



Northern Area Planning Committee

Date: Tuesday, 4 February 2025
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 Potheary, 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 224877 - john.miles@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 - 24

To confirm the minutes of the meeting held on 10th December 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 31st January 2025.

5. P/OUT/2024/00603, LAND AT E 376630 N 130225 CHAFFEYMOOR FARM NEW ROAD BOURTON 25 - 56

Erection of up to 50 dwellings with new cycle/pedestrian link to West Bourton Road and the provision of public open space (outline application to determine access only) (amended plan received).

6. P/FUL/2021/05709, THE LONG HOUSE, LAND AT SALISBURY ROAD PIMPERNE DT11 8XF 57 - 76

Erection of 6 No. dwellings, form new vehicular access and parking.

7. P/FUL/2024/03602, HAZELBURY BRYAN PRIMARY SCHOOL 77 - 92

Creation of school car park and associated access.

8. P/FUL/2024/04028, PLOT 3 NORTH DORSET BUSINESS PARK ROLLS MILL WAY STURMINSTER NEWTON DT10 2GA 93 - 108

Erection of industrial building.

9. P/VOC/2024/05673, CERNE ABBAS CHURCH OF ENGLAND FIRST SCHOOL DUCK STREET CERNE ABBAS DT2 7LA 109 - 124

Erect building for use as Learning Resource Centre. (with variation of conditions 2 & 3 of planning permission P/FUL/2022/02607 to amend plans & materials).

10. URGENT ITEMS

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

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

11. EXEMPT BUSINESS

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph x 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 10 DECEMBER 2024

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

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

Lara Altree (Senior Lawyer - Regulatory), Steve Savage (Transport Development Liaison Manager), Hannah Smith (Development Management Area Manager (North)), Megan Rochester (Senior Democratic Services Officer), John Miles (Democratic Services Officer), Kirsten Williams (Lead Project Officer), Enrico Dimarino - Engineer (Development Liaison) and Jim Bennett (Senior Planning Officer).

23. Apologies

No apologies for absence were received at the meeting.

24. Declarations of Interest

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

25. Minutes

The minutes of the meeting held on 5th November 2024 were confirmed and signed.

26. 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.

27. P/FUL/2024/00246, Fordington Farm, Alington Avenue, Dorchester, Dorset

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. He included photographs of the application site, the site location plan and proposed access, proposed block plan of the site and Housing types were shown. There were no objections from the Highway Authority on highway grounds. The principle of residential development was considered acceptable and, in its design, scale and layout and landscaping. There would be no significant harm to residential amenity and no material considerations that would warrant refusal.

Public Participation

Mr Barker spoke in objection to the proposal and had collaborated with his neighbours. He raised access issues and risks and explained that the fundamental problem and main objection was regarding the risk to personal safety and property created by allowing access for building and use of proposed houses through the bottleneck between Nos 15 and 17 Armada Way. He explained that there were concerns related to building machinery and vehicles and the daily access by occupants, visitors, deliveries, mail, maintenance, and other services present which would increase the volume of traffic through a restricted access with poor visibility. The people living in 15 and 17 access would be located by the bottleneck between both houses which would be constricted further when they used their parking spaces. Drivers exiting through the new site access would be unable to see any vehicles, cyclists or pedestrians until they were clear of the walls on either side. Emergency vehicles would have to negotiate the additional parked and moving traffic in a limited space, and would be adding to the risk to people, property and vehicles. He also spoke about the implications on Armada Way, which already had a significant passage of people, regularly young children for school and sports. Congestion would worsen the risk to these people and with the added construction and crossing the pavement and many vehicles would need to reverse crossing the pavement and the increased temporary parking of visitors, delivery vehicles, site maintainers and others. He explained that there were no concessions, or risk controls to minimise or mitigate the considerable impact on the quality of life for the adjacent residents due to noise, dirt, dust, waste, general building detritus and access denials, especially at busy times of the day. Nor were there any apparent risk controls to minimise the likelihood of any damage to utilities, road surfaces and adjacent property in this confined area. The root cause of all of the above risks and concerns is access to the proposed development across the pavement and through the bottleneck via Armada Way. All of these risks and concerns could be alleviated by singular vehicular access from the North, with access via Armada Way provided to pedestrians/cycles only.

Ms Farniloe spoke in objection to the impact of the proposed development on neighbouring properties. She raised concerns that the highway department had not done their job to the fullest extent and had concentrated on the collection of refuse off the development which would not happen and was not needed. She wished the highway department looked into more detail at the impact of exiting the new development instead of accessibility. She explained that widening of the gateway by 300 mm would not resolve the problem of visibility for any of the residents and would be extremely difficult for all concerned. The 6' high wall which enclosed the development and existing parking area obstructs the view completely on both sides of the gateway. There would be potentially 27 vehicles using the same pinch point and not one of them had a good view of approaching cars leaving the premises at the same time. She added that no one had reached out or spoken to the residents or their families who were directly involved with how the development would impact their ability to safely exit from their premises. There was a resident who relied on a mobility scooter, and often drove past the gate way every single day. As well as people who walked, cycle or put their bins out that

need to navigate the pinch point area. Also, a new gateway was being built placed at the side of property and what is to stop the public using this as a shortcut ignoring the existing public pathway, this would potentially increase the footfall therefore potential accidents at the pinch point.

Mr Nock represented the applicant. He explained that the subject of the application was to demolish the existing dairy farm building and erect 6 new dwellings. The application followed a detailed pre-application consultation for 7 new dwellings and the planning officer's comments were taken on board, reducing the unit numbers and rearranging the site to provide additional landscaping. During the planning application he consulted with the case officer, making changes to the proposal to address consultee comments and concerns. He added that subsequently, the proposals had been recommended for approval and he understood the application was in due to an objection from the Town Council. He clarified that for overdevelopment, the case officer had confirmed that the layout of the development was acceptable and not overdeveloped. Mr Nock and the applicant agreed that the proposal was well designed with a far lower density than all surrounding developments, on Armada Way and Sandringham Crescent. The Neighbouring areas had approximately 52 dwellings per hectare, whereas the proposal had a density of around 30 dwellings per hectare. He also informed that for vehicle access Dorset Council Officers had no objections with the proposals and the case officer was satisfied that access for a further 5 dwellings did not constitute a significant level of additional vehicular use, considering the level of current use. The access served 11 parking areas as well as a legal right of way for vehicle access to the agricultural farmyard for tractors and lorries. For Bins there were only two additional dwellings that relied upon the roadside of Armada Way for bin collection and the Council's waste policy manager had no concerns. Landscaping- the landscaping plan showed that the hedging along the border with the footpath would be reinforced and it was in the applicant's interest to do so for privacy of the gardens to units 05 and 06. With the addition of six new heavy standard trees, the footpath would become higher quality, well maintained green corridor, more so than it was previously. The application also proposed the replacement of poor quality lleyandii hedging, around the farmhouse curtilage, with pleached limes and walling, lending a more verdant backdrop to the proposed development and local setting. He summarised that the proposal was safe, a well-designed scheme, one recommended for approval by the case officer following statutory consultations.

Members questions and comments

- **Questions regarding possible archaeology on the site and pertained future works as the development is on a prominent site of Dorchester. Members also asked if the footpath would be open and accessible at all times.**
- **Queried about waste collections for dwellings 3, 5 and 6.**
- **Clarification about the condition of lowering the wall and who owns the access to the site.**

- It was queried if alternative accesses to the site had been considered as well as mitigation measures.
- Issues with the access were raised particularly with larger vehicles accessing the site. Concerns about pavement across access and if it should be removed to show designated vehicle use so that pedestrians did not have right of way.
- Queried where dwellings 21,17 and 11 would put their bins on bin day

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 Major, and seconded by Cllr Rideout.

Decision: To grant planning permission subject to conditions set out in the officer's report and the additional condition set out below:

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 approved plans:

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

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

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

4. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number 02 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.

5. Prior to commencement of development hereby approved a Construction Traffic Management Plan and programme of works shall be submitted to and approved in

writing by the Local Planning Authority. The Plan shall include construction vehicle details (number, size, type and frequency of movement), vehicular routes, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities). The development shall thereafter be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of road safety.

6. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 16th January 2024 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.

7. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). Should any contamination be found requiring remediation, a remediation Page 33 scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. On completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no additional windows or other openings permitted by Class A of Schedule 2 Part 1 of the 2015 Order shall be constructed at first floor level in any elevation of the dwellings hereby approved.

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

9. The hard and soft landscaping works detailed on approved drawing numbers 07 Rev A - Landscape Plan and 08 Rev A - Boundary Treatment Plan must be carried

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

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

10. Before any equipment, materials or machinery are brought onto the site for the purposes of development, a pre-commencement site meeting between the Tree Officer, Arboricultural Consultant and Site Manager shall take place to confirm the protection of trees on and adjacent to the site in accordance with the Arboricultural Impact Appraisal and Method Statement prepared by NB Tree management, ref: Arboricultural Method Statement Fordington Farm – dated 22.9.23. The tree protection shall be positioned as shown on the Tree Protection Plan, ref: TPP1 dated Nov 2020 TC1 dated 22.09.2023. All tree protection shall be retained until the development is completed and nothing shall be placed within the fencing, nor shall any ground levels be altered or excavations made without the written consent of the Local Planning Authority. This condition shall not be discharged until an arboricultural supervision statement, the contents of which are to be discussed and agreed at the pre-commencement meeting, is submitted to and approved in writing by the Local Planning Authority on completion of development.

Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase.

11. Prior to commencement of works samples of the cellular confinement system to be used, including the samples of the cell infill aggregate, which shall not be of a calcareous nature rather a 4-20mm clean angular granite or flint shall be submitted and approved in writing by the Local Planning Authority.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

12. 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 Local 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.

13. The development shall be implemented in full accordance with the drainage mitigation and maintenance details outlined in the Surface Water Drainage Strategy and Flood Risk Assessment Prepared for J & F Properties (Southern Ltd.) by Godsall Arnold dated September 2023 revised: August 2024.

Reason: To avoid drainage problems as a result of the development with consequent pollution or flood risk.

14. No development shall commence until the necessary nutrient mitigation credits to mitigate the impacts of the development on the Poole Harbour Special Protection Area (SPA) and Ramsar have been secured from an accredited nutrient provider and a copy of the Nutrient Credit Certificate demonstrating that purchase, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that sufficient mitigation is provided against any impact which may arise from the development on the Poole Harbour SPA and Ramsar.

15. Details of measures to limit the water use of the dwellings in accordance with the optional requirement in regulation 36(2)(b) and the Approved Document for Part G2 of the Building Regulations 2010 (or any equivalent regulation revoking and/or re-enacting that Statutory Instrument) shall be submitted to and approved in writing by the Local Planning Authority before the dwellings are occupied. The submitted details shall include a water consumption calculation to demonstrate for each dwelling in accordance with the Approved Documents referred to above. The approved measures shall be implemented prior to occupation and maintained in accordance with the approved details thereafter. The measures will need to demonstrate that the development will secure a higher level of water efficiency than a figure of 110L/person/day and shall be implemented prior to occupation and maintained in accordance with the approved details thereafter.

Reason: To ensure nutrient neutrality in the Poole Harbour catchment in the interests of protected habitats.

16. Before the development hereby approved is first occupied, the applicant shall have first submitted to and had approved in writing by the Local Planning Authority, details of a scheme to lower and shorten the lengths of walling either side of the egress from the site onto the shared access to Armada Way. Thereafter the development shall be implemented in accordance with the agreed scheme and shall be retained, maintained and kept free from all obstruction in accordance with the agreed details.

Reason: In the interest of highway safety.

28. **WD/D/19/001344, Land at, Littlefield, Sherborne**

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. Proposed typical floor plans and photographs of the views from

Littlefield, Noake Road and the entrance to Littlefield were shown. The Location plan showed the site boundary with the garage plots, site context was given showing the surrounding building types. There would be an erection of 10 dwellings in the development boundary of Sherborne and sufficient parking for each property with amenity areas and the proposal meets parking standards. Additional parking spaces had been added since the proposal was deferred. The proposal would be 100% affordable housing. The committee was shown a list of key planning considerations, conditions and recommendations.

