Consultation 2021 with regards to restricting development in the countryside are largely consistent with those in the adopted LP, and that

proposed allocations at Gillingham are those that either are already allocated or now have planning permission.

- Draft Policy HOUS12 identifies the Plant World site for potential allocation as a future site for Gypsy and Travellers. Further site-specific information is in Appendix 4 where it states the site has potential capacity for around 15 plots.
- In line with the government's objective to significantly boost the supply of homes (NPPF para 60), the delivery of additional housing should be given significant weight in planning decisions. As mentioned above, the LP plans for at least 2,200 new homes at Gillingham between 2011 and 2031, with 1,800 delivered at the Southern Extension. Latest monitoring records suggest that between 2011-2024 (the first 13 years of the 20 year plan period), 254 dwellings were delivered in Gillingham, significantly below estimates used when the LP was being examined. The main cause of this has been the delays with the delivery of the Southern Extension. With the principal street now complete, completions are expected to start coming forward on the land west of Shaftesbury Road. However, it is now highly likely that the overall target of 2,200 homes between 2011 and 2031 will not be met. This shortfall is largely responsible for North Dorset struggling to demonstrate a 5-year HLS since 2017 and has meant that planning permission has been granted on a number of unallocated sites outside of the settlement boundaries (for example, land at Common Mead Lane, Gillingham, ref. P/RES/2022/06180). However, it should be noted that such large-scale windfall sites tend to be adjacent to a settlement boundary, rather than some distance away (c. 415 metres).

12. Housing Enabling Team:

- As of 28/05/2024, there are 5800+ households on the Dorset Council housing register.
- Milton On Stour falls within the parish of Gillingham.
- Housing register demonstrates not only a high level of recorded housing need in the Gillingham parish, but that a variety of dwelling sizes are required across the range of sizes (especially family homes).
- As of 28/05/2024: 224 households on Housing Register that have declared a connection to Gillingham. A further 147 households have listed Gillingham as a preferred area.
- Revised NPPF sets out that affordable housing should be sought from major developments, the qualifying threshold being ten dwellings or more.

- Policy 8 of the NDLP provides guidance that this application should provide 25% of the total number of dwellings as affordable units, with 70%-85% affordable rent and 15%-30% provided as intermediate housing.
- Policy 7 of the Dorset Local Plan supports the delivery of about 60% of affordable housing in North Dorset as one- or two-bedroom properties and about 40% of affordable housing as three or more-bedroom properties.
It is desirable that affordable housing should be proportionate to the scale and mix of market housing and are indistinguishable, well-integrated and designed to the same high quality resulting in a balanced community of housing that is 'tenure neutral' where no tenure is disadvantaged.
- Application is to erect 4 open market dwellings and 3 affordable dwellings.
- This application is not Policy compliant. Although 3 out of the seven units are affordable, all of them are First Homes, there are no properties available for rent (social or affordable).
- First 25% of affordable homes should be First Homes, the remaining 75% should be a mix of rented (minimum 70%) and intermediate (maximum 30%) options.
- In addition, sites outside of the development boundary would normally be considered rural exception sites (all affordable tenure), so again this proposal does not comply.
- This application cannot be supported by the Housing Enabling team.

13. Dorset & Wiltshire Fire & Rescue Service - consideration to be given to access and facilities for the Fire Service and water supplies for firefighting

Representations received

Total - Objections	Total - No Objections	Total - Comments
7	5	0

Petitions Objecting	Petitions Supporting
0	1
0 Signatures	372 Signatures

Summary of comments of objections:

7 comments of objection have been received:

- Site within conservation area, in an area of special historic interest, the character and appearance of which should be preserved or enhanced: A high-density group of seven houses is not in keeping with the village and would affect the ecology and diversity of the area
- Milton on Stour village plan stated there should be no new development outside the village envelope, and this development is outside the envelope
- This would mean another access road onto the B3095 and there are frequent accidents already
- The 1800 homes planned for Lodden Lakes is more than sufficient without additional expansion
- The proposed construction is not suitable for the village
- The village does not have mains drainage and increased effluent flowing from this development to the Shreen could have a serious effect
- This development will exacerbate flooding issues there is already a problem along Kendalls Lane due to water spilling over from the Plant World site

Summary of comments of support:

5 comments of support have been received:

- Affordable housing is needed as so many people cannot afford to live in Dorset
- Detached houses are required for burgeoning population
- There is a need for small developments of housing that do not ravage the countryside
- The small housing development will enhance and secure the future of Plant World

10.0 Duties

S38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

11.0 Relevant Policies

Development Plan

North Dorset Local Plan Part 1 (2016)

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 9	- Rural Exception Affordable Housing
Policy 17	- Gillingham
Policy 20	- The Countryside
Policy 23	- Parking
Policy 24	- Design
Policy 25	- Amenity

Gillingham NP; Status 'Made' 27/07/2018

- The Gillingham Neighbourhood Plan (GNP) does not identify any new sites for residential development, nor does it modify the settlement boundary. Figure 5.2 on page 9 identifies key issues for different areas in the neighbourhood plan area. For Milton on Stour, it states: “No major changes anticipated – safeguarding the separate character of this settlement is the key driver, together with retaining the small community hub at the garage / stores and improved pedestrian / cycle links into the main town.”
- Figures 11.6 and 11.7 (page 51) of the GNP identify the area between Gillingham and Milton on Stour as an Important Open Gap with the intention to retain the distinct character of Milton on Stour as a separate village. Policy 22 states that development that would reduce the openness of the identified Important Open Gaps will not be permitted.
- The Neighbourhood Plan identifies Kendalls House and Kendalls Lodge, which lie to the south of the site, as Locally Important Buildings (Figures 13.9 and

13.10 on pages 84-85). GNP Policy 27 states that wherever practicable, support will be given to the protection and enhancement of such assets.

Material Considerations

Emerging Local Plans:

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

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

The Dorset Council Local Plan

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

National Planning Policy Framework

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

Other relevant NPPF sections include:

- Section 4 'Decision making': Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively

with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- Section 5 ‘Delivering a sufficient supply of homes’ outlines the government’s objective in respect of land supply with subsection ‘Rural housing’ at paragraphs 82-83 reflecting the requirement for development in rural areas.
- Section 12 ‘Achieving well designed and beautiful places’ indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:
The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.
Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 14 ‘Meeting the challenges of climate change, flooding and coastal change’
- Section 15 ‘Conserving and Enhancing the Natural Environment’- Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 ‘Conserving and Enhancing the Historic Environment’- When considering designated heritage assets, great weight should be given to the asset’s conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 205). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 209).

Other material considerations

The Government are currently consulting on various changes to the NPPF. Whilst this is only draft at present, there is a clear intention to boost the supply of housing, including changes to the standard methodology for calculating housing targets.

The written ministerial statement of 30th July 2024 regarding Building the Homes we Need, makes clear the Government’s commitment to tackle the housing crisis, restore and raise housing targets, building homes in the right places, and moving to strategic planning. There is also a commitment to build more affordable homes and infrastructure. The statement is a material consideration and highlights the need to deliver housing in sustainable locations.

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

National Design Guide. Updated January 2021.

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. There are no known impacts on persons with protected characteristics.

14.0 Financial benefits

What	Amount/Value
Material considerations	

Affordable housing	3 first homes are proposed
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

15.0 Environmental Implications

A sustainability statement has been submitted which confirms that the dwellings will comply with Building Regulations in respect of energy and water efficiency and that solar panels and air source heat pumps will be considered to generate power and help to heat the dwellings. Natural stone will be sourced from a local quarry. An accessibility statement has been provided which details the public transport and active travel options to and from the site.

16.0 Planning Assessment

Principle of development

The site is outside the local plan settlement boundary, with the proposed new entrance being approximately 415 metres north of the Gillingham settlement boundary. In terms of the principle of the development at this location, the most relevant policies in the local plan are Policies 2, 6, 17 and 20.

Policy 2 defines Gillingham as one of the four main towns which will function as the main service centres for the (North Dorset) District, and will be the main focus for growth, both for the vast majority of housing and other development.

Policy 6 sets out the overall distribution of new housing across the plan area. It states that Gillingham should deliver at least 2,200 homes between 2011 and 2031, which is about 39% of the overall total.

Policy 17 sets out the overall strategy for Gillingham. It states that the town's housing needs (at least 2,200 homes) will be met through: (1) development of the strategic site allocation to the south of the town; (2) mixed-use regeneration of the Station Road area to the south of the town centre; and (3) development of land to the south and south-west of Bay.

Policy 20 states that development in the countryside, outside of the settlement boundaries, will only be permitted if: (1) it is of a type appropriate to the countryside, as summarised in Figure 8.5; or (2) it can be demonstrated that there is an 'overriding need' for it to be located in the countryside. Figure 8.5 lists a number of different types of residential development that might be appropriate in the countryside, including rural exception schemes, occupational dwellings, and re-use of heritage assets and redundant or disused buildings.

The proposed scheme does not comply with this collection of policies, and therefore the principle is contrary to the spatial strategy in the adopted local plan.

The Gillingham Neighbourhood Plan (GNP) does not identify any new sites for residential development, nor does it modify the settlement boundary. Figure 5.2 on page 9 identifies key issues for different areas in the neighbourhood plan area. For Milton on Stour, it states: "No major changes anticipated – safeguarding the separate character of this settlement is the key driver, together with retaining the small community hub at the garage / stores and improved pedestrian / cycle links into the main town."

Paragraph 11 of NPPF sets out the 'presumption in favour of sustainable development' which applies when the policies most important for determining an application are out of date. Footnote 8 specifies that this can be when the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, or where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.

The most recent housing land supply position for North Dorset published by Dorset Council is the North Dorset Housing Land Supply 2023. This sets out that on 01/04/2023, North Dorset had a deliverable housing land supply of 5.02 years. The 2022 Housing Delivery Test is the most recent that is published by the government. For North Dorset the result was 75%. This would suggest that the minimum requirements of NPPF footnote 8 have been met, and the presumption does not apply.

However, the deliverable supply was tested at a recent appeal for a scheme for 67 dwellings at Marnhull (our ref: P/OUT/2023/00627). The appeal decision, published 08/05/2024, concluded that having considered the contested sites, the deliverable supply should be discounted slightly, reducing it to the equivalent of 4.83 years. This is however a snapshot in time and does not change the published figure of 5.02 years. However, some weight should be given to the appeal decision. Proposals for housing development in sustainable locations outside of settlement boundaries, where there is no harm, should be supported.