Public Participation

There was no public participation.

Members questions and comments

- Asked if access points on the verges would get blocked by parked cars
- Around the rear boundary from 1-5 of the proposed layouts, there is access to the rear gardens. Maintenance of the rear boundary was queried and if fences could be added to both sides of the path.
- Questions asked about the amount of parking spaces and if this would be enough for resident's family to park.
- Queried how parking would be enforced
- Concerns about the new road layout not being adopted.
- 2 areas of concern about the alleyway created which could potentially be a security risk and whether there would be lockable gates and high gates. Mentioned the lack of visibility in the alleyway, created a space there with lack of oversight and visibility.
- Queried about the access road on Littlefield which is too narrow for access vehicles, parked vehicles to get by and lots of retirement people live there and 2 vehicles unable to pass at the same time. The narrow road could create additional risk for accidents.
- Commented that there were no electric vehicle chargers, heat pumps or solar panels.
- Cllr Les Fry requested a condition to light the rear as highways at the back of the properties.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written 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 Jones, and seconded by Cllr Taylor.

Decision: To grant planning permission with conditions for the reasons set out in the officer's report.

- 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).
- The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location Plan - Drawing Number 2001 (May 2019) Proposed Site Plan - Drawing Number 2004 K (February 2021) Proposed Roof Plan - Drawing Number 2005 F (February 2021) Proposed Floor Plan Plots 1-5 - Drawing Number 2030 B (November 2020) Proposed Elevations Plots 1-5 - Drawing Number 2031 C (November 2020) Proposed Floor Plan Plots 6-8 - Drawing Number 2032 B (November 2020) Proposed Elevations Plots 6-8 - Drawing Number 2033 C (November 2020) Proposed Floor Plan Plots 9-10 - Drawing Number 2034 B (November 2020) Proposed Elevations Plots 9-10 - Drawing Number 2035 C (November 2020) Proposed Biodiversity Plan - Drawing Number 2007 B (April 2019) Proposed Drainage Strategy - Drawing Number A108246-1300 A (April 2019) General Arrangement of Surface Water Impermeable Areas - Drawing Number 103 P1 (January 2020) Affordable Housing Statement (May 2019) Biodiversity Mitigation & Enhancement Plan (February 2020) Biodiversity Mitigation & Enhancement Plan Certificate (February 2020) Design & Access Statement Part 1 (May 2019) Design & Access Statement Part 2 (May 2019) Ecological Impact Assessment (September 2018) Ground Condition Appraisal (August 2018) Soakaways 55SqM (August 2020) Soakaways 84SqM (August 2020) Soakaways 125SqM (August 2020) Soakaways 156SqM (August 2020) Soakaways 206SqM (August 2020) Soakaways 364SqM (August 2020) Soakaways 455SqM (August 2020) Statement of Community Involvement (May 2019) Statement of Compliance with DCLG Technical Housing Standards (May 2019) Transport Statement (May 2019)

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

- Prior to the commencement of the development, hereby approved, the necessary nutrient mitigation credits to mitigate the impacts of the development on the Somerset Levels and Moors Ramsar catchment have been secured from an accredited nutrient provider and a copy of the Nutrient Credit Certificate demonstrating that purchase, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that sufficient mitigation is provided against any impact which may arise from the development on the Somerset Levels and Moors Ramsar.

- The Development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:-

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway.
- Details of site operative parking areas, material storage areas and the location of site operatives' facilities (offices, toilets etc).
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- Details of any temporary construction accesses and their reinstatement.
- A highway condition survey, timescale for re-inspections, and details of any reinstatement. The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the Local Planning Authority.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety.

- Prior to the commencement of works above ground/foundation level on the development, hereby approved, details of maintenance & management of both the surface water sustainable drainage scheme and any receiving system shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The details shall include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime. Reason: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding in accordance with Policy ENV5 of the West Dorset, Weymouth and Portland Local Plan 2015.
- Prior to the commencement of works above ground/foundation level on the development, hereby approved, a detailed surface water management scheme for the site, which accords with the principles outlined in the following documents: • Drawing: General Arrangement of Proposed S104 Foul & Surface Water • Drainage – Littlefield Development, Barnaby Assoc. – Jan 2020 – Ref No: 191110-101-P3 • Report: Soakaway Ground Investigation Report – Proposed Development at Littlefield, Sherborne – TerraFirma (South) – Rev 00 (July 2020) – Ref No: 5075/SR, and is based upon the hydrological and hydrogeological context of the development and includes clarification of how surface water is to be managed during construction, has been submitted to, and approved in writing by the Local Planning Authority. The surface water scheme shall be fully implemented in accordance with the submitted details before the development is completed and retained as approved thereafter.

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

Policies ENV2 and ENV5 of the West Dorset, Weymouth and Portland Local Plan 2015.

- Prior to the first occupation of the development, hereby approved, the turning and parking shown on the submitted plans 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 in accordance with Policy COM7 of the West Dorset, Weymouth and Portland Local Plan 2015.

- The development, hereby approved, shall be carried out in accordance with the external material details set out within Section 5.1 of the Design and Access Statement which was submitted with this application and dated May 2019. Reason: In the interest of visual amenity and ensuring high-quality design in accordance with Policies ENV10, ENV11 and ENV12 of the West Dorset, Weymouth and Portland Local Plan 2015.
- In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). If any contamination is found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved by the Local Planning Authority in writing. On completion of the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority in writing for the approval of the Local Planning Authority within two weeks of completion.

Reason: To ensure risks from contamination are minimised.

- The measures of the Biodiversity Mitigation & Enhancement Plan signed by Mat Gee and dated 20/02/20, and agreed by the Natural Environment Team on 24/02/2020 shall be implemented in full prior to first occupation of the dwellings hereby approved.

Reason: In the interests of biodiversity mitigation and enhancement in accordance with Policy ENV2 of the West Dorset, Weymouth and Portland Local Plan 2015.

- Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), the first floor window on the side elevation of plot 6 hereby approved shall be permanently glazed and maintained thereafter with obscured glass of a minimum obscuration of Pilkington Level 3 or equivalent and non-opening up

to 1.7 metres above the finished floor level of the room before the dwelling house is first brought into use.

Reason: To protect amenity and privacy of the nearby neighbouring dwellings in accordance with Policy ENV12 of the West Dorset, Weymouth and Portland Local Plan 2015.

- Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), the first-floor window on the rear elevation of plot 9 hereby approved shall be permanently obscure glazed and maintained thereafter with obscured glass of a minimum obscurity of Pilkington level 3 or equivalent and a permanent fixed restrictor installed only allowing the window to be opened by 10cm at the bottom of the window before the dwelling house is first brought into use.

Reason: To protect amenity and privacy of the nearby neighbouring dwellings in accordance with Policy ENV12 of the West Dorset, Weymouth and Portland Local Plan 2015.

- The development hereby approved shall not be first occupied until a pedestrian dropped kerb located on the south side of Littlefield to be positioned as shown on the Proposed Site Plan, drawing number 2004 K shall first have been installed.

Reason: In the interests of highway safety.

- Prior to the first use of the site, details should be submitted to and approved in writing by the Local Planning Authority to confirm that all residential doors are dual certified for both security, smoke and fire, the doors should security standard PAS24:2022 or equivalent and have the appropriate fire rating.

Reason: To ensure that the proposed development provides an appropriate level of security in order to help design out crime.

- No demolition or construction works shall take place outside the hours of: 08:00-17:30 Monday to Friday; 09:00-13:00 Saturday; and No Activity on Sundays or Bank or Public Holidays.

Reason: In the interests of the amenity of the area.

- Full details of any soil or soil forming materials brought on to the site for use in garden areas, soft landscaping, filling and level raising shall be submitted to and approved in writing by the Local Planning Authority. Where the donor site is unknown or is brownfield, the material must be tested for contamination and suitability for use on site. Full donor site details,

proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) must be submitted to and approved in writing by the Local Planning Authority prior to import on to the site. The approved testing must then be carried out and validatory evidence (such as laboratory certificates) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought on to site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

29. **P/RES/2023/05868, West Of Shaftesbury Road At Land South Of Gillingham Shaftesbury Road Gillingham Dorset**

The Case Officer provided the members with the following updates to the proposed conditions which were not in the report:

8. The development hereby approved shall be undertaken in accordance with the detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the Biodiversity Mitigation and Enhancement Plan (BMES) & Biodiversity Construction Environmental Management Plan (BCEMP) (RSK Biocensus – 2485927 Rev 02 14/08/2024), subject to all new hedgerows to be species-rich native hedgerow that includes at least 5 woody species. Rev 02 14/08/2024.

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

9. Prior to the commencement of the development above damp course level, a scheme showing precise details of all external lighting (including appearance, supporting columns, siting, technical details, power, intensity, orientation and screening of the lamps) shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall reflect the need to assist public safety whilst adhering to standards set out in the approved Biodiversity Mitigation and Enhancement Plan (BMES) & Biodiversity Construction Environmental Management Plan (BCEMP) (RSK Biocensus- 2485927 Rev 02 14/08/2024. In particular that light spill within the dark corridor identified in Figure 2 of this document does not exceed 1 lux. The approved scheme shall be implemented before the development is occupied and shall be permanently maintained thereafter. No further external lighting shall be installed on site without the prior approval, in writing, of the Local Planning Authority.

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. The proposal was for the erection of 155 houses and was a

reserved matters application. The Case Officer showed the strategic allocation plan- Gillingham Southern Extension, as well as the land use plan and an illustrative masterplan and photographs of Principal Street- Western Junctions with B3092 New Road. Additional street parking, and traffic calming had been implemented. The Officer went through the summary which informed that the proposal had been through several reiterations to address concerns, the principle of residential development on this site had already been established, the proposal was acceptable in layout, scale, appearance and landscaping and the development would not lead to any material harm to residential amenity and there are no material considerations that would warrant refusal of this application.

Public Participation

Mr Jackson spoke in support of the application on behalf of the applicant. This was now the fourth major Redrow application on this site and the fifth overall. He thanked the officers and the team for their work in getting to this stage and for the recommendation for approval. He urged that positive discussions continue, and the constructive discussions would ensure that they brought proposals that reflect the original ambitions of the site and the aspirations of the local authority. He added that the layout had been well considered, consistent with the previously approved applications which contribute towards sustainable development and wider town scape. The proposals would deliver 155 new family homes, including affordable housing making an important contribution to meeting the housing needs of Gillingham as well as securing the delivery of open space and connections to the wider locality. As a team they had engaged positively with officers and other key stakeholders.

Members questions and comments

- Queried objections from Gillingham Town Council regarding the flooding.
- Clarified over words used for heat pump installations in all homes and if they would be installed.
- Comments about flooding and attenuation ponds and the minimal space standards of homes.
- Queried the potential primary school extension.
- Queried if the committee was able to mandate for the affordable housing to be disabled friendly.
- Question asked about the long-term viability and commitment to providing affordable housing.

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 Rideout, and seconded by Cllr Val Potheary.

Decision: To grant planning permission with conditions for the reasons set out in the officer's report.

1. The development to which these reserved matters and accompanying details relates shall be begun not later than two years from the date of this permission. Reason: To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990 (as amended).

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

- Location Plan (STEN Architecture, Ref: 2346.02.B Location Plan)
- Planning Layout Plan (STEN Architecture, Ref: 2346.01.X Location Plan)
- Planning Layout Plan A0 (B&W) (STEN Architecture, Ref: 2346.10.N Location Plan) • Materials Plan (A0) (STEN Architecture, Ref: 2346.03.H Materials Plan)
- Storey Heights Plan (STEN Architecture, Ref: 2346.06.G Storey Heights Plan)
- Affordable Location Plan (STEN Architecture, Ref: 2346.09.L Affordable Location Plan) • Boundary Treatment Plan (STEN Architecture, Ref: 2346.05.H Boundary Treatment Plan)
- Parking Plan (STEN Architecture, Ref: 2346.08.G Parking Plan) • Cycle Storage Plan – (STEN Architecture, Ref: 2346.12)
- Street Scenes (STEN Architecture, Ref: 2346.04.H Street Scenes)
- Wider Planning Layout Plan (STEN Architecture, Ref: 2346.11.G Planning Layout)
- Landscape Strategy Plan 1 of 3 (RPS Ref: JSL4949_100 D Landscape Strategy Plan 1 of 3)
 - Landscape Strategy Plan 2 of 3 (RPS Ref: JSL4949_101 B Landscape Strategy Plan 2 of 3)
 - Landscape Strategy Plan 3 of 3 (RPS Ref: JSL4949_102 B Landscape Strategy Plan 3 of 3) • Landscape + Services Plan 1 of 2 (RPS Ref: JSL4949_110 B Landscape + Services Plan 1 of 2)
 - Landscape + Services Plan 2 of 2 (RPS Ref: JSL4949_111 A Landscape + Services Plan 2 of 2)
- Softwork Proposals Sheet 1 of 7 (RPS Ref: JSL4949_510A)
- Softwork Proposals Sheet 2 of 7 (RPS Ref: JSL4949_511) • Softwork Proposals Sheet 3 of 7 (RPS Ref: JSL4949_512A)
- Softwork Proposals Sheet 4 of 7 (RPS Ref: JSL4949_513A)
- Softwork Proposals Sheet 5 of 7 (RPS Ref: JSL4949_514)
- Softwork Proposals Sheet 6 of 7 (RPS Ref: JSL4949_515)
- Softwork Proposals Sheet 7 of 7 (RPS Ref: JSL4949_516)
- Drainage Layout Sheet 1 (Abley Letchford Partnership Ref: A409-RM3-51 G)
- Drainage Layout Sheet 2 (Abley Letchford Partnership Ref: A409-RM3-52 G)
- Drainage Layout Sheet 3 (Abley Letchford Partnership Ref: A409-RM3-53 I)
- General Arrangement Sheet 1 (Abley Letchford Partnership Ref: A409-RM3-01 F)
- General Arrangement Sheet 2 (Abley Letchford Partnership Ref: A409-RM3-02 F)
- General Arrangement Sheet 3 (Abley Letchford Partnership Ref: A409-RM3-03 H)
- Long Sections Sheet 1 (Abley Letchford Partnership Ref: A409-RM3-15 C)

- Long Sections Sheet 2 (Abley Letchford Partnership Ref: A409-RM3-16 D)
- Long Sections Sheet 3 (Abley Letchford Partnership Ref: A409-RM3-17 C)
- Engineering Layout Sheet 1 (Abley Letchford Partnership Ref: A409-RM3-41 F)
- Engineering Layout Sheet 2 (Abley Letchford Partnership Ref: A409-RM3-42 F)
- Engineering Layout Sheet 3 (Abley Letchford Partnership Ref: A409-RM3-43 H)
- Materials Layout Sheet 1 (Abley Letchford Partnership Ref: A409-RM3-71 G)
- Materials Layout Sheet 2 (Abley Letchford Partnership Ref: A409-RM3-72 G)
- Materials Layout Sheet 3 (Abley Letchford Partnership Ref: A409-RM3-73 H)
- Amberley & Stamford Elevations - 2346.AMB&STA.01.C
- Amberley & Stamford Plans - 2346.AMB&STA.02.C
- Amberley & Stamford Elevations - 2346.AMB&STA.03.B
- Amberley & Stamford Plans - 2346.AMB&STA.04.B
- Amberley & Stamford Elevations - 2346.AMB&STA.05.B
- Amberley & Stamford Plans - 2346.AMB&STA.06.B
- Amberley & Stamford Elevations - 2346.AMB&STA.07.B
- Amberley & Stamford Plans - 2346.AMB&STA.08.B
- Amberley & Stamford Elevations - 2346.AMB&STA.09.B
- Amberley & Stamford Plans - 2346.AMB&STA.10.B
- Apartments Elevations - 2346.APA.01.C
- Apartments Plans - 2346.APA.02.D
- Apartments Plans - 2346.APA.03.D
- Apartments Plans - 2346.APA.04.D
- Buxton and Bakewell Elevations - 2346.BAK&BUX.01.B
- Buxton and Bakewell Elevations - 2346.BAK&BUX.02.C
- Buxton and Bakewell Plans - 2346.BAK&BUX.05.C
- Buxton and Bakewell Elevations - 2346.BAK&BUX.06.C
- Buxton and Bakewell Elevations - 2346.BAK&BUX.07.B
- Buxton and Bakewell Plans - 2346.BAK&BUX.08.B
- Buxton 3 Block Handing Elevations – 2346.BUX.01
- Buxton 3 Block Handing Plans – 2346.BUX.02
- Buxton 3 Block Handing Elevations – 2346.BUX.03.A
- Buxton 3 Block Handing Plans – 2346.BUX.04.A
- Cambridge Handing - 2346.CAM.01.B
- Cambridge Handing - 2346.CAM.02.B
- Dart and Spey Elevations - 2346.DAR&SPE.01.B
- Dart and Spey Plans - 2346.DAR&SPE.02.B
- Dart and Spey Elevations - 2346.DAR&SPE.03.A
- Dart and Spey Plans - 2346.DAR&SPE.04.A
- Dart Handing Elevations - 2346.DAR.03.A
- Dart Handing Plans - 2346.DAR.04.A
- Dart Handing Elevations - 2346.DAR.05.A
- Dart Handing Plans - 2346.DAR.06.A
- Ledbury Handing - 2346.LED.01.B

- Ledbury Handing - 2346.LED.02.B
- Letchworth Handing Elevations - 2346.LET.01.B
- Letchworth Handing Elevations - 2346.LET.02.B
- Letchworth Handing Plans - 2346.LET.03.B

- Marlow Handing - 2346.MAR.01.B
- Marlow Handing - 2346.MAR.02
- Overton Handing - 2346.OVE.01.A
- Oxford Lifestyle Handing - 2346.OXF.01.C
- Oxford Lifestyle Handing - 2346.OXF.02.C
- Single Garage Plans and Elevations – 2346.SG.01
- Stamford 4 Block Handing Elevations – 2346.STA.01.A
- Stamford 4 Block Handing Plans – 2346.STA.02.A
- Stratford Handing - 2346.STR.01.C
- Stratford Handing - 2346.STR.02.B
- Tavy and Spey Elevations - 2346.TAV&SPE.01.B
- Tavy and Spey Plans - 2346.TAV&SPE.02.B
- Twin Garage Plans and Elevations – 2346.TG.01.A
- Tweed Handing Elevations - 2346.TWE.01.B
- Tweed Handing Plans - 2346.TWE.02.B
- Warwick Handing - 2346.WAR.01.B
- Warwick Handing - 2346.WAR.02.B
- Windsor Handing - 2346.WIN.01.B
- Windsor Handing - 2346.WIN.02.B

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

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the development; and any trees or plants which, within a period of 10 years from the completion of this phase of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species,

Reason: In the interest of the amenity and appearance of the location.

4. No development shall proceed beyond damp proof course level until full specification details of all external facing materials (including, walls, roofs and fenestration detail) has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with the approved materials and shall also comply with the approved materials distribution plan (Drawing No. 2346.03L).

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

5. Before installation of any air source heat pumps or similar equipment, a noise report from a suitably qualified/experienced person shall be submitted to and agreed in writing by the Local Planning Authority. The written report shall follow the BS4142:2014 format and contain details of background sound measurements at times when the plant is likely to be in operation, against the operational plant sound level(s). The report shall predict the likely impact upon sensitive receptors in

the area and all calculations, assumptions and standards applied shall be clearly shown. Where appropriate, the report shall set out appropriate measures to provide mitigation to prevent loss of amenity and prevent creeping background noise levels.

The agreed mitigation measure shall be fully implemented and permanently retained thereafter.

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

6. Prior to any occupation of development hereby approved, a final Acoustic Design

Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall demonstrate how occupiers of the approved dwellings

will be protected from their noise climate, including anticipated traffic noise and where necessary, noise mitigation measures for the dwellings. Any such noise mitigation measures must be fully established, implemented, and maintained for the lifetime of the development, and avoid conflict with ventilation requirements.

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

7. Prior to use or occupation of development hereby approved, the cycle parking facilities shown on Cycle Storage Plan – (STEN Architecture, Ref: 2346.12) shall be

constructed and made available. Thereafter, these shall be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure provision of adequate cycle parking to support sustainable transport; in the interests of highway safety and residential amenity.

8. The development hereby approved shall be undertaken in accordance with the detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the Biodiversity Mitigation and Enhancement Plan (BMES) & Biodiversity Construction Environmental Management Plan (BCEMP) (RSK Biocensus – 2485927 Rev 02 14/08/2024), subject to all new hedgerows to be species-rich native hedgerow that includes at least 5 woody species. Rev 02 14/08/2024.

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

9. Prior to the commencement of the development above damp course level, a scheme showing precise details of all external lighting (including appearance, supporting columns, siting, technical details, power, intensity, orientation and screening of the lamps) shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall reflect the need to assist public

safety whilst adhering to standards set out in the approved Biodiversity Mitigation and Enhancement Plan (BMES) & Biodiversity Construction Environmental Management Plan (BCEMP) (RSK Biocensus- 2485927 Rev 02 14/08/2024). In particular that light spill within the dark corridor identified in Figure 2 of this document does not exceed 1 lux. The approved scheme shall be implemented before the development is occupied and shall be permanently maintained thereafter. No further external lighting shall be installed on site without the prior approval, in writing, of the Local Planning Authority.

Reason: In the interest of the amenity of the area, public safety, protected species and biodiversity.

10. The development hereby approved shall be undertaken in accordance with the details set out in the submitted Tree Survey and Arboricultural Impact Assessment (JSL4949_770 Rev C May 2024). All trees and hedges shown to be retained in the Appendix B Tree Removal & Protection Plan (Dwg. No. 710 Rev C 22/05/2024) shall be fully safeguarded during the course of site works and building operations.

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.

11. The construction of the development hereby approved shall be limited to between the hours of 07:00hrs – 19:00hrs on Mondays to Fridays, 08:00hrs – 13:00hrs on Saturdays, with no activity on Sundays or Public Holidays.

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

30. Urgent items

There were no urgent items.

31. Exempt Business

There was no exempt business.

Decision Sheet

Duration of meeting: 10.00 am - 12.45 pm

Chairman

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Agenda Item 5

Application Number:	P/OUT/2024/00603		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Land At E 376630 N 130225 Chaffeymoor Farm New Road Bourton		
Proposal:	Erection of up to 50 dwellings with new cycle/pedestrian link to West Bourton Road and the provision of public open space (outline application to determine access only) (amended plan received).		
Applicant name:	Landstrom Group Ltd		
Case Officer:	Alex Skidmore		
Ward Member(s):	Cllr Pothecary, Cllr Ridout, Cllr Woode.		
Publicity expiry date:	15 October 2024	Officer site visit date:	Latest site visit 1 October 2024
Decision due date:	7 February 2025	Ext(s) of time:	7 February 2025

1.0 Reason application is going to committee

Referred to Committee in view of concerns raised by the Parish Council (Bourton), in accordance with the Scheme of Delegation.

2.0 Summary of recommendation:

Grant, subject to condition and the completion of a satisfactory S106 agreement.