The site is at some distance (c.415m) from the nearest settlement boundary, so it is necessary to consider the overall sustainability of the location, bearing in mind the need for future residents to access day-to-day needs, and the mode of transport that they are likely to choose. The site is adjacent to an offroad cycle path, which would give pedestrians and cyclists a reasonable option to travel to and from Gillingham. However, while this has a tarmac surface, it is unlit and so is likely to be less appealing in the dark and during inclement weather. It is also approximately 30 minutes' walk / 2kms between the proposed site and the centre of Gillingham town centre (Lloyds Bank), which exceeds most benchmarks for a walkable neighbourhood. The government's National Design Guide (2021) defines 'walkable' as local facilities that are within walking distance, which is generally considered to be no more than a 10-minute walk (800m radius).

Walkable Neighbourhoods by Sustrans (2022) also recommends 800m/10-minute walk to be the longest distance the majority of people are willing to walk to meet their daily needs. As such, it is considered that occupants of the proposed dwellings would be likely to rely on the use of private motor vehicles to access their day-to-day needs. The location of the dwellings is therefore considered to be unsustainable.

In line with the government's objective to significantly boost the supply of homes (NPPF para 60), the delivery of additional housing should be given significant weight in planning decisions. As mentioned above, the LP plans for at least 2,200 new homes at Gillingham between 2011 and 2031, with 1,800 delivered at the Southern Extension. The Council's latest monitoring records suggest that between 2011 and 2024 (the first 13 years of the 20-year plan period), 254 dwellings were delivered in Gillingham, which is significantly below the estimates used when the LP was being examined. The main cause of this has been the delays with the delivery of the Southern Extension. With the principal street now complete, the Council expects completions to start coming forward on the land west of Shaftesbury Road. However, it is now highly likely that the overall target of 2,200 homes between 2011 and 2031 will not be met. This shortfall is

largely responsible for North Dorset struggling to demonstrate a 5-year HLS since 2017 and has meant that planning permission has been granted on a number of unallocated sites outside of the settlement boundaries. However, it should be noted that such large-scale windfall sites tend to be *adjacent* to a settlement boundary, rather than some distance away (c. 415 metres).

Having regard to the above, it is considered that the benefit of the proposed development (ie a modest contribution to the housing land supply) is outweighed by the unsustainable location and the environmental impacts associated with allowing housing in such a location. The principle of the proposal is therefore unacceptable, being contrary to Policies 1 (Presumption in Favour of Sustainable Development), 2 (Core Spatial Strategy) and 20 (The Countryside) of the Local Plan.

Affordable Housing

The application proposes that three of the seven dwellings are First Homes, a type of discounted market sale housing, which, according to government guidance, should be considered to meet the definition of 'affordable housing' for planning purposes. Such housing would need to be secured via a s106 agreement to ensure that it remains affordable for any future sales.

As the site is within the countryside, outside of any settlement boundary, Policy 9 (Rural Exception Affordable Housing) of the Local Plan is relevant. Although the proposed development has not been put forward as a rural exception site, normally all of the dwellings on a rural exception site would be affordable.

The Council's Housing Enabling Team is not supportive of the proposal, as set out in their consultation response in Section 9, above.

Having regard to their comments, it is considered that the proposed affordable housing is contrary to Policy 8 (Affordable Housing) of the Local Plan and would not respond to local need. It is therefore unacceptable from a planning perspective.

Scale, design, impact on character and appearance

The proposed dwellings would be located off a private estate road, accessed from the B3092, and would be screened from Kendalls Lane and the B3092 by a wide band of mature shrubs and trees, the latter of which are protected by a site-wide Tree Preservation Order. The dwellings would be constructed of natural, local stone, under plain clay tile roofs and each would have a small area of private, outdoor amenity space. The scale and design of the dwellings is considered appropriate, and it is

considered that the proposed development would have an acceptable impact upon the visual amenity of both the immediate surroundings and the wider landscape, in accordance with Policy 24 (Design) of the Local Plan.

Impact on the living conditions of the occupants and neighbouring properties

The positioning and design of the proposed dwellings are such that the light, privacy and living conditions of nearby properties would not be adversely affected, and each proposed dwelling would have its own area of private, outdoor amenity space. As such, it is considered that the proposal is acceptable in terms of its impact on the residential amenity of both existing dwellings and the proposed dwellings themselves. The proposal would comply with Policy 25 (Amenity) of the Local Plan.

Impact on landscape or heritage assets

The nearest designated heritage assets are the Conservation Area (approximately 200m to the north and west of the site), and the Grade II listed Church of St Simon and St Jude (approximately 380m to the north), and the proposed development would not cause harm to the setting of either. The nearest non-designated heritage asset (identified within the Gillingham Neighbourhood Plan (GNP)) is Kendalls House (approximately 50m to the south and on the opposite side of Kendalls Lane). The mature planting either side of the lane would ensure that the proposed development would not affect the setting of this non-designated asset.

Figures 11.6 and 11.7 (page 51) of the GNP identify the area between Gillingham and Milton on Stour as an Important Open Gap with the intention to retain the distinct character of Milton on Stour as a separate village. Policy 22 states that development that would reduce the openness of the identified Important Open Gaps will not be permitted. However, the site is well-screened by hedging and trees, and not open in nature. As such, views of the new development are largely obscured, and it is unlikely that this proposed scheme would be contrary to GNP Policy 22.

Having regard to the above, it is considered that the proposed development would preserve the historic environment and would have an acceptable impact on the wider landscape character, in accordance with Policies 4 (The Natural Environment) and 5 (The Historic Environment) of the Local Plan and Policy 22 (Protecting Important Green Spaces) of the Neighbourhood Plan.

Flood risk and drainage

The application site is within an area identified by the Council's Strategic Flood Risk Assessment (SFRA) as being at the very lowest risk of flooding from rivers, sea,

surface water or groundwater. As such, it is considered that the development would not be at risk of flooding, nor would it increase the risk of flooding elsewhere. In the event the application is approved, a pre-commencement condition requiring the submission of surface water drainage details is recommended. The application therefore accords with Policy 3 (Climate Change) of the Local Plan.

Highway impacts, safety, access and parking

The proposal seeks to provide a new vehicular access off the B3092, along with seven dwellings served from a private estate road. The new access will also serve the existing nursery, to the north of the development site, and the existing nursery access is to be permanently closed to all traffic. The Highway Authority comments that, “The geometry of the new access and the associated visibility splays meet with safety criteria. The internal estate road layout allows all vehicles to enter and leave the site in a forward gear and sufficient car parking is provided for each dwelling. Cycle parking has not been shown on the submission but can be conditioned, should consent be granted. There will be no direct access, either by pedestrians or vehicles, onto Kendalls Lane.” On this basis, the Highway Authority raises no objection, subject to conditions. It is therefore considered that the proposal has an acceptable impact in relation to highway safety, access and parking provision, in accordance with Policy 23 (Parking) of the Local Plan.

Impact on trees

The site is protected by an Area Tree Preservation Order; a large number of trees will need to be removed to facilitate the proposed development, but details of appropriate mitigation for this have not been provided, so the tree officer has been unable to properly assess the impact of the development. As such, it has not been demonstrated that the proposal will have an acceptable impact in relation to trees, contrary to Policy 24 (Design) of the Local Plan.

Biodiversity

The application is supported by a NET-approved biodiversity plan; in the event the application is approved, a condition requiring compliance with the Biodiversity Plan is recommended. In respect of the impact upon biodiversity, the application therefore accords with Policy 4 (The Natural Environment) of the Local Plan.

17.0 Conclusion

The site is located outside of any settlement boundary, in an unsustainable location, where residents would likely be reliant on private motor vehicles to meet their day-to-

day needs. Furthermore, it has not been demonstrated that the proposed development would be acceptable in relation to the protected trees on the site. The proposal would provide 7 dwellings, 3 of which would be First Homes, and this is a benefit of the proposal. However, the provision of the dwellings is not considered to outweigh the unsustainable location, contrary to the spatial strategy. The proposal is contrary to the development plan, taken as a whole and there are no material considerations that would outweigh this conflict. The proposal would conflict with Policies 1, 2, 20 and 24 of the North Dorset Local Plan Part 1 (2016) and Chapters 2, 5 and 12 of the National Planning Policy Framework (2023).

18.0 Recommendation

Refuse for the following reason:

1. The site is located outside of any development boundary, in an unsustainable location, where residents would likely be reliant on private motor vehicles to meet their day-to-day needs. The proposal is therefore contrary to Policies 1, 2 and 20 of the North Dorset Local Plan Part 1 (2016) and Chapters 2 and 5 of the National Planning Policy Framework (2023).
2. The application has failed to provide a mitigation scheme for the loss of trees on the site, which is covered by an Area Tree Preservation Order. As such, it has not been possible to properly assess the impact of the proposed development on the protected trees, and the proposal is contrary to Policy 24 of the North Dorset Local Plan Part 1 (2016) and Chapter 12 of the National Planning Policy Framework 2023.

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Agenda Item 9

Application Number:	P/FUL/2024/01782		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Plant World Nurseries Kendall Lane Milton On Stour Gillingham SP8 5QA		
Proposal:	Development of a cafe, workshop and a new vehicular access and road (to replace the existing vehicular access).		
Applicant name:	Plant World		
Case Officer:	Jennie Roberts		
Ward Member(s):	Cllrs Pothecary, Cllr Ridout and Cllr Woode		
Publicity expiry date:	8 August 2024	Officer site visit date:	3 July 2024
Decision due date:	4 October 2024	Ext(s) of time:	4 October 2024
No of Site Notices:	1 at entrance to site		
SN displayed reasoning:	To publicise the application to passers-by		

1.0 This application is brought before the planning committee at the request of the chair and vice-chair, because the recommendation is contrary to that of the town council. Additionally, Cllrs Pothecary and Woode requested that the application be heard at committee if officers were minded to refuse the application.