3.0 Reason for the recommendation:

- The benefits of the development outweigh the identified harms;
- The site is within designated countryside, however, in this instance the location is nonetheless considered to be sustainable in terms of its scale and access to / impact on services and facilities;
- The proposal is acceptable in terms of its impact on the character of the settlement and local landscape;
- The development would provide ecological benefits as set out in the Biodiversity Plan;
- The development could be designed to avoid any significant harm to neighbouring residential amenity;
- The proposal would result in less than substantial harm to the setting of nearby heritage assets, however, this is outweighed by the public benefits of the scheme, principally the provision of; 50 dwellings, including 20 affordable dwellings; public open space; play facilities; and, a contribution towards the provision of a new village hall or refurbishment of the existing hall;

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

4.0 Key planning issues

Issue	Conclusion
Principle of development	Whilst the site lies outside the defined development boundary, it is considered to be in a sustainable location in terms of access to local services.
Affordable Housing	The scheme includes 40% affordable housing (20 units), and is in compliance with Policy 8 of Local Plan.
Impact on infrastructure	A range of obligations and contributions are to be secured through a S106 agreement to ensure the impact of the development on local services is acceptably mitigated. There would be benefit to the local community through contributions towards facilities within the village including village hall facilities.
Impact on character of area, surrounding landscape and Cranborne Chase National Landscape (AONB)	The development respects the spatial pattern of the existing settlement and relates well to existing built form. The proposal will not notably alter the landscape or visual character of the area and will not impact negatively on views from or towards the AONB.
Impact on heritage assets	Less than substantial harm to the setting of nearby heritage assets has been identified, however, this is considered to be outweighed by the public benefits of the proposal.
Impact on the living conditions of the occupants and neighbouring properties	No harm to the amenity of neighbouring properties has been identified. It is considered that an acceptable layout can be achieved that allows for future occupiers to have an acceptable level of amenity without causing harm to neighbouring properties.
Highway safety	A new vehicular access is proposed that is considered by the Highway Authority to be a safe and suitable means of access to serve the development. An additional cycle/pedestrian link is proposed on to West Bourton Road to further enhance the accessibility of the site to the wider settlement and promote active travel.
Flood risk and drainage	The developable area of the site is not located within any designated Flood Zones. The Lead

	Local Flood Authority has raised no objection, subject to condition.
Trees	A temporary Tree Preservation Order (TPO) has been placed on the site. The proposal seeks to retain the existing trees and hedgerows.
Ecology and Biodiversity	A Biodiversity Plan has been agreed with the Council's Natural Environment Team and which would bring a net benefit to the ecological value of the site. The site is not located within any nutrient sensitive catchments.

5.0 Description of Site

The proposed development site sits on the western edge of the settlement of Bourton and is outside but partly adjoins the village's defined settlement boundary. The site is identified as one of two potential sites for accommodating a new village hall under Policy 5 of Bourton's adopted Neighbourhood Plan.

This is a greenfield site comprising two fields, totalling 7.17 hectares, of unfettered agricultural land bounded predominantly by a mix of native hedgerows interspersed with trees and post and wire fencing. The land slopes away from New Road to the west / southwest with the lowest reaches comprising the southern parcel of land, and which includes two mature specimen trees growing within the field itself, and which is bounded by the A303 along its southern extremity. Each field is served by an existing vehicular access, with the access for the northern field leading on to New Road and the southern field access leading on to West Bourton Road to the southeast.

The site is surrounded by irregular development and farmland, with predominantly residential properties to the east. On the opposite side of New Road are several residential properties and also Voscombe Farm, which has extant consent for a development including 8 dwellings, the access for which is to be positioned opposite that proposed for the current application. To the west is Grove Cottage and Chaffeymoor Farm which also has extant consent for residential development.

The farmhouse at Chaffeymoor Farm is Grade II listed. There are a number of other heritage assets within the vicinity most notably Church View located to the northeast and the Church of St George located approximately 100m to the east of the site, both of which are Grade II listed. Cranborne Chase National Landscape (AONB) is located approximately 520m to the northwest of the site. No Public Rights of Way (PROW's) pass through the application site however they are numerous within the local vicinity. The site does not sit within any nutrient sensitive catchments.

6.0 Description of Development

This is an outline application for the erection of up to 50 dwellings and includes the formation of a new access, provision of associated onsite public open space, LEAP (local equipped area of play) and drainage attenuation. The quantum of development has been reduced during the course of the application from 55 dwellings.

Access is the only other matter to be considered at this stage. In this respect a new access is to be formed approximately 5m to the west of the existing field access leading on to New Road. The new access would serve a primary internal spine road and is the only vehicular access serving the site. A new pedestrian / cycle link is also proposed on to West Bourton Road.

7.0 Relevant Planning History

Site History:

2/2019/0077/OUT: Withdrawn 08/04/2022

Develop land by the erection of a village hall and 9 No. dwellings, form vehicular and pedestrian access. (Outline application to determine access).

P/PAP/2022/00255: Responded 03/02/2023

Residential development of 3 parcels of land (Pre-application enquiry).

Adjacent Site History – Chaffeymoor Farm

P/FUL/2023/00247: Granted 04/01/2024

Change of use and conversion of barns to 3 no. dwellings and home office. Demolish modern barns. Erect garage block.

P/LBC/2023/00248: Granted 03/01/2024

Refurbish Chaffeymoor Farmhouse, convert barns to 3 no. dwellings and home office. Demolish modern barns.

Adjacent Site History – Voscombe Farm

P/OUT/2022/00060: Allowed at appeal 20/01/2023

Demolish existing barn and erection 8 no. dwellings, new vehicular access and ancillary works (outlain application with all matters reserved).

8.0 List of Constraints

Settlement Boundary – Bourton (outside)

Neighbourhood Plan – Bourton NP (Made 26/01/2018)

Surface Water Flood Risk

Existing and Higher Potential Ecological Network

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

- NE - SSSI (5km buffer): Dead Maid Quarry
- NE - SSSI (5km buffer): Heath Hill Farm

- NE - SSSI (5km buffer): Whitesheet Hill

Adjacent to Public Rights of Way (PROW)

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

Setting of the National Landscape (formerly AONB) – Cranborne Chase & West Wiltshire Downs (statutory protection in order to conserve and enhance the natural beauty of their landscapes – National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

9.0 Consultations

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

Consultees

Bourton Parish Council – Objects. They state that they have considered the revised S106 consultation response table (updated September 2024) and the recently received indication that a further contribution of £2,000 per dwelling towards either the provision of a new village hall or the refurbishment / improvement of the existing village hall, would be forthcoming. Despite the possible benefits to Bourton of several S106 contributions, should they materialise, Bourton PC continues to object to this application for the following reasons:

- Located in the open countryside and greatly exceeds the area needed to deliver the aims of Policy 5 of the Neighbourhood Plan (NP).
- Bourton PC is poised to revise its NP as there is no longer any desire to obtain the site for a new village hall, since securing the necessary funds (>£900k) to build a village hall will not be achievable. As such, Village Hall trustees have recently voted to cancel plans for a new village hall and are now minded to steadily update the existing village hall.
- Contrary to Policies of the adopted North Dorset Local Plan, including those of housing distribution (LP policy 2, 6 and 20), as well as LP policies 3 (climate change) and 4 (the natural environment).
- Lack of local need for this housing.
- Impact on local services. The scheme would place immense strain on local infrastructure and assets, especially the local health centre (Silton Surgery) which will be unable to accept the additional 100+ residents, and St George's primary school for which no financial contribution is included within the S106 requirements.
- Amounts to the inappropriate extension of the village boundary which would have an urbanising effect to the rural character of the settlement, contrary to Bourton NP policy 1a.

- The development would significantly harm the relevant ‘important views of the countryside’, contrary to Bourton NP policy 1b.
- Negative landscape impact and harmful to the setting of the village and Cranborne Chase National Landscape. Would close an important green space that separates Bourton from Chaffey Moor hamlet and erode characteristic spatial patterns.
- Harmful to the setting of nearby heritage assets.
- Harmful to biodiversity due to urbanisation, light pollution, habitat destruction.
- Environmental impact. Lack of bus services, the associated car movements will increase the village’s carbon footprint.

In their latest set of comments, the Parish Council state that should the Planning Committee decide to approve this application regardless of the aforementioned objections, that it is essential that the list of financial contributions, beneficial to Bourton PC and Bourton’s residents should be prioritised within the final S106 agreement.

Silton Parish Council (adjacent parish) – No comments received

Cucklington Parish Meeting (adjacent parish) – No comments received

Gillingham Ward members - No comments received

Dorset Police Architectural Liaison Officer – No comments received

Somerset Council – No comments

DC Highways – No objection subject to conditions. The access will be provided with acceptable levels of visibility splays based on a speed survey. Trip analysis is considered to be robust and it is accepted that the cumulative impact of the development cannot be thought to be ‘severe’, when considered against paragraphs 114 to 115 of the NPPF.

DC Public Transport – Request a contribution towards improvements of bus stops close to the development. There is currently only limited bus service at this location, so we would ask only for some poles and flags as some of the stopping places are unmarked.

DC - Dorset Waste Team – No comments received

Dorset Fire & Rescue Service - The development will need to be designed and built to meet current Building Regulations requirements.

DC - Rights of Way Officer – No comments received

DC Flood Risk Management – No objection subject to conditions

DC Environmental Protection – No objection subject to conditions relating to potential site contamination, noise assessment and mitigation, and a construction method statement (to protect neighbour amenity). They note that the submitted noise assessment has outlined noise mitigation measures to achieve internal noise levels compliant with BS 8233:2014, but that further detailed noise modelling will be required at reserved matters stage to secure the details of the scheme.

DC Building Control North Team – No comments received

DC Section 106 – In order to make the development acceptable in planning terms, applications for major housing development are expected to maintain and enhance the level of grey, green and social infrastructure as set out in Policies 13, 14 and 15 of the LPP1. The following obligations and contributions are therefore required:

- 40% affordable housing;
- £2,000 per dwelling towards provision of a new village hall or improvement/refurbishment of the existing village hall in Bourton;
- £722 per dwelling to support infrastructure for Primary, Secondary and Community care within the NHS system;
- £4,077.03 per dwelling towards improvements at Gillingham High School;
- £1,487.62 per dwellings towards improvement or provision of SEN (Special Educational Needs);
- £190.50 per dwelling towards improvements at Bourton and Zeals Preschool;
- £2,006.97 per dwelling towards facilities in Bourton Parish;
- £308.16 per dwelling towards allotments;
- Onsite provision of Informal Open Space;
- £1,278.80 per dwelling towards maintenance of the Informal Open Space;
- Onsite provision of a LEAP (Locally Equipped Area of Play);
- £359.36 per dwelling towards maintenance of the LEAP;
- £1,318.80 per dwelling towards formal outdoor sports facilities;
- £128.73 per dwelling towards maintenance of the outdoor sports facilities;
- £75 per dwelling to Gillingham Library;
- £3,165 contribution towards new bus stop flag poles with timetable cases on New Road.

DC Public Health Dorset – The provision of open space and commitment to sensitive housing construction is welcome. However, more detail in relation to mitigating the impact of the main A303 on future residents would also be welcome in terms of air quality and noise. Improved acoustic design and tree and hedge planting could contribute towards this.

DC Housing Enabling Team – As at 21st February 2024 there were more than 5500 households on the Dorset Council housing register. The housing register demonstrates not only a high level of recorded housing need across the area but that a variety of dwelling sizes are required across a range of sizes. The Local Plan

requires 40% of the total number of dwellings be affordable homes. As per government guidance we would seek for 25% First Homes rather than the 30% proposed by the applicant and the remaining affordable homes split as 70% affordable/social rent and 30% intermediate housing (shared ownership).

DC Urban Design Officer – Unable to support. The proposed development site lies outside the development boundary for the village and is contrary to policies within the Bourton Neighbourhood Plan. The quantum of development and density of housing is considered to be unsympathetic to local character and will not add to the overall quality of the area, contrary to NPPF para 135, National Design Guide para 41 and North Dorset Local Plan Policy 24 (design).