2.0 Summary of recommendation:

REFUSE

3.0 Reason for the recommendation:

Having regard to the site's location outside of any settlement boundary, the proposed workshop is not of a type considered appropriate in the countryside, nor is there an overriding need for it to be located in the countryside.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The proposed workshop is not of a type appropriate in the countryside, nor is there an overriding need for it to be located in the countryside. As such, the principle of the development is unacceptable. The proposed café could be supported as part of the development of the existing business.
Scale, design, impact on character and appearance	The proposed scale and design of the development would have an acceptable impact upon the character and appearance of the surrounding area.
Impact on the living conditions of the occupants and neighbouring properties	The proposed development would not impact negatively upon the amenity of any residential properties.
Impact on heritage assets	The proposed development would not impact negatively upon any heritage assets.
Flood risk and drainage	The site is identified by the Council's Strategic Flood Risk Assessment as being at very low risk of flooding from rivers, sea, surface water or groundwater.
Highway impacts, safety, access and parking	The proposal would have an acceptable impact in relation to highway safety, access and parking provision.
Impact on trees	The proposal would have an acceptable impact upon the protected trees on the site.
Biodiversity	The application is supported by a Natural Environment Team-approved Biodiversity Plan, and the development would be acceptable in terms of its impact on biodiversity.

5.0 Description of Site

This site forms part of the grounds of Plant World, a plant nursery in Milton on Stour. It comprises an area of land within the nursery, immediately adjacent to the existing buildings. Milton on Stour is a small village, which lies to the north of Gillingham. The site is outside of any conservation area and is not within a National Landscape (AONB).

6.0 Description of Development

The application seeks full planning permission to develop a café within a single storey L-shaped building and a separate rectangular workshop building. Both buildings would have timber clad walls underneath a pitched slate roof. The planning statement states that the café would be ancillary to the existing nursery, forming part of the same planning unit. The agent explained at a site meeting that the proposed workshop building would have a Class E(g) (formerly B1) use; there is currently no end-user lined up to occupy the building.

Access to the proposed development would be derived from a new vehicular access off the B3092 and a private road which is also planned to serve the existing nursery and seven dwellinghouses proposed under planning application P/FUL/2024/01781. The existing access to the nursery will be closed as part of the proposal.

7.0 Relevant Planning History

2/1990/0765 - Decision: REF - Decision Date: 29/10/1990

Change of use, agricultural land to agricultural/garden centre and erect office/sales/facilities building

Appeal Dismissed (ref: T/APP/N1215/A/91/181058/P5)

2/1991/0680 - Decision: GRA - Decision Date: 16/07/1993

Construction of sheds & polytunnel for agricultural use

Associated S106 agreement covenanting that the land and development shall not be used for the storage or sale of any of a wide range of goods (detailed under 'principle of development' later in the report)

2/1996/0322 - Decision: GRA - Decision Date: 02/10/1998

Relief from conditions 1 & 2 attached to P/P 2/91/680 (time limited to expire 30/6/96) to permit permanent retention of sheds and polytunnels

Associated S106 agreement covenanting that the land and development shall not be used for the storage or sale of any of a wide range of goods (detailed under 'principle of development' later in the report)

2/2001/0625 - Decision: GRA - Decision Date: 01/11/2001

Erect building to provide indoor display area, erect toilet block, form new vehicular access, extend car park

2/2002/0024 - Decision: GRA - Decision Date: 04/03/2002

Erect building to provide indoor display area, erect toilet block, form new vehicular access and extend car park (amended scheme)

2/2009/0634/PLNG - Decision: GRA - Decision Date: 05/10/2009

Planning Application to vary condition numbers 11 and 16 on planning application 2/2001/0625 to allow the access to be re-designed

2/2013/0304/PLNG - Decision: GRA - Decision Date: 29/07/2013

Request to modify planning obligations of an Agreement dated 2 July 1993 under Section 106 of the Town and Country Planning Act 1990, to separate Kendalls Cottage from the business and to broaden the range of goods sold.

P/FUL/2022/03709 - Decision: WIT - Decision Date: 17/11/2022

Erect 5 No.dwellings with garages, form new vehicular and pedestrian access and block in existing access. Create estate road and associated infrastructure.

Erect 1 No. detached cafe and 1 No. detached workshop with parking.

8.0 List of Constraints

Outside settlement boundaries (countryside)

Site of Special Scientific Interest (SSSI) impact risk zone

9.0 Consultations

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

Consultees

1. **Gillingham TC** – support:

- The proposed new vehicular access off the B3092, is considered to be an improvement and there will be no direct access onto Kendalls Lane.
- The proposals will boost the local economy and provide an opportunity for employment.
- Following the loss of the village shop and post office the proposals will provide a community hub for Milton-on-Stour.
- The proposed café and workshop building will have timber clad walls underneath a pitched slate roof and have been scaled and designed to reflect the character of the area.
- The site is not located within a Conservation Area. The proposed café and workshop have been designed and located to be visually unintrusive and will not have a detrimental effect on any designated or non-designated heritage asset.

2. **Dorset Police Architectural Liaison Officer** – no objection:

- If application granted, wishes to speak to developer to ensure suitable security measures are implemented in both buildings.

3. **Highways** – no objection, subject to conditions

4. **Dorset Waste Team** – no comments received

5. **Trees** – no objections, subject to condition

6. **National Highways** – no objection
7. **Env. Services – Protection** – no comment
8. **Building Control North Team** - no comments received
9. **Public Health Dorset** - no comments received
10. **Gillingham Ward Member** – Cllr Potheary – support:
 - Plant World is a very good local business and it would seem that the planned improvements to the core business, and the small-scale development of modest housing, appears to be entirely appropriate. It will also help to ensure the business continues to thrive. The Town Council Planning Committee voted to support and I would like to request that the application comes to Northern Planning Committee - if the officer is minded to refuse.
11. **Gillingham Ward Member** - Cllr Ridout - no comments received
12. **Gillingham Ward Member** – Cllr Woode – comment:
 - The Town Council strongly supports this application. They emphasize the improvements to the existing vehicular access, the community benefits of creating a local hub for residents, the economic and employment advantages, and that the proposed cafe and workshop are designed to be in character with the area. They also note that this proposal will help replace lost amenities such as the village shop and post office. If the officer is inclined to reject this application, I would like it to be referred to the committee for further consideration.
13. **Highways Asset Manager** - no comments received

Representations received

Total - Objections	Total - No Objections	Total - Comments
6	3	0

Petitions Objecting	Petitions Supporting
----------------------------	-----------------------------

0	1
0 Signatures	372 Signatures

Summary of comments of objections:

6 comments of objection have been received:

- Workshop more suitably located on industrial unit of which several are located in the area
- Village does not have mains drainage and the effluent from septic tanks would drain downhill from Plantworld towards Colesbrook or to the centre of the village and the river
- Rainwater from Plant World already floods Kendalls Lane and Kendalls Lodge. This plan to build on Plantworld would reduce the amount of ground to absorb the water. It would exacerbate the current situation
- It would mean another access road onto the B3095, making 4 turnings in half a mile. There are frequent accidents already
- Site within Milton on Stour Conservation Area and recognised in Gillingham Plan. This is an area of special historic interest, the character and appearance of which should be preserved or enhanced. A workshop and property development would not be in keeping with this
- New entrance does not line up with a gap in the hedge across the road so for anyone walking or cycling on the path they would have to walk in the road to get to the entrance, very dangerous
- No mains drainage in the village and the addition of toilets and kitchens in both buildings will create septic tank run off into the village and/or surrounding properties.
- Concern about the number of cars development will bring and not much extra parking is being allowed. Currently room to park but at busy times there is potential for cars to queue out onto the busy main road.
- This proposal is totally unsuitable for Milton village.
- The development might be detrimental to the wildlife that inhabit and visit the adjacent land and would cut through an important area of trees and habitat

Summary of comments of support:

3 comments of support have been received:

- The addition of a cafe will be of great benefit to the area and will help this independent, family run business to compete against the large, garden centre chains. The plans for expansion will allow it to flourish.
- A café would help the local community as there are few places to meet up
- A café would attract people from further away, which would help local businesses

10.0 Duties

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

11.0 Relevant Policies

Development Plan

North Dorset Local Plan Part 1 (2016)

- 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 13 - Grey Infrastructure
- Policy 20 - The Countryside
- Policy 23 - Parking
- Policy 24 - Design
- Policy 25 - Amenity
- Policy 30 - Existing Employment Sites in the Countryside

Gillingham NP; Status 'Made' 27/07/2018

Material Considerations

Emerging Local Plans:

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

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

The Dorset Council Local Plan

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

National Planning Policy Framework

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

Other relevant NPPF sections include:

- Section 4 'Decision making': Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 6 'Building a strong, competitive economy', paragraphs 88 and 89 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through

conversion of existing buildings, the erection of well-designed beautiful new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.

- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed and beautiful places' indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:
The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.
Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 205). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 209).

Other material considerations

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

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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. There are no known impacts on persons with protected characteristics.

14.0 Financial benefits

What	Amount/Value
Material considerations	
New jobs	4 full-time equivalent new jobs would be created
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 visitors to the nursery	The proposal will support the local economy
Non-material Considerations	
Business Rates	According to the appropriate charging bands

15.0 Environmental Implications

A sustainability statement has been submitted which confirms that the buildings would comply with Building Regulations in respect of energy and water efficiency and that solar panels and air source heat pumps will be considered to generate power and help to heat the dwellings. Timber cladding would be sourced from a local timber supplier. An accessibility statement has been provided which details the public transport and active travel options to and from the site.

16.0 Planning Assessment

Planning History of the site

Before assessing whether the principle of this proposed development is acceptable, it is necessary to take a detailed look at the planning history of the site, which has an agricultural land use and is occupied by a plant nursery.

In 1990, an application (re: 2/1990/0765) was refused for the change of use of this agricultural land to a garden centre, together with the erection of an office/sales/facilities building. The inspector dismissed the subsequent appeal, considering that granting planning permission for a garden centre would clear the way for a far more intensive commercial enterprise, which would be an encroachment into the countryside beyond the limits of the village and would consequently harm the rural character of the area.

In 1993, temporary planning permission (ref: 2/1991/0680) was granted for the construction of sheds and a polytunnel for agricultural use; an associated S106 agreement was completed, covenanting that the land and development shall not be used for the storage or sale of:

- 1) *garden furniture or statuary but excluding plant containers*
- 2) *powered machinery equipment or tools but excluding gardening hand tools*
- 3) *fencing materials excluding trellis*
- 4) *building materials bricks paving slabs concrete or aggregates*
- 5) *any building or buildings as defined under section 336 of the ACT including any prefabricated building or buildings sheds and green houses*
- 6) *books periodicals newspapers or any other reading material other than as may be kept on the land for reference purposes*

- 7) *any food and drink (other than plants or vegetables) for consumption on or off the land or the development*
- 8) *consumable goods excluding fruit and vegetables grown on the land*
- 9) *electrical goods*
- 10) *space heating equipment*
- 11) *solid fuels and liquid petroleum gas*

In 1998 (ref: 2/1996/0322), permanent planning permission was given to these structures, and a further s106 agreement (with the same restrictions as before) was also completed.

In 2001 (ref: 2/2001/0625), planning permission was granted by the planning committee for the erection of a building to provide an indoor display area, a toilet block, the formation of a new access and the extension of the car park. In their report, the officer considered that the application amounted to a reasonable consolidation of the existing business, which would not result in a change in the nature of the nursery business use to a commercial retail garden centre. They considered it important that the existing restrictions remain in place. An amended scheme was granted planning permission in 2002 (ref: 2/2002/00244).

In 2009, planning permission was granted (ref: 2/2009/0634/PLNG) for alterations to the access.

In 2013, an application was made (ref: 2/2013/0304/PLNG) to broaden the range of goods (as set out in the 1993 s106 agreement) permitted to be sold from the site. In his report, the planning officer stated that,

“The [application] concerns the widening of the range of goods and services that can be legitimately sold and traded from the Plantworld Ltd site so as to bring it into line with the terms of the operational planning permission for the more recent similar garden centre / nursery business known as Orchard Park which is located about 2 miles away on the other side (immediately SE) of Gillingham town. Officers consider that it is necessary, in the interests of fairness, to ensure that the two similar businesses (and indeed any other similar businesses in the District) are allowed to operate under the same planning regime.”

Thus, the revised range of goods permitted to be sold was limited by condition (rather than by a modification to the s106 agreement). Condition 2(b) set out that that range

of goods and services that can be legitimately sold/traded from the site would be limited specifically and only to the following items, which excludes food and drink:

1. Plants, bulbs, seeds etc. including hardy and non-hardy species / varieties for outdoor, indoor, greenhouse / conservatory culture, for ornamental, functional and food production purposes.
2. Compost and compost bins, fertilisers, mulching materials, herbicides, pesticides (chemical and biological) etc.
3. Pots, containers, toughs etc. plant labels and protections systems including cloches, supports, cold frames, tree guards, stakes and ties, windbreaks, netting and horticultural fleece.
4. Fresh, dried and artificial flowers and plants.
5. Garden furniture, structures, ornaments and statuary - but not general domestic / household furniture or goods).
6. Garden fencing and trellis, path, paving and edging materials, rockery stone, timber decking, fixtures and supports etc.
7. Materials for the treatment and preservation of garden furniture and timber goods, including brushes etc. - but not general household paints and decorating materials.
8. Conservatories, garden buildings including potting sheds, greenhouses, sun-houses, gazebo's, shelters, stores etc. - but excluding pre-fabricated garages.
9. Space heating and cooling equipment requisite for use in the above buildings and structures, and any necessary fuels and liquids - in domestic quantities only.
10. Garden barbecue equipment and related items, and the necessary fuels - in domestic quantities only.
11. Ponds, pond liners, pumping and filtration equipment and ancillary items and accessories.
12. Fish and associated goods, wild bird and pet foods and associated items and supplies.
13. Water conservation and irrigation equipment.
14. Garden lighting systems and equipment and accessories.

15. Garden information including specialist publications e.g. books, newspapers, magazines, leaflets, computer discs, DVD's and video / audio software - but excluding general interest publications and material.
16. Garden work wear, including protective outdoor clothing, footwear and gloves etc.
17. Garden tools, hand-operated and power tools and associated spares and ancillary items.
18. Sundry goods and services associated with all the above categories (paras. 1 to 17 incl.).

In 2022, an application (ref: P/FUL/2022/03709) was withdrawn. The description of the proposed development was “*Erect 5 no. dwellings with garages, form new vehicular and pedestrian access and block in existing access. Create estate road and associated infrastructure. Erect 1 No. detached cafe and 1 No. detached workshop with parking.*”

Principle of development

The planning statement states that the proposed café, together with the proposed independent workshop (for which there is currently no end user in mind), would secure the retention and sustainable growth of the existing nursery business, and the application form states that four full time-equivalent jobs would be created by the proposal. The planning statement also sets out that the proposed café would be ancillary to the nursery business.

Turning to planning policy, the application site is located in the countryside, outside of any settlement boundary; as such, Policy 20 of the local plan is relevant:

POLICY 20: THE COUNTRYSIDE

Stalbridge and the eighteen larger villages will form the focus for growth outside of the four main towns.

Development in the countryside outside defined settlement boundaries will only be permitted if:

- a *it is of a type appropriate in the countryside, as set out in the relevant policies of the Local Plan, summarised in Figure 8.5; or*
- b *for any other type of development, it can be demonstrated that there is an ‘overriding need’ for it to be located in the countryside*

It is necessary to first look at the table in Figure 8.5 of the local plan, to see if the proposals are types of development appropriate in the countryside. The relevant section of the table is ‘Supporting Economic Development’:

Supporting Economic Development	The re-use of existing rural buildings
	Redevelopment or expansion of existing employment sites
	Equine-related developments
	Rural tourist accommodation

The proposals do not involve the re-use of existing rural buildings, are not equine-related, nor do they relate to rural tourist accommodation. However, the business does provide employment, and so it is considered that the proposed ancillary café constitutes the expansion of an existing employment site. Policy 11, ‘The Economy’, and Policy 30, existing employment sites in the countryside, both state that where it would support businesses and/or provide a wider range of jobs, it may permit community uses on employment sites. In this instance, the cafe would both support the nursery business and provide further employment opportunities. As set out in the comments of support from members of the public, the cafe could be considered to provide a community hub which is lacking in the village since the closure of the village shop. It is therefore considered that the principle of the cafe element of the application accords with Policies 11, 20 and 30 of the local plan.

Currently, as set out under ‘planning history of the site’, above, there are restrictions prohibiting the sale of food and drink from the site. However, it has to be considered whether, having regard to other modern plant nursery and garden centre businesses, this total restriction still serves a useful purpose. Indeed, several local plant nurseries have ancillary cafes, including one recently approved at the smaller Dodge City Garden Nursery, in Halstock (ref: P/FUL/2023/03556). The proposed café is relatively small compared with the size of the other sales buildings at the nursery site, and it is considered that it would relate well to the main nursery business; the complete prohibition of selling food and drink from the site is therefore considered to be unnecessarily onerous on the business and not supported by policy.

Turning to the proposed workshop; this is a speculative development, with no end user proposed. It is unrelated to the functioning of the plant nursery and does not, therefore, pertain to the expansion of the existing employment site. The planning statement says that the workshop would help to secure the retention of the nursery, no evidence has been provided to demonstrate this, or that there is an overriding need for an independent workshop with Class E(g) use to be located in the countryside (indeed, there are likely to be more sustainable sites available in nearby Gillingham). As it meets neither criteria a nor b, the principle of the proposed workshop is contrary to Policy 20 of the local plan.

Scale, design, impact on character and appearance

The proposed buildings would have timber-clad walls, underneath pitched slate roofs. They would be located close to the existing nursery buildings and would be reasonably well-screened from public views by established trees and hedgerows. The scale and design of the buildings is considered appropriate in this rural setting, and it is considered that the proposed development would have an acceptable impact upon the visual amenity of both the immediate surroundings and the wider landscape. As such, the proposal accords with Policy 24 (Design) of the Local Plan

Impact on the living conditions of the occupants and neighbouring properties

There are no adjoining or nearby residential properties that would be affected by the proposed cafe and workshop. As such, it is considered that the proposed development would have no negative impact upon the amenity of any residential property. The proposal would accord with Policy 25 (Amenity) of the Local Plan.

Impact on heritage assets

The nearest designated heritage assets are the Conservation Area (approximately 200m to the north and west of the site), and the Grade II listed Church of St Simon and St Jude (approximately 380m to the north). The nearest non-designated heritage asset (identified within the Gillingham Neighbourhood Plan (GNP)) is Kendalls House (approximately 50m to the south and on the opposite side of Kendalls Lane). The mature planting either side of the lane would ensure that the proposed development would not affect the setting of this non-designated asset. The proposal would accord with Policy 5 (The Historic Environment) of the Local Plan.

Flood risk and drainage

The application site is within an area identified by the Council's Strategic Flood Risk Assessment (SFRA) as being at the very lowest risk of flooding from rivers, sea, surface water or groundwater. As such, it is considered that the development would not be at risk of flooding, nor would it increase the risk of flooding elsewhere, in accordance with Policy 3 (Climate Change) of the Local Plan. In the event the application is approved, a pre-commencement condition requiring the submission of surface water drainage details is recommended.

Highway impacts, safety, access and parking

The Highway Authority considers the proposed new vehicular access onto the B3092 to be acceptable, with the existing access to be permanently closed to both vehicular and pedestrian traffic. Visibility splays meet with the guidance provided by Manual for Streets 2 (MfS2), and the internal layout will provide a suitable level of site parking for both cars and cycles, allowing for deliveries to the garden centre to be made safely. A pedestrian link from the car park to the proposed café has been provided at the request of the Highway Authority, who, subject to conditions, raise no objections to the application. It is therefore considered that the proposal has an acceptable impact in relation to highway safety, access and parking provision, and is in accordance with Policy 23 (Parking) of the Local Plan.

Impact on trees

The site is protected by an Area Tree Preservation Order. The proposed development will see a small incursion into the root protection area of a few of the protected trees, but the tree officer considers these to be minimal in nature, and subject to adherence to the supplied arboricultural information (to be secured by condition), raises no objection to the proposal. The proposal therefore accords with Policy 4 and 24 (Design) of the Local Plan.

Biodiversity

The application is supported by a NET-approved biodiversity plan. In the event the application is approved, a condition requiring compliance with the Biodiversity Plan is recommended. The proposal is in accordance with Policy 4 (The Natural Environment) of the Local Plan.

17.0 Conclusion

The proposed cafe would support the nursery business and provide further employment opportunities at the site, whilst also providing a community hub for the

village, in accordance with Policies 11 and 20 of the Local Plan. However, the proposed workshop is unrelated to the functioning of the nursery and it has not been demonstrated that there is an overriding need for it in the countryside; as such, it is contrary to Policy 20 of the Local Plan.