DC Conservation Officer – Unable to support. Identified a less than substantial harmful impact on the setting of Chaffeymoor Farmhouse, a Grade II listed farmhouse with associated outbuildings. Whilst mitigation is acknowledged by way of separation through the introduction of a natural buffer between the farm and proposed development, the scheme, in its elevated and prominent situation (E), will erode the farm's containment and clear agricultural setting.

DC Landscape Officer – Unable to support. Defers to the National Landscape Officer with regard to impact on the setting of the Cranborne Chase National Landscape (NL) but notes that views from publicly accessible sites within the NL are likely to be screened or filtered by intervening vegetation and mitigated by distance. However, the siting is not sensitive in this regard. The site is legibly part of the countryside and the scheme will erode the current clear distinction between countryside and settlement. The extension of built development as shown would likely have a significant landscape and visual impact on visual receptors to the west, northeast and south of the site. No indication that the impact of street lighting has been considered.

Further comments - The latest changes, addition of an orchard, additional trees with the POS, more central position of the LEAP and frontages on to New Road etc, are welcomed however the scheme is still contrary to the Local and Neighbourhood Plans.

DC Trees Officer – No objection, subject to arboricultural detail including method statement, tree protection plan, schedule of supervision and provision of tree and hedge planting being provided at reserved matters stage. Further noted, there are a number of fine trees on site and in order to prevent indiscriminate tree removal to is considered expedient to apply a provisional Tree Preservation Order (ref. TPO-2024-0016). This TPO has been made as an area but is likely to be modified at a later stage to include only the best individual and groups of trees.

DC Natural Environment Team (NET) - No further comments

DC Environment Mitigation Delivery Team – No comments received

Bournemouth Water Ltd (South West Water) – No comment

Wessex Water – No comments received.

Representations received

Cranborne Chase National Landscape Officer – The issues raised by DC’s Landscape Officer should be addressed in advance of a decision. Great weight should be given to the Neighbourhood Plan and it should be noted that PPG’s (Planning Practice Guidance) emphasises the importance of setting and views to and from National Landscape’s (NL’s). Views from the PROW’s that provide access to the NL are likely to be relevant. The further recreational pressures on the NL arising from this development should be considered.

Campaign to Protect Rural England (CPRE) – Object. This is a greenfield site outside the settlement boundary, contrary to Bourton NP Policy 1. Since there is no overriding need for the development to be located in the countryside it is also contrary to Local Plan Policy 20. It would have a serious impact on views from the south in the setting of the AONB, the boundary for which lies to the north of the site. Lack of public transport and employment opportunities means occupants will be car dependent, with associated increase in Bourton’s carbon footprint. The site comprises well-drained, versatile agricultural land and is therefore contrary to Local Plan Policy 4. It would have an adverse impact on views from the western approach to Bourton of the Grade II listed St George’s Church.

Dorset Wildlife Trust – No comments received

Ramblers Association – Welcomes the proposed elements of public open space and formation of a new publicly accessible route through the site connecting West Bourton Road to New Road. At present there is a ‘No Footway’ sign on West Bourton Road, the safety of pedestrians must be considered.

Total - Objections	Total - No Objections	Total - Comments
73	0	0

Petitions Objecting	Petitions Supporting
0	0

Summary of comments of objections:

- Development is too large for the village
- Outside settlement limits, contrary to Policies of the Bourton NP and Local Plan
- Lack of an overriding need or justification for the development, contrary to Policies 2 and 20 of the Local Plan
- Would constitute unsustainable development
- The S106 appears to offer no benefits to the village
- We have some poor low cost/social housing already. We need real affordable housing not that which only profits housing associations.
- Would set a precedent for building outside the established settlement boundary and open the doors to further opportunistic development
- Will have a negative effect on the community
- Harmful to settlement pattern and character
- Would have an urbanising effect on this rural village
- Loss of a green space to the detriment of the environment and well-being of the community
- Bourton has seen rapid expansion and is becoming overrun with expensive and often unsightly houses, ruining its natural beauty and the enjoyment of the village by all.
- Layout and density is out of keeping
- Obstruct important views (identified within Bourton's NP)
- Will have a harmful impact on views into and from the AONB to the north
- Harmful to setting of nearby heritage assets, including Chaffeymoor Farmhouse. Will erode gap between the hamlet of Chaffeymoor and having an urbanising impact. Intrude into views of the Church when entering the village from the west.
- Should be much more planting, including tree planting if approved
- Loss of natural environment. Harmful to wildlife, including protected and priority species and biodiversity more generally
- Loss of agricultural land
- Will disturb the peace of the village
- Highway safety concerns arising from increase in traffic and hazardous access arrangements which is located in a dip with restricted visibility. Traffic speeds through the village exceed the limit and the development could lead to parking issues on the road.
- Danger to pedestrians and cyclist in area of West Bourton Road where cycle/ped link is proposed
- Insufficient public transport, likely to be a high level of car dependency
- Inadequate facilities in the village to support development
- Will put additional pressure on existing local services, which are already strained
- The village school is already at capacity

- There are already two other significant developments underway in Bourton. The village has no employment opportunities and lacks public transport. This is not the right location for further homes.
- Noise, traffic, mess due to construction works
- The site is prone to flooding which could be problematic for the home owners and make the open space unusable
- Potential for surface water issues to nearby properties and land
- Loss of amenity (privacy, light, view and overshadowing) to neighbouring properties
- Will give rise to light and noise pollution

Summary of comments of support:

No comments of support 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.

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 11 - The Economy
- Policy 13 - Grey Infrastructure
- Policy 14 - Social Infrastructure
- Policy 15 - Green Infrastructure
- Policy 20 - The Countryside
- Policy 23 - Parking
- Policy 24 - Design

Bourton Neighbourhood Plan ('Made' 26 January 2018)

The Bourton Neighbourhood Plan was 'made' on 26 January 2018, and forms part of the Development Plan. Relevant policies applicable to this outline application are:

- Policy 1: Landscape setting
- Policy 2: Settlement Pattern and Character
- Policy 3: Building Design and Form
- Policy 4: Traffic and Parking
- Policy 5: New Village Hall
- Policy 6: Biodiversity
- Policy 7: Protection of Habitats
- Policy 8: Mitigating and adapting to Climate Change
- Policy 9: Local Green Spaces
- Policy 10: Green Fingers
- Policy 11: Footpaths and Bridleways

Material Considerations

Emerging Local Plans:

Paragraph 49 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 draft 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 an 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:

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

Other material considerations

Annual Position Statement – Five Year Housing Land Supply

Members will be aware that on the 26 September 2024, the Planning Inspectorate (PINS) confirmed that Dorset Council can demonstrate a Housing Land Supply (HLS) of 5.02 years. This covers the entire Dorset Council area and replaces all previous calculations for the former districts.

The Inspector's Report and the finalised Annual Position Statement (incorporating PINS recommendations) are published online at [Annual Position Statement - Five Year Housing Land Supply - Dorset Council](#).

The Inspector's Report states that we are entitled to rely on this position until 31 October 2025. This is in accordance with Para 233 of the NPPF (December 2024).

The Council can therefore demonstrate a 5-year housing land supply. In addition, no areas in Dorset Council have a Housing Delivery Test result of less than 75% delivery, meaning that the two minimum criteria of footnote 8 of the NPPF are met. This means that in most cases, the presumption in favour of sustainable development does not apply. Full weight can therefore be given to relevant policies in the adopted Local Plans and Neighbourhood Plans.

As the confirmed housing land supply position is close to the required minimum of 5 years, this is a material consideration in planning decisions. Another material consideration is the Written Ministerial Statement issued by the Secretary of State on 30 July 2024, which makes clear that the government wish for the planning system to address the housing crisis and deliver significantly more homes. When making decisions, case officers should consider the benefits of an increase to the housing supply alongside other benefits of the scheme, against the impacts associated with the development.

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.

Bourton Village Design Statement (BVDS) adopted by North Dorset DC as a Supplementary Planning Document on 30 September 2011.

National Design Guide (January 2021)

Cranborne Chase National Landscape Management Plan 2019-2024

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

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

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

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

The application site is considered to be in a sustainable location where it connects to existing dedicated footways that provide an accessible and walkable route, in terms of distance, to the locally available facilities and services.

The proposed change in land use will not result in any disadvantage to people due to their protected characteristics. While there is no specific provision for lifetime homes or accommodation specifically for those with protected characteristics, the development proposed will provide housing, including 40% affordable housing, open space and play facilities, that will be designed to ensure the needs of people with disabilities or mobility impairments or pushing buggies are met. This will be through

the accommodation of appropriate off road footpath links and by ensuring that the access arrangements to the new housing and open space are subject to the requisite standards applied by the Building Regulations and Highway Authority.

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

14.0 Financial benefits

A Section 106 agreement will form part of any grant of planning consent to secure the following obligations and contributions:

- 40% affordable housing
- £2,000 per dwelling towards provision of a new village hall or improvement/refurbishment of the existing village hall in Bourton;
- £722 per dwelling to support infrastructure for Primary, Secondary and Community care within the NHS system;
- £4,077.03 per dwelling towards improvements at Gillingham High School;
- £1,487.62 per dwellings towards improvement or provision of SEN (Special Educational Needs);
- £190.50 per dwelling towards improvements at Bourton and Zeals Preschool;
- £2,006.97 per dwelling towards facilities in Bourton Parish;
- £308.16 per dwelling towards allotments;
- Onsite provision of Informal Open Space;
- £1,278.80 per dwelling towards maintenance of the Informal Open Space;
- Onsite provision of a LEAP (Locally Equipped Area of Play);
- £359.36 per dwelling towards maintenance of the LEAP;
- £1,318.80 per dwelling towards formal outdoor sports facilities;
- £128.73 per dwelling towards maintenance of the outdoor sports facilities;
- £75 per dwelling to Gillingham Library;
- £3,165 contribution towards new bus stop flag poles with timetable cases on New Road.

15.0 Environmental Implications

A Sustainability Statement and Checklist has been provided by the applicant which outlines a fabric first approach to maximise energy and water efficiency and the use of renewable and low carbon technology to minimise energy consumption. The Sustainability Statement sets out sustainable design measures to be considered during the future detailed design of the proposed homes.

The development would result in change to the nature of the site with increased vehicle movement, domestic noise and general activity. However, it is adjacent to existing residential development and bounded by New Road to the north and the A303 to the south and it is considered that the proposed development is compatible

with the surrounding uses and would not lead to any new significant air quality, noise or other environmental disturbances.

The scheme seeks to enhance the existing green infrastructure of the site and to incorporate new tree planting and augmentation of the existing field hedgerows. The Biodiversity Plan demonstrates that the scheme will lead to an enhancement of the ecology and biodiversity value of the site.

The development site is in a sustainable village location with good pedestrian connectivity to the services and facilities to be found within the settlement. A new pedestrian/cycle route is to be provided through the site linking New Road to West Bourton providing enhanced walking/cycling options and improved access to the onsite open space and play facilities by the wider village. The scheme will be subject to a Travel Plan which along with a requirement for cycle parking and EV charging facilities will help to offset short range car trips and to facilitate low carbon emissions.

16.0 Planning Assessment

This is an outline application to agree the principle of development and the details of access for a scheme of up to 50 dwellings with public open space and play facilities. Matters relating to details of layout, scale, appearance and landscaping are not for consideration at this time. The main issues for consideration are:

- Policy context
- Principle of development
- Affordable housing and other planning obligations
- Impact on landscape, character and Cranborne Chase National Landscape
- Impact on heritage assets
- Highway safety
- Residential amenity
- Ecology and biodiversity
- Flood risk and drainage

Policy context

The statutory basis for decision taking in planning is that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.

The spatial strategy set out within the North Dorset Local Plan Part 1 (NDLP) seeks to focus development towards 4 main towns of Blandford, Gillingham, Shaftesbury and Sturminster Newton. Beyond those towns, the focus of growth is towards 18 of the larger villages, including Bourton. As a larger village, the focus is on meeting local rather than strategic needs, and outside of these areas countryside policies apply.

Policy 4 of the NDLP advises, amongst other things, that landscape character will be protected through retention of the features that characterise the area. Where significant impact is likely to arise as a result of a development proposal, developers will be required to clearly demonstrate that the impact on the landscape has been mitigated and that important landscape features have been incorporated into the development scheme.

Policy 5 advises that any development proposal affecting a heritage asset (including its setting) will be assessed having regard to the desirability of sustaining and enhancing the significance of that asset.

Policy 6, which guides housing distribution, indicates that during the plan period at least 825 dwellings will be provided in the countryside including in the larger villages. The supporting text to Policy 6 confirms that the overall level of housing in the countryside will be the cumulative number of new homes that have been delivered to meet local and essential rural needs as defined by neighbourhood plans, rural exception sites and the functional need for rural workers' dwellings.

Policy 20 further sets out that in the countryside, development will only be permitted if it is a type appropriate in the countryside, as set out in the relevant policies of the plan; or, for any other type of development, if it can be demonstrated that there is an 'overriding need' for it to be in the countryside.

In this context, it is noted that there is a conflict with the development plan insofar as the site falls outside of Bourton's defined development area and the applicant is not claiming to meet any of Policy 20's criteria for locating development outside of settlement limits.

The site is identified by Policy 5 of the Bourton Neighbourhood Plan (NP) as being a potential site for a new village hall, to facilitate this, it also allows for a 'small housing development' to be included within the site. The other most relevant NP policies in relation to this application are Policy 2 (Settlement Pattern and Character), Policy 3 (Building Design and Form), and Policy 4 (Traffic and Parking).

In September 2024 the Planning Inspectorate confirmed that Dorset Council can demonstrate a Housing Land Supply of 5.02 years and that we are entitled to rely on this position until 31 October 2025. The two minimum criteria of footnote 8 of the NPPF have also been met meaning that the presumption in favour of sustainable development (the tilted balance) does not apply and therefore full weight can be given to relevant policies set out in the adopted local plans and neighbourhood plans.

Another material consideration is the Written Ministerial Statement issued by the Secretary of State on 30 July 2024 which sets out a clear intention for the planning system to address the current housing crisis through the delivery of significantly more homes. Given that Dorset Council's housing land supply is only slightly above the required minimum of 5 years, it is considered that the benefits of an increase to the housing supply alongside any other benefits should be considered against the associated impacts of the development in making decisions.

Principle of development

The proposed development site is a greenfield site, comprising agricultural land, that partly adjoins but is outside Bourton's defined development area. In policy terms the site is within the 'countryside' as set out in the North Dorset Local Plan (NDLP) Policies 2 and 20. Any development in the countryside would normally be strictly controlled unless it is required to enable essential rural needs to be met. Policy 5 of Bourton's NP represents an essential rural need and allows for a small housing development to facilitate the transfer of land for a new village hall and amenity space.

The proposed development is for a scheme of up to 50 dwellings and includes the provision of informal open space and an equipped play area (LEAP). The scale and nature of the development goes beyond meeting just local need and does not fall within the requirements of Policy 5 of Bourton's NP or the countryside policies of the NDLP. However, the current policy context is more complex than this with other material considerations needing to be drawn into the decision-making process.

At 5.02 years the Council's Housing Land Supply is only slightly above the required minimum of 5 years and whilst as a Council we are permitted to rely on this at the present time it is considered that the government's expectations for significantly increased housing supply should be weighed alongside this with the planning balance and sustainability considerations key to the decision-making process.

Bourton is served by a range of facilities including a primary school, village hall, church, filling station, small convenience store, public house and a doctor's surgery. It is acknowledged that public transport serving the village is limited. The site is connected to the wider village by existing lit footways along New Road which provide a safe and walkable route to the available facilities. On this basis the site is considered to be in a sustainable location in terms of access to local day-to-day services and facilities. The allocation of this site within Bourton's NP for development, including some housing, supports this view.

The application includes the provision of up to 50 dwellings, of which 40% (20 units) would be affordable. The mix of affordable would include 25% First Homes with the remainder split as 70% affordable/social rent and 30% intermediate housing (shared ownership). The quantum of affordable housing and mix of tenure types accords with NDLP Policy 8 and government guidance. Although the level of housing provision exceeds that required locally it would still nonetheless contribute towards meeting local need with housing allocation being weighted in favour of persons with a local connection.

Some local concerns have been raised about pressures on local services with claims that this development would exacerbate such issues. The application has been reviewed by the Council's S106 Officer and subject to the following obligations being secured through a S106 agreement, it is considered that any impacts of increased demand arising from this development could be acceptably mitigated:

- £722 per dwelling to support infrastructure for Primary, Secondary and Community care within the NHS system;

- £4,077.03 per dwelling towards improvements at Gillingham High School;
- £1,487.62 per dwellings towards improvement or provision of SEN (Special Educational Needs);
- £190.50 per dwelling towards improvements at Bourton and Zeals Preschool;
- £2,006 per dwelling towards facilities in Bourton Parish;
- £308.16 per dwelling towards allotments;
- Onsite provision of Informal Open Space;
- £1,278.80 per dwelling towards maintenance of the Informal Open Space;
- Onsite provision of a LEAP (Locally Equipped Area of Play);
- £359.36 per dwelling towards maintenance of the LEAP;
- £1,318.80 per dwelling towards formal outdoor sports facilities;
- £128.73 per dwelling towards maintenance of the outdoor sports facilities;
- £75 per dwelling to Gillingham Library;
- £3,165 contribution towards new bus stop flag poles with timetable cases on New Road.

In addition to the contributions set out above, the developer has agreed to a further contribution of £2,000 per dwelling (equating to £100,000 in total) to go towards the provision of either a new village hall or the improvement/refurbishment of the existing village hall in Bourton. Within their latest consultation response, Bourton Parish Council has stated that following a recent vote by the Village Hall Trustees that a new village hall is no longer sought and instead they will look to improve the existing village hall facilities. Whether for a new village hall facility or for the improvement/refurbishment of the existing hall, such a contribution would make a substantial contribution towards the village's aims of improving such facilities. This contribution is considered to be justified in seeking, being fair and reasonable in scale and kind to the proposed development and to meet the relevant CIL tests (Regulation 122(2) of the Community Infrastructure Levy Regulations 2010).

The village hall contribution, along with the more general contribution of £2,006 per dwelling towards facilities within Bourton Parish, represents a significant and direct benefit to the local community.

The resulting additional households would also have the potential to support existing local facilities, such as the shop and public house, through increased patronage, thereby aiding their longer-term vitality and viability.

The development would not comply with Policy 2 and 20 of the Local Plan. There are however material considerations in this case that will be discussed, that indicate that permission should be granted.

Impact on the character of the area and surrounding landscape

The site comprises two fields that sit on the western edge of the settlement of Bourton. The undeveloped and open aspect of the site is such that it plays a role in the perceived transition from the countryside to the village, especially as one approaches Bourton from the west along New Road. The site also has a discernible

presence in several other important local views including from the West Bourton Road bridge over the A303, as well as from public rights of way (PROW's) N57/5 and N57/6 which are elevated above the site approximately 300-400m to the north.

Bourton is distinctly rural in character with development dispersed along New Road in a number of clusters, interspersed by green gaps. The application site forms one of these green gaps separating the main built edge of Bourton and the farmstead of Chaffeymoor Farm and, as previously noted, contributes towards the edge of settlement transition from the village into the open countryside. The introduction of built form on the proposal site will lead to an erosion of this gap, however, the positioning of the built form within the northeast portion of the site only will limit such impacts. The provision of improved green infrastructure, in the form of hedgerow and orchard planting in the northwest portion of the site will ensure that a distinct gap at this location is maintained and that the porous pattern of development described above is respected.

As identified above, the proposed development will impact on a number of views within the surrounding landscape. The views identified are localised views and whilst the new built form will have a visual presence within them, it is not considered that the development will be unduly intrusive or out of keeping within the given context. Furthermore, the reduced quantum of development, the introduction of street trees and the wider green infrastructure proposed in the form of the new orchard and additional tree and hedge planting within the area of public open space, will further mitigate and help to assimilate the development within this local context.

It should be noted that the Cranborne Chase National Landscape (AONB) is located approximately 500m to the northwest of the site. The AONB is in an elevated position above the site and due to the topography and intervening planting there would not appear to be any views of the site from the AONB. The proposed development is likely to be visible within views looking towards the AONB from some distant public vantage points to the south, the impact of the scheme however in such distant views would be negligible.

For these reasons, it is considered that only very limited harm would arise to local character and landscape as a result of this development and that the development would not cause harm to the setting of the nearby AONB. The application complies with policy 4 of the Local Plan.

Impact on heritage assets

There are no designated heritage assets within the immediate extent of the application site however there are a number of heritage assets within the local vicinity, including Chaffeymoor Farmhouse, Church View and Church of St George, all of which are grade II listed. The application has been reviewed by the Council's Conservation Officer who has identified that no harm would arise to the setting of Church View and the Church, however, the development would result in less than substantial harm to the setting of Chaffeymoor Farmhouse.

A key characteristic of the setting of Chaffeymoor Farmhouse is its standalone position separate from other built form, surrounded by agricultural farmland. The proposed development will to a degree erode this encompassing 'agrestic' extent, however, the introduction of the landscape buffer, in the form of the orchard planting, between the built elements of the development and Chaffeymoor Farmhouse will limit and to a certain extent mitigate such impacts and it is considered that the agricultural setting and functionality of the farmstead will still be clearly legible.

Paragraph 205 of the NPPF is clear that great weight should be given to the conservation of heritage assets when considering the impact of a proposed development. In paragraph 206 it goes on to state that "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". With paragraph 208 clarifying that "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". Policy 5 of the Local Plan is consistent with these requirements.

As identified above, the proposed development would result in less than substantial harm to the setting of Chaffeymoor Farmhouse. The proposal would however result in significant public benefits through the provision of open market and affordable housing, public open space and play facilities, ecological benefits and contributions towards the provision of new and/or improved local facilities such as village hall provision, as set out earlier in this report.

It is considered that the public benefits of this proposal would outweigh the identified less than substantial harm that would result to the setting of the adjacent designated heritage asset. The proposal therefore complies with Policy 5 of the Local Plan and the requirements of the NPPF.

Highways

The application includes securing details of access at this stage. A new vehicular access, leading on to New Road, is proposed approximately 5m to the west of the existing field access. The access will be laid out as a priority T junction, will be 5.5m wide with 2m wide footways either side linking into the existing footways along New Road. The access egresses at a point where the speed limit is 40 mph.

The access will be served by visibility splays measuring 2.4m x 108m to the west and 2.4m x 125m to the east and relate to speeds collected through a speed survey carried out by the applicant. The Highway Authority are satisfied that the proposed access arrangements are a suitable and safe form of access to serve a development of this scale and nature. They have further confirmed that they are satisfied with the traffic generation analysis and that the development would not lead to any residual cumulative impacts on the local road network, in accordance with paragraph 116 of the NPPF.

The scheme also includes a new pedestrian / cycle link through the site utilising the new vehicular access on to New Road to the north and egressing at the southeastern corner of the site on to West Bourton Road. This link will allow greater

permeability and accessibility to and from the site to the wider village and local facilities and for nearby existing residents to utilise the public open space and new play area. Such a link will help to promote more sustainable forms of transport, especially for local trips.

The proposal would comply with Policy 13 of the Local Plan.

Residential amenity

The detailed design and layout of the development is not yet known, however, it is considered that an appropriate scheme is achievable that does not impact harmfully on the amenities of existing neighbouring properties and that ensures that future residents of this scheme will benefit from an acceptable level of amenity.

The location of the built form is in the northern parcel of land furthest away from the A303. A noise assessment has been provided as part of the application which has been reviewed by the Council's Environmental Protection Officer (EPU). They are satisfied with the details of this assessment for this stage of the scheme but note that once the layout is known further noise modelling will be required to ensure that acceptable noise mitigation is achieved. A condition is therefore proposed to secure such details and is included as part of the overall recommendation.