The proposed development would therefore conflict with the development plan taken as a whole and there are no material considerations that would outweigh these concerns.

18.0 Recommendation

Refuse permission for the reasons set out below

1. Having regard to the site's location outside of any settlement boundary, the proposed workshop is not of a type considered appropriate in the countryside, nor is there an overriding need for it to be located in the countryside. As such, the proposal fails to comply with Policy 20 of the North Dorset Local Plan (2016) and the NPPF.

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Agenda Item 10

Application Number:	P/HOU/2024/03857		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	White Gates 9 Church Hill Shaftesbury SP7 8QR		
Proposal:	Remove existing roof and erect first floor extension.		
Applicant name:	Mr & Mrs Sansom		
Case Officer:	Pete Markham		
Ward Member(s):	Cllr Beer and Cllr Jeanes		
Publicity expiry date:	16 August 2024	Officer site visit date:	22 July 2024
Decision due date:	4 September 2024	Ext(s) of time:	N/A
No of Site Notices:	3		
SN displayed reasoning:	1 - on telegraph pole in front of no.8 Church Hill 1 - on road sign opposite neighbouring Saxon Hall, in front of church at junction between Church Hill and The Butt's 1 - on fence next to entrance driveway to property		

1.0 Scheme of delegation referral due to objection from Town Council

2.0 Summary of recommendation:

GRANT subject to conditions

3.0 Reason for the recommendation: as set out in paras 16.0 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 location is considered to be sustainable, and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development within the curtilage of a residential dwellinghouse is acceptable, within a designated settlement boundary.

Design	Proposal has followed pre-application advice in terms of design and is considered an improvement on the existing bungalow.
Impact on the character of the area	Although the proposed scheme would significantly change the appearance of the dwelling, it is not considered to be harmful. The proposal would be suitable in the semi-rural setting and would not demonstrably harm the character of the area.
Impact on heritage assets	Conservation Officer have stated that the design is incongruous with the Conservation area, but no harm specifically identified.
Impact on neighbouring amenity	No significant impact to neighbouring properties
Impact on Biodiversity	No significant impact on Biodiversity
Flood risk and drainage	Due to the nature of the proposed development and the site, flooding is not a material consideration in this instance.
Other material planning considerations	Town Council objections in terms of design.

5.0 Description of Site

The development site is located in the town of Shaftesbury and is inside of the designated settlement boundary. The detached property is a bungalow which forms part of a development of three bungalows. Of the three bungalows, White Gates is set back the furthest from the highway Church Hill. The dwelling cannot be directly viewed from the highway and is naturally screened by vegetation and a double garage. The property borders the A30 to the north and is also screened by mature vegetation and trees. The property is constructed on a brick plinth with render finish to the external walls, concrete roof tiles and UPVC windows and doors.

The site is located inside of Shaftesbury Conservation area, and the Grade II Listed Building, Church of St John the Evangelist is located on the other side of Church Hill. It is located within Shaftesbury Character Zone 7: Enmore Green within the Shaftesbury Neighbourhood Plan. The area is described as having a semi-rural character as a result of its location as a backdrop to the wooded green slopes of the green sandstone plateau to the south, with mature trees and hedges and a network of ancient lanes. The settlement pattern is largely informal comprising of low density, detached, rural cottages and short terraces mainly set back from the street. Slight variations in architectural details provide diversity and interest to the streetscape. The Neighbourhood plan outlines issues to be addressed in the character zone of modern development lacking in local distinctiveness and quality materials, and large in scale compared to historic properties.

6.0 Description of Development

This application proposes to construct a new first floor extension above the existing bungalow. This will include removing the existing roof and constructing a new roof with a height to the ridge of 6.66 metres from ground level (an increase of 0.65 metres from the existing bungalow), and with the eaves height to remain as existing.

The new roof pitch will be 44 degrees with new gable ends created on the south and west elevations. The new roof would include two dormers and a Velux rooflight on the east elevation roof, two dormers on the north elevation roof (one with a Juliette balcony) and one dormer on the south primary elevation roof.

The proposal includes a change in roofing material from concrete tiles to natural slate. External walls are designed to match the existing dwelling with a brickwork plinth at the base and white render above. The primary elevation includes a large glazing element above the entrance, which is recessed by approximately 1 metre, with a roof overhang providing some shade for the glazed screen and forms a covered porch.

7.0 Relevant Planning History

2/2018/0793/HOUSE - Decision: GRA - Decision Date: 31/07/2018
Erect 1 No. single storey side extension and carryout internal alterations

P/HOU/2022/02383 - Decision: REF - Decision Date: 29/11/2022
Erect two storey extension & replace entire roof.

P/PAP/2024/00285 - Decision: RES - Decision Date: 24/06/2024
Remove existing roof and add new first floor extension with steeper roof.

8.0 List of Constraints

Application is within Shaftesbury Conservation Area - Distance: 0

North Dorset District-Wide Local Plan (1994-2011); Saved Policies; Conservation Sub Areas; SB4; NULL - Distance: 0

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

Scheduled Monument: Late Saxon urban area E of Castle Hill (List Entry: 1002376.0); - Distance: 465.92

Scheduled Monument: Medieval fortified house at Castle Hill (List Entry: 1002724.0); - Distance: 366.82

Risk of Surface Water Flooding Extent 1 in 1000 - Distance: 0

9.0 Consultations

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

Consultees

1. Shaftesbury Town Council

Shaftesbury Town Council objects for the following reasons:

The objection is based on the pre-submission planning advice taken from the response submitted on 17th July 2024 in relation to application reference PAP/2024/00285. Whilst the proposed plans and elevations do show a line where the pre-app elevations were, that is all the information we have in that respect. The parts of the pre-app response that are felt to corresponded exactly to our thoughts on the proposal are copied below:

Our recommendation (summary): Page 1

I am unable to encourage you to submit a planning application based upon the current proposals which fail to accord with planning policy requirements. Significant amendments would be required to make the development acceptable, namely the following:

- Design - the primary elevation looks unbalanced with too much glazing and does not conform with the character of the area and neighbouring properties.*
- Design – reduce roof height to be informed by the general pattern of heights in the area.*
- Choice of materials – composite cladding is not a typical material found in Shaftesbury*
- Impact on the setting of the conservation area*

Page 4

In terms of design, the proposed development is considered not to be informed by the area it is located in and does not improve the character of quality of the area. The primary elevation appears unbalanced, with too much glazing, which is considered to be inconsistent with the local vernacular and the architecture prevalent in the area. Within the preamble to Policy 24 of the Local Plan (Figure 10.2: Aspects of Development Form) it details the requirements for the scale, height, and massing of a building: ‘The scale, massing and height of a proposal should be related to any adjoining buildings, the general pattern of heights in the area, views, vistas and landmarks.’

Whilst comments have been considered about the applicant having responded to these recommendations by altering the ridge height of the proposed 'extension' and withdrawing the suggestion of cedar type cladding, this doesn't alter the main issue, namely that whilst this has been billed as a 'Remove existing roof and build first floor extension', it is a major and total remodelling of the existing bungalow. The house as it currently stands is rather charming in its setting and no aspect of this will be retained. We consider the proposed alterations to be excessive and architecturally incoherent, leaving the remaining bungalow in this small close dwarfed by its neighbour. We hope this gives a clear material reason for our objection, which was carried unanimously bar an abstention from a councillor who lives nearby.

2. Shaftesbury Town Ward – Cllr Beer

No comments received.

3. Shaftesbury Town Ward 2 – Cllr Jeanes

No comments received.

4. Dorset Council Conservation Officers

Dorset Council Conservation Officer have made the following comments:

Whilst I have no objection to the proposed height and mass of the proposal, the design details, particularly the large, glazed atrium are incongruous in this grouping and to the wider Conservation Area.

Representations received

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

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

Summary of comments of objections:

No comments received.

Summary of comments of support:

No comments received.

10.0 Duties

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

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 includes a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

11.0 Relevant Policies

Development Plan

Adopted North Dorset Local Plan:

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

- 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 18 - Shaftesbury
- Policy 23 - Parking
- Policy 24 – Design

Policy 25 - Amenity

Made Neighbourhood Plans - Shaftesbury Neighbourhood Plan 2019-2031

Policy SFDH1 - Respecting Local Character

Policy SFDH3 - Scale, Positioning and Orientation of Buildings

Policy SFDH6 - Building Styles and detailing

Policy SFDH7 - Building Materials

Material Considerations

Emerging Local Plans:

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

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

The Dorset Council Local Plan

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

National Planning Policy Framework

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

Other relevant NPPF sections include:

- Section 4. Decision making: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- Section 12 'Achieving well designed and beautiful places' indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

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

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 182). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 184). Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 205). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 209).

Other material considerations

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

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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. For this application, there are no known impacts on people with protected characteristics.

14.0 Financial benefits

There are no known financial benefits from this site.

15.0 Environmental Implications

The development would need to comply with current building standards in respect of insulation. There are no other climate change implications as a result of this development.

16.0 Planning Assessment

Principle of Development

Policy 2 of the adopted North Dorset Local Plan sets out that all development proposals should be located in accordance with the spatial strategy for North Dorset, which promotes growth in the 4 main towns. Stalbridge and 18 larger villages. The proposed development site is located within the town of Shaftesbury and is inside of a designated settlement boundary, and therefore complies with Policy 2 of the Local Plan.

Design

The design of the proposed scheme has been revised following Pre Application advice given on 24th June 2024 on application P/PAP/2024/00285. Three key concerns relating to design were raised which were:

- Design - the primary elevation looks unbalanced with too much glazing and does not conform with the character of the area and neighbouring properties.
- Design – reduce roof height to be informed by the general pattern of heights in the area.
- Choice of materials – composite cladding is not a typical material found in Shaftesbury

The submitted scheme has followed pre-application advice given, in which the roof height has been reduced by 0.53 metres to 6.66 metres, changing external materials to remove composite cladding from the proposal and using white render to match the main dwelling. The proposal includes a change in roofing material from concrete tiles

to natural slate, which is a material found within Shaftesbury and is listed as a typical material in the Shaftesbury neighbourhood plan.

Advice was given to reduce the amount of glazing on the primary elevation, as the design had looked unbalanced. However, by reducing the height of the dwelling (and therefore also the glazed aspect in the centre of the primary elevation) and by changing the design of the window on the gable end, the design of the primary elevation is considered to have followed pre application advice and is considered an improvement on the existing bungalow. The recessed glazed aspect of the primary elevation creates an interesting focal point yet does not dominate the appearance of the dwelling. Therefore, it is considered that the proposal is acceptable in terms of design and complies with Policy 24 of the Local Plan.

Impact on the character of the area

As referenced above, the Shaftesbury Neighbourhood Plan outlines that the site is located within Shaftesbury Character Zone 7: Enmore Green. The area is described as having a semi-rural character, with a largely informal settlement pattern of low density detached dwellings and short terraces set back from the street. White Gates is set furthest away from the street among a collection of 3 bungalows with the closest bungalow to the street, The Wykings being significantly altered and aesthetically different. The remaining unaltered bungalows are relatively modern dwellings, with no specific architectural merit. Although the proposed scheme would significantly change the appearance of the dwelling, it is not considered to be harmful, but creates a more interesting design than the existing dwelling. After following pre-application advice and reducing the height and scale of the proposal, it is judged that the proposal would be suitable in the semi-rural setting and would not demonstrably harm the character of the area. Therefore, it is considered that the proposal would comply with Policy 24 of the Local Plan.

Impact on heritage assets

The proposal site is located within the Shaftesbury Conservation Area. Located across Church Hill is the Grade II Listed Building, Church of St John the Evangelist.

The conservation officer has been consulted on this application, and has stated the following:

'Any development in a Conservation Area must enhance and preserve the character of the Area. No 9 Church Street is set back from the main road in a grouping with other more modern properties. Whilst I have no objection to the proposed height and mass of the proposal, the design details, particularly the large, glazed atrium are incongruous in this grouping and to the wider Conservation Area. Therefore, I would suggest the application is withdrawn, and pre application advice is taken.'

The officer has considered comments from the conservation officer relating to the design details, however following a site visit and viewing nearby properties, the planning officer has come to the conclusion that the proposal would not be incongruous to the grouping of bungalows or the wider conservation area. As stated above, by reducing the height and therefore amount of glazing on the primary elevation, the proposal is considered to be an improvement on the existing modern bungalow. The glazing aspect of the primary elevation would be recessed under the eaves by approximately 1 metre, which further limits the visual impact. It is also noted that the property is set back and not visible from the highway.

The planning officer also noticed that neighbouring dwelling Saxon Hall has a large, glazed aspect on the primary elevation and sits more prominently on the highway and in the conservation area. When reviewing the impact of the proposal on the conservation area, the officer has considered how the character of this part of Shaftesbury is described in the Neighbourhood Plan, as semi-rural and a mixture of modern and traditional housing styles. The development proposes to update a modern dwelling with a design which would not detract from the verdant nature of Church Hill, and which is naturally screened from public view by mature vegetation.

Therefore, it is considered that the proposed works would not harm or adversely impact on neighbouring listed buildings or the conservation area and therefore complies with Policy 5 of the Local Plan.

Impact on neighbouring amenity

Due to the nature of the dwelling in relation to neighbouring properties, it is considered that the proposal would not significantly overlook or cause overbearing issues to any neighbouring properties. The west elevation, which would face towards neighbouring property Moonacre, has been sensitively designed with an absence of windows on the first floor. Therefore, it is considered that the proposal would comply with Policy 25 in the Local Plan

Impact on Biodiversity

Policy 4 in the Local Plan states that *'Where there is likely to be an impact on nationally protected or locally rare or scarce species, an assessment of the impact on these species should be submitted to accompany development proposals. This should be appropriate to the scale of development and be informed initially through consultation with the local environmental records centre'*.

A Biodiversity Checklist was completed as part of the application, which outlined there would be a need for a preliminary roost appraisal for protected species such as bats. Within Appendix A of the submitted Design and Access Statement, Lowans Ecology and Associates have certified that there is no evidence of protected species found at the time of the survey (on 12th May 2022). This information is considered to be valid for three years from the date of the survey. Therefore, the officer considers that the proposed works will have no further impact on biodiversity than the existing dwelling.

Flood risk and drainage

A Flood Risk Assessment is submitted in support of the application, within the submitted Design and Access Statement. The property sits in Flood Zone 1, and is not at risk of fluvial flooding. The property does not lie within an area susceptible to ground water flooding but does appear in areas mapped within the Environmental Agency's Risk of Surface Water Flooding zones (1 in 1000). The officer considers that the proposed development will not be at any more risk to flooding than the existing dwelling.

Other material planning considerations

It is noted that the Town Council has raised an objection to the proposed scheme. The Town Council acknowledged that the scheme had responded to recommendations in the pre-application advice but stated that the main issue it had was that the scheme had been incorrectly described and was in fact a major and total remodelling of the existing bungalow. The Town Council also states that it

considers the proposed alterations to be excessive and architecturally incoherent, leaving the remaining bungalow in this small close dwarfed by its neighbour, and that the house as it currently stands is rather charming in its setting and with no aspect of this to be retained.

The officer has recognised that the scheme would considerably alter the appearance of the existing bungalow. However, the first consideration on this matter is that development within a residential curtilage inside of a designated settlement boundary complies with spatial strategy set out in Policy 2 of the Local Plan. The description of the proposed development is considered to be accurate, and the application is judged to be valid. Therefore, the scheme has been incorrectly described.

The officer considers that the proposed alterations are not excessive and not architecturally incoherent. The scheme has followed pre-application advice by reducing the height and scale of the previous design to an acceptable level. The glazing on the primary elevation has been reduced in line with the reduction in height of the dwelling, and the design of the fenestration is considered to be a point of interest. As stated above, the design is considered to be an improvement on the existing bungalow and is not considered to be overbearing or overshadow neighbouring properties.

17.0 Conclusion

This proposal is judged to comply with policies listed above and so complies with the Development Plan as a whole with no material planning considerations indicating permission should be refused.

18.0 Recommendation

GRANT of planning permission 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:

WAC/1363/L01 Location plan

WAC/1363/L02 B Block Plan

WAC/1363/P03 Proposed Floor & Roof Plans & Elevations

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

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Application Number:	P/FUL/2024/03916		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	County Hall Colliton Park Dorchester DT1 1XJ		
Proposal:	Demolish and rebuild sections of the boundary walls		
Applicant name:	Dorset Council		
Case Officer:	Claire Lewis		
Ward Member(s):	Cllr Canning and Cllr Fry		
Publicity expiry date:	16 August 2024	Officer site visit date:	23 July 2024
Decision due date:	4 October 2024	Ext(s) of time:	4 October 2024
No of Site Notices:	x3		
SN displayed reasoning:	<ol style="list-style-type: none"> 1. Adjacent to the wall, attached to the herras fencing around the site within the private County Hall car park. 2. Attached to herras fencing to the rear of the wall on West Walks which is a public footpath following the Roman Walls. 3. Attached to a lamp post adjacent to the footpath and highway on Grove Road, opposite the proposed development site. 		

1.0 This application comes before Planning Committee as the site is council-owned land.

2.0 Summary of recommendation:

GRANT subject to conditions.

3.0 Reason for the recommendation: as set out in Sections 16 & 17 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 proposals accord with all relevant paragraphs of the National Planning Policy Framework (NPPF) as detailed in Section 11.
- The proposal is acceptable in relation to all planning issues outlined in Sections 4 and 16.
- The proposals result in less than substantial harm to designated heritage assets, with public benefit that is judged to outweigh the harm.

- 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 the proposal is acceptable.
Scale, design, impact on character and appearance	There is no change to the scale and design of the visible parts of the proposed replacement wall compared to existing.
Impact on the living and working conditions of the occupants of neighbouring properties	There is no demonstrable long-term impact on the living or working conditions of neighbouring residential and commercial properties.
Impact on landscape or heritage assets	The 'less than substantial harm' resulting from demolishing and rebuilding part of a listed structure and Scheduled Monument is considered to be outweighed by public benefit.
Flood risk and drainage	There is no demonstrable risk in relation to flooding and drainage.
Economic benefits	There are potential economic benefits derived from ensuring the safety and longevity of a notable tourist asset.
Highway impacts, safety, access and parking	There is no demonstrably unacceptable impact on highway safety.
Impact on trees	There are no trees proposed to be removed, all trees will be protected during demolition and construction in accordance with the associated Arboricultural Method Statement.
Biodiversity	There is no demonstrable impact on biodiversity.

5.0 Description of Site

The application site forms part of Dorchester's Roman Walls which is a Grade II listed structure forming part of the Dorchester Roman Walls Scheduled Monument. West Walks, North Walks and Colliton Park lie adjacent to the Roman Walls, on land to the east of The Grove and south of Northernhay, raised significantly above these highways. The site lies on the edge of the designated Dorchester Conservation Area and Colliton Park Roman House, also a Scheduled Monument with Grade I listed structure, lies just over 5 metres to the east. The adjacent 'Town Walk' is also a designated listed Park and Garden heritage asset.

Most of the affected site is a linear stretch of the west wall, but also includes a small section of the north wall as it turns to the east.

The walls are a heritage asset of significant archaeological and historical importance. In terms of use, the walls are considered an important tourist attraction for the town and access to the walls is open to the public via existing footpaths leading from The Grove and Northernhay.

The walks are lined with mature trees immediately adjacent to the walls. The tree canopy shades the walls and the roots spread immediately under the structure. The surrounding area is of mixed use. Immediately to the east is the extensive car park and buildings forming County Hall at Colliton Park, with the undulating topography laid mainly to tarmac. Within the grounds of Colliton Park is the protected Roman House site, which is a notable tourist attraction, and further again to the east lie a range of residential and commercial buildings, including Grade II listed 8 Glyde Path Road. To the west, the topography slopes steeply down to The Grove with its blend of modern residential and commercial uses. On Northernhay immediately to the north of the wall is a small run of residential dwellings, north of which is a large commercial development with a supermarket, car showroom and garage.

Given the raised topography on which the wall sits, and the extensive greenery of the Walks results in limited visibility of the development site from surrounding roads and buildings.

6.0 Description of Development

The proposal seeks to partially dismantle a section of the boundary walls due to their poor condition, salvaging all the original historic materials and rebuilt incorporating these using traditional construction methods.