The EPU Officer has also advised the imposition of a precautionary 'contaminated land' condition in view of the current agricultural use of the land and the nearby presence of potentially contaminating land uses, such as the cemetery and a motor repair garage.

The proposal would comply with policy 25 of the Local Plan.

Ecology and Biodiversity

The applicant has provided an Ecological Impact Assessment and Biodiversity Plan (BP) with the application. The latter has now been signed by the Council's Natural Environment Team (NET) and a Certificate of Approval to verify the information is acceptable has been issued, as per the Council's protocol on such matters. Subject to the development being carried out in accordance with the BP, the existing ecology of the site will be safeguarded and, overall, the development will give rise to enhanced biodiversity status of the site.

The proposal would comply with Policy 4 of the Local Plan.

Flooding

The site is located within flood zone 1 with a very low probability of flooding and that it is at low risk from surface water flooding and groundwater emergence. The application is supported by a Flood Risk Assessment (FRA) and Sustainable Drainage Strategy.

The application has been reviewed by the Lead Local Flood Authority (LLFA) who has confirmed that, overall, the flood risk to the site is compatible with the proposed

development. They have confirmed that they are satisfied that the necessary detail to substantiate the proposed Surface Water Strategy has been provided and that an appropriate drainage strategy can be secured to ensure the development does not give rise to any increased flood risk elsewhere. Subject to a number of conditions (that form part of this recommendation), the LLFA has no objection to this application.

17.0 Planning Balance / Conclusion

Whilst the Council does currently benefit from a fixed Housing Land Supply (HLS) and we are permitted to rely on this at the present time, the government's expectations for significantly increased housing supply should be weighed alongside this. At just 5.02 years HLS, it is appropriate in the current circumstances that increased housing supply should be considered in the overall planning balance and sustainability arguments in the decision-making process.

The site is located adjacent to but outside the defined settlement boundary for Bourton where new development should normally be strictly controlled. The proposed development is seeking up to 50 dwellings, a scale that clearly exceeds that required to meet just local need, and the scale and nature of the development does not accord with the requirements of either Policy 5 of the Neighbourhood Plan (NP) or Policy 2 and 20 of the Local Plan (LP).

Bourton is served by a good range of services and facilities and as such has been designated as a larger village within the LP where some growth is permitted. The site adjoins existing built form and locationally relates well to the existing settlement with good levels of accessibility to the local services and facilities found within the village. Subject to the obligations and contributions identified earlier in this report being secured through an acceptable S106 agreement, the development will not impact harmfully on existing local services. In this regard the site is considered to be in a sustainable location and in principle an appropriate location for some new housing.

The scheme would deliver up to 50 dwellings, of which 40% (20 units) would be affordable housing, and would make a significant contribution towards increasing the choice of housing within the area, meeting the Council's strategic housing needs and responding to the government's call to increase housing delivery. These are significant benefits.

In recognition of the aims of Policy 5 of the NP to deliver a new village hall (and to allow for the change in stance by the village to opt to improve/refurbishment the existing hall rather than build a new hall), the applicant has agreed to make a financial contribution of £2,000 per dwelling (£100,000 in total) towards the provision either of a new village hall or the refurbishment / improvement of the existing village hall. This is in addition to a more general contribution towards providing new or enhanced facilities within Bourton of £2,006 per dwelling (£100,300). Such contributions represent a significant and direct benefit to the local community.

Bourton currently has limited designated open space and opportunities for children's play. The scheme includes the provision of a large area of public open space as well as an equipped play area which will benefit not just the residents of this development but also be accessible by the wider community. The development would also incorporate features that enhance the overall biodiversity value of the site.

Other residual economic and social benefits would arise from the scheme, including during the construction phase through the provision of associated jobs and once occupied through increased spend and patronage of the local shop and public house, which would aid the longer term vitality and viability of such businesses.

As identified earlier in this report, the proposed development would result in very limited harm to local character and landscape and no harm to the setting of the nearby National Landscape. It has been identified that the development would result in less than substantial harm to the setting of Chaffeymoor Farmhouse, a designated heritage asset. The proposal would, however, result in significant benefits through the provision of open market and affordable housing, public open space and play facilities, ecological benefits and contributions towards the provision of new and / improved local facilities, including village hall provision, as detailed above.

The development would conflict with the development plan taken as a whole, however there are material considerations that indicate that permission should be granted. When taking all of the above into consideration, the identified public benefits that would arise as a result of this development are considered to outweigh the harms. When considered against the development plan and other material considerations, as set out in this report, it is concluded that the proposed development represents a sustainable form of development for which there are no substantive reasons that would justify refusing this application.

For these reasons, the application is recommended for approval, subject to the completion of an acceptable S106 agreement to secure the necessary obligations and contributions, and the conditions set out below.

18.0 Recommendation

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

- £2,000 per dwelling to go towards the provision of either a new village hall or the improvement/refurbishment of the existing village hall in Bourton;
- £2,006 per dwelling towards facilities in Bourton Parish;
- £722 per dwelling to support infrastructure for Primary, Secondary and Community care within the NHS system;
- £4,077.03 per dwelling towards improvements at Gillingham High School;
- £1,487.62 per dwellings towards improvement or provision of SEN (Special Educational Needs);
- £190.50 per dwelling towards improvements at Bourton and Zeals Preschool;
- £308.16 per dwelling towards allotments;
- Onsite provision of Informal Open Space;
- £1,278.80 per dwelling towards maintenance of the Informal Open Space;
- Onsite provision of a LEAP (Locally Equipped Area of Play);
- £359.36 per dwelling towards maintenance of the LEAP;
- £1,318.80 per dwelling towards formal outdoor sports facilities;
- £128.73 per dwelling towards maintenance of the outdoor sports facilities;

- £75 per dwelling to Gillingham Library;
- £3,165 contribution towards new bus stop flag poles with timetable cases on New Road.

B) Refuse permission if the Section 106 agreement is not completed by 04/07/2025 or such extended time as agreed by the Head of Planning.

Conditions:

1. 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.

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

Reason: To ensure the satisfactory development of the site.

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:

- Location plan – 273_PL-100 Rev C
- Parameter Plan – 273_PL-002 (received 19/09/2024)
- Access Overview - PL01 Rev B
- Access Layout – PL02 Rev B
- Potential Footway/Cycleway Connection to West Bourton Road – PL07 Rev B

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

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

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

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

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

7. Prior to the commencement of development details of a foul drainage scheme for the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall subsequently be implemented prior to first occupation of the development and thereafter retained and maintained in accordance with these details.

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

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

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

9. No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 15.00m of the proposed access road, including the junction with the existing public highway, has been completed to at least binder course level.

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

10. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on Drawing Number PL01 Rev. B must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, or any Order revoking or re-enacting that Order, the visibility splay areas shall thereafter be maintained and kept free from all obstruction above this height.

Reason: In the interests of highway safety, to ensure that traffic exiting the access can see or be seen.

11. Prior to first occupation of the development hereby permitted details of the access, geometric highway layout, turning and parking areas shall be submitted to and agreed in writing by the local planning authority. The development shall be completed in accordance with the agreed details and thereafter these areas shall be maintained for the lifetime of the development, kept free from obstruction and available for the purposes specified.

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

12. Before the development hereby approved is occupied or utilised provision must be made to ensure that no surface water drains directly from the site onto the adjacent public highway in accordance with details which shall have, prior to development above damp-proof course level, been submitted to and approved by the Planning Authority. The development shall be carried out in accordance with the approved details and when provided they shall be retained and maintained as such, and the approved drainage works shall be retained and maintained for the lifetime of the development.

Reason: To ensure that the site is properly drained, and that surface water does not flow onto the highway.

13. Before the development hereby approved is occupied or utilised the following works must have been constructed to the specification of the Planning Authority: The provision of a footway/cycleway access from West Bourton Road, as shown on Drawing Number 273_PL_101 Rev B (or similar scheme to be agreed in writing with the Planning Authority). Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, or any Order revoking or re-enacting that Order, once implemented the access details shall be maintained, kept free from obstruction and available for the purpose specified.

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

14. Prior to use or occupation of development hereby approved, a scheme showing details of the proposed cycle parking facilities shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved details shall be maintained, kept free from obstruction and available for the purpose specified.

Reason: To ensure provision of adequate cycle parking to support sustainable transport; in the interests of highway safety and residential amenity.

15. Prior to commencement of development hereby approved a Construction Environmental Management Plan and programme of works shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include construction vehicle details (number, size, type and frequency of movement), vehicular routes, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and vehicle/wheel wash facilities), temporary traffic management measures where necessary, hours of works, storage of waste materials prior to removal, confirmation that there shall be no bonfires on site, measures to protect nearby receptors from dust arising from construction activities. The development shall thereafter be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of highway safety and to safeguard the amenity of nearby residents.

16. The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements in the ecology report titled EcIA report version 2, by Quantock Ecology Environmental Consulting dated 28/06/2024, and certified by the Dorset Council Natural Environment Team on 02/07/2024. The development hereby approved must not be first brought into use unless and until:

i) the recommendations detailed in the approved ecology report have been completed in full, in accordance with any specified timetable, unless otherwise agreed in writing with the Local Planning Authority; and
ii) evidence of compliance has been supplied to the Local Planning Authority prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved ecology report and thereafter the approved mitigation, compensation and enhancement measures must be permanently maintained and retained in accordance with the approved details.

Reason: To mitigate and compensate for impacts on ecological receptors, and to provide biodiversity gains.

17. Prior to commencement of any works on site a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

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

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

18. Prior to commencement of work on the site details of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy will reflect the need to avoid harm to protected species and to minimise light spill from lighting associated with pre-construction, construction and operational activities, and demonstrate how the current best practice guidance, including Guidance Note 8 Bats and Artificial Lighting (BCT/ILP, 2023) has been implemented. There shall be no lighting of the site other than in accordance with the approved strategy.

Reason: In the interests of on biodiversity

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

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

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

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

Reason: To protect biodiversity during the construction phase.

20. A tree survey which covers the entire development site (edged in red on the submitted location plan) shall be submitted with the subsequent reserved matters application relating to landscaping.

Reason: to identify those trees which provide a public amenity.

21. Prior to the commencement of any development hereby approved, an Arboricultural Method Statement (AMS) prepared by a qualified tree specialist providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted to, and approved in writing by the Council. Thereafter, all works must be carried out in accordance with the approved details. In particular, the method statement must provide the following:

- a) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing;
- b) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012);
- c) a schedule of tree work conforming to BS3998;
- d) details of the area for storage of materials, concrete mixing and any bonfires;
- e) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility;
- f) details of any no-dig specification for all works within the root protection area for retained trees;
- g) details of the supervision to be carried out by the developers tree specialist.

Reason: This information is required to be submitted and agreed before any work starts on site to ensure that the trees and hedges deemed worthy of retention on-site will not be damaged prior to, or during the construction works.

22. Prior to the commencement of the development hereby approved a Remediation Scheme dealing with contamination shall be submitted to and agreed in writing by the Local Planning Authority:

- 1) a 'desk study' report documenting the site history.
- 2) a site investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages, and incorporating risk assessment.
- 3) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed.
- 4) a detailed phasing scheme for the development and remedial works (including a time scale).
- 5) a monitoring and maintenance scheme to include monitoring the long term effectiveness of the proposed remediation over a period of time.

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby permitted first comes in to use or is occupied. On completion of the development written confirmation that all works were completed in accordance with the agreed details shall be submitted to the Local Planning Authority.

Reason: To ensure potential land contamination is addressed.

23. Prior to approval of any reserved matters application a scheme for protecting the proposed dwellings and amenity spaces (garden areas) from the existing external noise environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that, upon completion of the development, good acoustic design will be used to achieve good acoustic standards. Once approved in writing, all the noise mitigation measures shall be implemented and thereafter retained.