The works will also involve reducing the ground levels on the Colliton Park side, thereby relieving ground pressure and the formation of a buffer zone to prevent cars parking directly adjacent to the wall. This designated area will be planted with a wildflower grass mix.

The once freestanding walls now act as a retaining structure for the infill of County Hall and the surrounding car park. As a result of this pressure and load, the walls have suffered significant stress resulting in deformations such as leaning, tilting, cracking and bulging to the extent that the walls are at risk of collapse, have been temporarily supported with props and there is no alternative but to demolish and rebuild the asset.

7.0 Relevant Planning History

WD/D/19/001377 - Decision: GRA - Decision Date: 24/07/2019

Carry out improvement works to Roman Town House complex to include seating, lighting, access, parking, circulation, new timber steps and paths, laying of hard surfaces and other landscaping works

WD/D/19/001378 - Decision: GRA - Decision Date: 24/07/2019

Carry out improvement works to Roman Town House complex to include seating, lighting, access, parking, circulation, new timber steps and paths, laying of hard surfaces, other landscaping works and relocation of Roman sarcophagus

WD/D/19/002732 - Decision: RES - Decision Date: 06/11/2019

Request for confirmation of compliance with condition 3 of planning approval
WD/D/19/001377

WD/D/19/002741 - Decision: RES - Decision Date: 06/11/2019

Request for confirmation of compliance with condition 4 of listed building consent
WD/D/19/001738

WD/D/20/002414 - Decision: RES - Decision Date: 09/10/2021

Request for confirmation of compliance with condition 5 of WD/D/19/001377

8.0 List of Constraints

WALL ON WEST AND NORTH SIDES OF COLLITON PARK listed building grade G2. HE Reference: 1110625 - Distance: 0

Grade: II Listed Building: WALL ON WEST AND NORTH SIDES OF COLLITON PARK List Entry: 1110625.0; - Distance: 23.16

Dorchester Conservation Area - Distance: 0

Boundary; West Dorset District Boundary; West Dorset - Distance: 0

Nutrient Catchment Areas - Distance: 0

PROW - Right of Way: Footpath S2/10; - Distance: 35.85

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

Parks and Gardens: TOWN WALKS, DORCHESTER List Entry: 1001594.0 - Distance: 0

Scheduled Monument: Poundbury Camp, associated monuments and section of Roman aqueduct. (List Entry: 1013337.0); - Distance: 267.8

Scheduled Monument: Dorchester Roman walls (List Entry: 1002449.0); - Distance: 0

Scheduled Monument: Colliton Park Roman house (List Entry: 1002721.0); - Distance: 5.17

Poole Harbour Catchment Area - Distance: 0

Groundwater Source Protection Zone - Distance: 0

Radon: Class: Class 1: Less than 1% - 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 Dorchester 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

1. **Historic England** – Supports the scheme which it believes will have considerable public benefits through improved conservation of the site.
2. **National Amenity Societies** – No comments received
3. **Ramblers Association** – No comments received
4. **DC - Rights of Way Officer** – No comments received
5. **DC - Highways** – No objection. Conditions and informatives recommended.
6. **DC - Conservation Officers** – Supports the scheme. Less than substantial harm with public benefit to outweigh. Condition recommended.

7. **DC – Archaeology** – No further archaeological work required for the scheme to commence due to previous works at the site. Archaeological recordings to be made during the proposed works in accordance with the plans. Condition recommended.
8. **Dorchester Town Council** – No objection. Cllr Jones declared an interest as a member of Dorset Council’s Planning and Environment Committee and Chairman of Dorset Council.
9. **Ward Councillors - Dorchester West** – No comments received from either Ward Member.

Representations received

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

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

Summary of comments of objections: None received

Summary of comments of support: None received

10.0 Duties

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

Section 66 requires that when considering whether to grant planning permission for a development which affects a listed building or its setting, there is 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 area.

11.0 Relevant Policies

Development Plan

West Dorset, Weymouth & Portland Local Plan (Adopted 2015)

ENV 4- Conservation Area; DORCHESTER CONSERVATION AREA

ENV10- The Landscape and Townscape Setting

ENV12- The Design and Positioning of Buildings

ENV16- Amenity

COM7 – Creating a safe and efficient transport network

DOR3 – Dorchester Roman Town Area

Material Considerations

Emerging Local Plans:

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

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

The Dorset Council Local Plan

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

National Planning Policy Framework

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

Other relevant NPPF sections include:

Paragraph 196 - Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through

neglect, decay or other threats. This strategy should take into account: a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation; b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; c) the desirability of new development making a positive contribution to local character and distinctiveness; and d) opportunities to draw on the contribution made by the historic environment to the character of a place.

Paragraph 200 - In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 205 - When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 206 - Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 208 - Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 211 - Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible⁷³. However, the ability

to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Other material considerations

Dorchester Conservation Area Appraisal, 2003

- Sub-Area 'a': Colliton Park area, The Grove & Friary Hill

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

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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. Partial closure of the walls and pedestrian access to the County Hall car park and Roman House will impact on persons with protected characteristics, especially disability and age, but the disruption would be short term during demolition and construction works and there are alternative access points and walkways that would remain available during this period.

14.0 Financial benefits

No measurable financial benefits are considered to result from the proposed works.

15.0 Environmental Implications

Potential impact to trees has been identified and assessed. Measures to protect trees at the site as outlined in the Arboricultural Method Statement are acceptable and have been conditioned.

No further demonstrable environmental implications have been identified.

16.0 Planning Assessment

16.1 Principle of development

The proposal to demolish and rebuild sections of a listed wall is considered development and is, in principle, acceptable in this location subject to consideration of all material factors.

16.2 Scale, design, impact on character and appearance

The scale and design of all visible elements of the proposed replacement wall is the same as existing, and every effort will be made to ensure the original wall is replicated to match its original form and build quality. This is ensured through the detailed methods outlined in the structural plans to be followed by the contractor(s), and the condition requiring a sample panel to be approved prior to the rebuild commencing.

The Wall and the Town Walks are heritage assets of considerable value and importance, and taking into account that Dorset Conservation Officers, Historic England and Dorset Archaeology are supportive of the proposals due to their essential nature, it is considered that the works will result in minimal harm to the character and appearance of the assets and the wider area.

16.3 Impact on the living and working conditions of the occupants of neighbouring properties

Whilst the proposals do not directly affect residential property or occupants, the removal of props, herras fencing and unsightly signage will improve any views towards the site from surrounding dwellings. The works would also ensure the safety of local residents, council workers, visitors to County Hall and tourists using the Town Walks.

16.4 Impact on heritage assets

Given its heritage status, the impact of the proposed works on heritage assets should be given great weight when assessing and deciding this application.

The main issues considered are:

- 1) Impact on the Grade II listed wall;

- 2) Impact on the special character and appearance of the Conservation Area;
- 3) Impact on the setting and character of adjacent heritage assets and Scheduled Monuments;.

In considering issue 1), it is clear that the proposed demolition and loss of some historic fabric of the original Roman wall is harmful to the designated heritage asset. Sections of the wall would no longer exist in their original state and this loss would be irreversible. However, as most of the wall will remain unaltered and will very likely be protected from being further undermined in time, the harm is considered less than substantial. Furthermore, the harm can be balanced against the reuse of historic fabric in the rebuilding of the demolished wall sections, and also in the improvements to public safety that would result from stabilising the wall using modern construction techniques. As such, the harm is less than substantial with public benefit to outweigh.

Issue 2) relates to impact on the Conservation Area. The wall is an important feature of the designated Dorchester Conservation Area so the loss of its original form and some historic fabric will harm the heritage asset's special character and appearance. Again however, the harm is less than substantial and is offset by public benefit, and the appearance and visual amenity of the rebuilt wall will be as similar as possible to existing due to the proposed methodology and reuse of historic fabric.

Issue 3) relates to impacts on the nearby Grade I listed Roman House, the Registered Park and Garden 'Town Walks' and 2no. Scheduled Monuments (Colliton Park Roman House and Roman Walls). As outlined in the responses to 1) and 2) above, the less than substantial harm with public benefits deemed to outweigh that harm will ensure that there is minimal impact to these nearby designated heritage assets and Scheduled Monuments, and given their close proximity, conservation and protection of the wall should also help to secure both longevity of these assets and continued safe access for the public to view and enjoy them.

In addition, a proposed programme of archaeological works will take place in tandem with the demolition works that will ensure a detailed historic record of the wall is compiled. This will be submitted to both Dorset Council and Historic England, and any artefacts uncovered would be preserved. The development therefore complies with Policy ENV.4 of the Local Plan and relevant sections of the NPPF as outlined in Section 11.0 of this report.

16.5 Flood risk and drainage

The site is located in Flood Zone 1 on raised ground. As such, there is no demonstrable risk in relation to flooding and drainage.

16.6 Economic benefits

Whilst no measurable financial benefit can be accorded with the proposals, given that the Roman Walls and surrounding designated and non-designated heritage assets are a draw for tourists visiting the historic town, the protection and conservation of those assets might be considered beneficial to the wider local economy.

16.7 Highway impacts, safety, access and parking

The Dorset Highways Authority has no objection to the scheme. However, the proposal involves a structure located within 6 metres of the edge of the highway. Therefore, the works are subject to Technical Approval by the Technical Approval Authority through submission of a Full Structural Report. Works must not commence until the Structural Report has been accepted and signed off by the Local Authority, as per the informative below.

Access will be restricted around the proposal site during the works, but there are alternative access points on the Town Walks and Colliton Park so this is considered short term, necessary and therefore acceptable.

The proposed buffer zone planted with wildflower grass mix adjacent to the Roman Wall on the Colliton Park side will ensure vehicles are parked away from the wall, reducing future force and weight on the structure.

16.8 Impact on trees

There are 8 trees directly within the proposed area of works. A detailed arboricultural assessment concluded that no trees would be removed or likely to be lost as a result of the proposed demolition and repair works, despite the trees being sited adjacent to the wall with their roots spread underneath the structure.

A method statement outlines a detailed plan for the works, including tree protection measures such as fencing, geo-textile matting and boarding to be installed pre-construction, and a detailed methodology for protecting tree roots during the demolition and excavation stage. During the rebuild, a specific methodology must be followed to ensure construction debris does not damage the trees. Throughout the process, site supervision is required and all of the above is conditioned.

16.9 Biodiversity

The addition of a small area of wildflower grass planting adjacent to the repaired stretch of the wall will encourage increased biodiversity as a direct result of the proposal.

16.10 Scheduled Monument Consent

The works also require SMC from the SoS. An application for Scheduled Monument Consent was acknowledged by Historic England in its consultation response.

17.0 Conclusion

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

18.0 Recommendation: Grant, subject to the following conditions:

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

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

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

24/03/1 Site plan
24/03/2 East and West elevation
24/03/3 Location, block plan & North and South elevations
01 Wall Sections A to D
02 Wall sections E to H
03 Wall sections I to K
04 Wall sections L to O
05 Wall sections P to S
06 Wall sections T and U
07 Wall sections reference drawing
Section E

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

- 3.No works 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.

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

- 4.All works relating to demolition, groundworks, reconstruction and landscaping must be carried out in accordance with the 'Initial Works Schedule' as outlined in the Heritage Impact, Design and Access Statement reference AW/22/80 received by the Local Planning Authority on 12/07/2024, and Drwg. Nos. 24/03/1 and 24/03/2, and shall be maintained as such thereafter.

Reason: To ensure the protection of assets of special archaeological and historic interest.

- 4) The development hereby approved shall proceed only in accordance with the details set out in the Arboricultural Method Statement dated 30th May 2024 setting out how the existing trees are to be protected and managed before, during and after development.

Reason: To ensure thorough consideration of the impacts of development on the existing trees

Agenda Item 12

Application Number:	P/LBC/2024/03235		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	County Hall Colliton Park Dorchester DT1 1XJ		
Proposal:	Demolish and rebuild sections of the boundary walls		
Applicant name:	Dorset Council		
Case Officer:	Claire Lewis		
Ward Member(s):	Cllr Canning and Cllr Fry		
Publicity expiry date:	1 August 2024	Officer site visit date:	23 July 2024
Decision due date:	4 October 2024	Ext(s) of time:	4 October 2024
No of Site Notices:	x3		
SN displayed reasoning:	<ol style="list-style-type: none"> 1. Adjacent to the wall, attached to the herras fencing around the site within the private County Hall car park. 2. Attached to herras fencing to the rear of the wall on West Walks which is a public footpath following the Roman Walls. 3. Attached to a lamp post adjacent to the footpath and highway on Grove Road, opposite the proposed development site. 		

1.0 This application comes before Planning Committee as the site is council-owned land.

2.0 Summary of recommendation:

GRANT LISTED BUILDING CONSENT subject to conditions.

3.0 Reason for the recommendation: as set out in Sections 16 & 17 at end of this report.

- 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 proposals accord with all other relevant paragraphs of the National Planning Policy Framework (NPPF) as detailed in Section 11 of this report.
- The proposal is acceptable in relation to all planning issues outlined in Sections 4 and 16 of this report.

- The proposals result in less than substantial harm to designated heritage assets, with public benefit that is judged to outweigh the harm.
- 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 the proposal is acceptable.
Impact on heritage assets	The 'less than substantial harm' resulting from demolishing and rebuilding part of a listed structure and Scheduled Monument is considered to be outweighed by public benefit.

5.0 Description of Site

The application site forms part of Dorchester's Roman Walls which is a Grade II listed structure forming part of the Dorchester Roman Walls Scheduled Monument. West Walks, North Walks and Colliton Park lie adjacent to the Roman Walls, on land to the east of The Grove and south of Northernhay, raised significantly above these highways. The site lies on the edge of the designated Dorchester Conservation Area and Colliton Park Roman House, also a Scheduled Monument with Grade I listed structure, lies just over 5 metres to the east. The adjacent 'Town Walk' is also a designated listed Park and Garden heritage asset.

Most of the affected site is a linear stretch of the west wall, but also includes a small section of the north wall as it turns to the east.

The walls are a heritage asset of significant archaeological and historical importance. In terms of use, the walls are considered an important tourist attraction for the town and access to the walls is open to the public via existing footpaths leading from The Grove and Northernhay.

The Town Walks are lined with mature trees immediately adjacent to the walls. The tree canopy shades the walls and the roots spread immediately under the structure. The surrounding area is of mixed use. Immediately to the east is the extensive car park and buildings forming County Hall at Colliton Park, with the undulating topography laid mainly to tarmac. Within the grounds of Colliton Park is the protected Roman House site, which is a notable tourist attraction, and further again to the east lie a range of residential and commercial buildings, including Grade II listed 8 Glyde Path Road. To the west, the topography slopes steeply down to The Grove with its blend of modern residential and commercial uses. On Northernhay immediately to the north of the wall is a small run of residential dwellings, north of which is a large commercial development with a supermarket, car showroom and garage.

Given the raised topography on which the wall sits, and the extensive greenery of the Walks results in limited visibility of the development site from surrounding roads and buildings.

6.0 Description of Development

The proposal seeks to partially dismantle a section of the boundary walls due to their poor condition, salvaging all the original historic materials and rebuilt incorporating these using traditional construction methods as mentioned in more detail elsewhere.

The works will also involve reducing the ground levels on the Colliton Park side, thereby relieving ground pressure and the formation of a buffer zone to prevent cars parking directly adjacent to the wall. This designated area will be planted with a wildflower grass mix.

The once freestanding walls now act as a retaining structure for the infill of County Hall and the surrounding car park. As a result of this pressure and load, the walls have suffered significant stress resulting in deformations such as leaning, tilting, cracking and bulging to the extent that the walls are at risk of collapse, have been temporarily supported with props and there is no alternative but to demolish and rebuild the asset.

7.0 Relevant Planning History

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WD/D/19/001377

WD/D/19/002741 - Decision: RES - Decision Date: 06/11/2019

Request for confirmation of compliance with condition 4 of listed building consent
WD/D/19/001738

Request for confirmation of compliance with condition 5 of WD/D/19/001377

8.0 List of Constraints

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Grade: II Listed Building: WALL ON WEST AND NORTH SIDES OF COLLITON PARK List Entry: 1110625.0; - Distance: 23.16

Dorchester Conservation Area - Distance: 0

DOR3; Dorchester Roman Town Area; Dorchester - Distance: 0

Right of Way: Footpath S2/10; - Distance: 35.85

Parks and Gardens: TOWN WALKS, DORCHESTER List Entry: 1001594.0 - Distance: 0

Scheduled Monument: Poundbury Camp, associated monuments and section of Roman aqueduct. (List Entry: 1013337.0); - Distance: 267.8

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9.0 Consultations

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Consultees

1. **Historic England** – Supports the scheme which it believes will have considerable public benefits through improved conservation of the site.
2. **National Amenity Societies** – No comments received
3. **DC - Rights of Way Officer** – No comments received
4. **DC - Conservation Officers** – Supports the scheme. Less than substantial harm with public benefit to outweigh. Condition recommended.
5. **DC – Archaeology** – No further archaeological work required for the scheme to commence due to previous works at the site. Archaeological recordings to

be made during the proposed works in accordance with the plans. Condition recommended.

6. **Dorchester Town Council** – No objection.
7. **Ward Councillors - Dorchester West (x2)** – No comments received from either ward member.

Representations received

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

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

Summary of comments of objections: None received

Summary of comments of support: None received

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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 16 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 when considering whether to grant listed building consent.

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Development Plan

West Dorset, Weymouth & Portland Local Plan (Adopted 2015)

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ENV10- The Landscape and Townscape Setting

ENV16- Amenity

Material Considerations

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

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Paragraph 206 - Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 208 - Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 211 - Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible⁷³. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Other material considerations

Dorchester Conservation Area Appraisal, 2003

- Sub-Area 'a': Colliton Park area, The Grove & Friary Hill

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

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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. Partial closure of the walls and pedestrian access to the County Hall car park and Roman House will impact on persons with protected characteristics, especially disability and age, but the disruption would be short term during demolition and construction works and there are alternative access points and walkways that would remain available during this period.

14.0 Financial benefits

No measurable financial benefits are considered to result from the proposed works.

15.0 Environmental Implications

Potential impact to trees adjacent to the Grade II listed wall and within the designated Conservation Area and Scheduled Monument Site has been identified

and assessed. Measures to protect trees at the site as outlined in the Arboricultural Method Statement are acceptable and have been conditioned as part of associated planning application P/FUL/2024/03916.

No further demonstrable environmental implications have been identified.

16.0 Planning Assessment

Impact on heritage assets

Given its heritage status, the impact of the proposed works on heritage assets should be given great weight when assessing and deciding this application.

The main issue to be considered is the impact on the historic significance of the Grade II listed wall. It is clear that the proposed demolition and loss of some historic fabric of the original Roman wall is harmful to the designated heritage asset. Sections of the wall would no longer exist in their original state and this loss would be irreversible. However, as most of the wall will remain unaltered and will very likely be protected from being further undermined in time, the harm is considered less than substantial. Furthermore, the harm can be balanced against the reuse of historic fabric in the rebuilding of the demolished wall sections, and also in the improvements to public safety that would result from stabilising the wall using modern construction techniques. As such, the harm is less than substantial with public benefit to outweigh the identified harm.

In addition, a proposed programme of archaeological works will take place in tandem with the demolition works that will ensure a detailed historic record of the wall is compiled. This will be submitted to both Dorset Council and Historic England, and any artefacts uncovered would be preserved.

The development therefore complies with Policy ENV.4 of the Local Plan and relevant sections of the NPPF as outlined in Section 11.0 of this report.

17.0 Conclusion

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

18.0 Recommendation

Grant listed building consent subject to the following conditions:

1. The work to which this listed building consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: This condition is required to be imposed by reason of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

24/03/3 Location and block plans

24/03/1 Site plan

24/03/2 East and West Elevation

01 Wall Sections A to D

02 Wall sections E to H

03 Wall sections I to K

04 Wall sections L to O

05 Wall sections P to S

06 Wall sections T and U

07 Wall sections reference drawing

Section E

Reason: To preserve the architectural and historical qualities of the structure.

3. Prior to the commencement of work to the stone walls, a sample panel of stonework shall be constructed on site and shall be inspected and approved in writing by the Local Planning Authority. The sample panel shall be approximately 2 square metres in size. Once approved the panel shall remain on site until the completion of works and stonework shall be constructed to match the approved sample panel.

Reason: For the avoidance of doubt and in the interests of preserving the character and appearance of the listed structure.