Reason: In order to safeguard the amenities of future residential occupiers.

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Agenda Item 6

Application Number:	P/FUL/2021/05709		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	The Long House, Land at Salisbury Road Pimperne DT11 8XF		
Proposal:	Erection of 6 No. dwellings, form new vehicular access and parking		
Applicant name:	R Moulding & Co Ltd		
Case Officer:	Jennie Roberts		
Ward Member(s):	Cllr Jespersen		
Publicity expiry date:	5 September 2024	Officer site visit date:	30 March 2022 04 December 2024
Decision due date:	8 November 2024	Ext(s) of time:	8 November 2024
No of Site Notices:	1		
SN displayed reasoning:	To publicise application		

1.0 The application is referred to Committee at the request of the Area Chair and Vice Chair of the Northern Planning Committee.

2.0 Summary of recommendation:

GRANT subject to conditions

3.0 Reason for the recommendation: as set out in section 16 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 site is within a sustainable location, within the settlement boundary of Pimperne, as defined in both the Neighbourhood Plan and the Local Plan
- 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 site is within the defined settlement boundary, in a sustainable location, where the principle of the development is acceptable.
Scale, design, impact on visual amenity	The proposed scale and design of the development would have an acceptable impact upon the character and appearance of the surrounding area.
Impact on National Landscape	The proposal would conserve the natural beauty of the National Landscape and would not impact negatively upon the dark skies of the International Dark Skies Reserve.
Impact on the living conditions of the occupants and neighbouring properties	The proposal respects the residential amenity of neighbouring properties and provides an acceptable level of amenity for occupiers of the new dwellings.
Flood risk and drainage	The site is at low risk of flooding and a conceptual and viable surface water drainage scheme has been proposed.
Highway impacts, safety, access and parking	The proposal is acceptable in relation to highway safety and parking.
Biodiversity	The proposal is acceptable in relation to biodiversity.

5.0 Description of Site

The site is located at the southern end of Pimperne, and is sandwiched between Yarde Farm Close and Yarde Lane, which are accessed from the eastern side of the A354. The site is within the settlement boundary for Pimperne, as defined in both the North Dorset Local Plan and the Pimperne Neighbourhood Plan. It lies outside of any conservation area and is within the Cranborne Chase & West Wiltshire National Landscape (formerly AONB).

The prevailing character of residential development within this area is of semi-detached and terraced dwellings (1.5 and 2 storey buildings) set within plots of varying sizes but generally set back from the road at varying distances and orientations.

To the west of the site is a terrace of three houses (formerly a single detached dwelling). The development site extends to 0.13 hectares and formerly formed part of

the substantial gardens of these terraced properties. The northernmost of the three houses is Yarde Farm House, which is accessed via Yarde Farm Close; this property has largely rendered walls. The other two properties are Yarde Farm Cottage and The Long House, which are constructed largely of brick, with brick/flint front elevations, and elements of render to the south. All three properties have slate roofs.

The site borders open fields to the east, whilst industrial buildings are located on the opposite side of Yarde Lane, to the south. There is residential development to the immediate north of the site in Yarde Farm Close, in the form of a terrace of seven modern houses, which are set back from the public highway and away from the building line of Yarde Farm House. The site boundaries are marked by a mix of hedgerows and fences.

6.0 Description of Development

Outline planning permission was previously granted in 2020 (2/2020/0995/OUT) for the erection of five houses on the site, with access wholly derived from Yarde Farm Close, to the north. The permission has now expired.

This current application originally proposed the erection of seven dwellings: one detached, 1.5-storey chalet-style dwelling and two terraces of three, three-storey townhouses, with dormer windows on the front elevations and rooflights on the rear. The proposed terraced properties were considered by the case officer to be out of character for the surrounding area and would have resulted in overdevelopment of the site. Furthermore, the windows in the roofs could have resulted in unacceptable harm to the dark night skies of the National Landscape. As such, the applicant amended the application.

This application now seeks full planning permission for six houses – 3no. with three-bedrooms and 3no. with two-bedrooms. The northernmost property remains as a detached 1.5-storey, chalet-style dwelling which is orientated with its front facing toward the A354; its access would derive from Yarde Farm Close. The remaining five properties (a pair of semi-detached, and a terrace of three, two-storey dwellings) would face and be accessed from Yarde Lane to the south.

The two-storey dwellings would be constructed of locally sourced brick to match existing buildings, with some flint detailing, under plain clay tile roofs. Solar panels would be located on the front (southern) roof slopes. The detached dwelling would be constructed of locally sourced brick walls under a slate roof.

Each of the six dwellings would have its own private rear garden with external access and at least two parking spaces. Two parking spaces each are also provided for Yarde Farm House and Yarde Farm Cottage (accessed off Yarde Farm Close to the north). The Long House would continue to have access and parking off Yarde Lane to the south. All new parking spaces would be constructed using Grasscrete or similar.

A number of trees and hedges would be removed and transplanted elsewhere in the site to make way for the new access to the south. Additional planting of suitable trees and hedges would take place both within the site and along the remaining boundaries, as laid out in the submitted landscape plan.

A bin collection area would be provided in the southwest corner of the site and cycle stores would be located in each of the rear gardens.

7.0 Relevant Planning History

2/2018/0335/OUT Decision: GRA Decision Date: 22/05/2018

Develop land by the erection of up to 5 No. dwellings, form vehicular access and parking. (Outline application to determine access).

2/2020/0995/OUT Decision: GRA Decision Date: 19/10/2020

Develop land by the erection of up to 5 No. dwellings, form vehicular access and parking. (Outline application to determine access).

8.0 List of Constraints

Settlement Boundary (inside)

Areas Susceptible to Groundwater Flooding

National Landscape (AONB): Cranborne Chase & West Wiltshire Downs (statutory protection Local Planning Authorities to seek further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty- National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

SSSI impact risk zone

9.0 Consultations

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

Consultees

1. **Natural England**

No comments received

2. **Cranborne Chase & West Wiltshire Downs National Landscape**

Objection received 22/02/2022 & 02/11/2022

- The proposal is for open market housing, when there is a need for affordable housing in this area; furthermore, a maximum of 5 houses should be considered as the site is within the National Landscape
- The layout does not create a positive, village-scale environment
- The dwellings would be out of character with the locality and the scheme has 'echoes of urban style cramming'
- Rooflights would have a significant capacity to contribute to night pollution of this International Dark Sky Reserve
- No solar panels on the detached dwelling
- Concern about the removal of screening hedging from the site
- Storage of bins and recycling has not been identified
- The proposal does not accord with the neighbourhood plan
- The amendments made do not change the NL's position
- If minded to approve, a detailed soft landscape scheme should be provided, any roof lights should be fitted with dusk-activated blinds/louvres and external lighting should be explicitly approved by the LPA

3. Wessex Water

No objection; information/advice provided for applicants re: drainage and water supply

4. Highways

No objection, subject to conditions

5. Trees

No objection

6. Building Control North Team

No comments received

7. Environmental Services – Protection

No objection, subject to conditions

8. Dorset Waste Team

No comments received

9. Local Lead Flood Authority (LLFA)

No objection, subject to conditions

10. Hill Forts and Upper Tarrants Ward Member

No comments received

11. Pimperne Parish Council

Objection received 11/02/2022 & 15/10/2022

- Overdevelopment of site
- Imposing development that is out of keeping with the surroundings and neighbouring properties
- Poor layout
- Access off Yarde Lane rather than Yarde Farm
- Adjacent to industrial estate
- Contrary to the neighbourhood plan
- No EV charging points and insufficient solar panels
- The amendments do not change the parish council's position

Representations received

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

Petitions Objecting	Petitions Supporting
0	0

10.0 Duties

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

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). The duty to further the purpose of the National landscape would be met through the development avoiding harm, and as the design changes, with the removal of the various roof openings, would ensure that the dark skies designation is safeguarded. The proposal would use locally distinctive design and materials and ecological and landscaping enhancements through the proposed soft landscaping scheme.

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 6	-	Housing Distribution
Policy 7	-	Delivering Homes
Policy 23	-	Parking
Policy 24	-	Design
Policy 25	-	Amenity

Pimperne Neighbourhood Plan as modified, 'Made' 2022

Policy LC	-	Landscape Character
Policy MHN	-	Meeting Housing needs
Policy SB	-	Settlement Boundary

Material Considerations

Emerging Dorset Council Local Plan:

Paragraph 49 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

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

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

On the 26 September 2024, The Planning Inspectorate issued the Inspector's report confirming the Council's Annual Position Statement (APS). The APS confirms that the whole of the Dorset Council area can demonstrate a 5-year supply of housing of 5.02 years, and that this figure is fixed until 31 October 2025 in accordance with paragraph 233 of the NPPF. An updated APS that reflects the Inspector's findings is available on the Council's website.

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 39 - 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' This outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 82-84 reflecting the requirement for development in rural areas.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places' This 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 National Landscapes (formerly known as Areas of Outstanding Natural Beauty), paragraph 189 requires great weight to be given to conserving and enhancing the landscape and scenic beauty. Paragraphs 192-195 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Supplementary Planning Document/Guidance

Cranborne Chase National Landscape Management Plan 2019 – 2024

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. Officers have not identified any specific impacts on persons with protected characteristics.

14.0 Financial benefits

The proposed development will bring about modest financial benefits for Dorset Council and the local community in the form of construction jobs generated by the proposal and locally expenditure by the developer. Occupiers of the development will also contribute to Council Tax, which will benefit the public purse.

15.0 Environmental Implications

The Council is moving forward with a Climate and Ecological Emergency Action Plan and the proposal demonstrates sustainable design and construction techniques. The fabric of the buildings will be designed to be thermally efficient, incorporating solar/PV panels on the south elevation of five of the properties. Water consumption will be minimised in line with UK building regulations.

16.0 Planning Assessment

Principle of Development

The site is located in a sustainable location, within the defined settlement boundary of Pimperne, as set out in the North Dorset Local Plan (LP). The Pimperne Neighbourhood Plan (NP) has been reviewed and made in November 2022. It sets out that the Parish Council wanted to exclude the area east of the A354 entirely from the settlement boundary. However, the Examiner’s view was that the settlement boundary should remain largely as before, and so the application site continues to be within the settlement boundary as defined within the NP. The Parish Council state that the development is contrary to the NP in terms of the location. However, there is no explanation as to why this would be, in view of the Inspector’s decision, and the current status of the NP and the defined settlement boundary. As such, the principle of new residential development in this location is considered to be acceptable, in accordance with Policy SB of the NP and Policy 2 (Core Spatial Strategy) of the LP.

Scale, design, impact on visual amenity

As described in section 6, above, the application originally proposed seven dwellings, including two terraces of three, three-storey dwellings. As the prevailing character of the area is generally of two-storey properties, these were considered to be out of character. Additionally, it was felt that seven dwellings would constitute overdevelopment of the site. As such, the proposed development was reduced to six, more-appropriately scaled, dwellings. These include a terrace of three, two-storey, two-bed dwellings, and a pair of two-storey, three-bedroom dwellings in the southern portion of the site, which would face and be accessed from Yarde Lane. A further,

detached, three-bedroom, chalet-style dwelling would be located in the northern part of the site, and would be accessed from Yarde Farm Close to the north. Each dwelling would have its own private rear garden with external rear access and at least two parking spaces. The two-storey dwellings would be constructed of brick to match buildings in the surrounding area, with some flint detailing, under plain clay tile roofs. Solar panels would be located on the front (southern) roof slopes. The detached dwelling would be constructed of brick walls under a slate roof.

Whilst a number of trees and hedges would be removed to facilitate the new access onto Yarde Lane, where possible, these would be transplanted elsewhere within the site. Additional planting of suitable trees and hedges would be carried out in the site and along the remaining boundaries. Details of all planting are shown in the submitted landscape plan, which the Council's Tree and Landscape officer considers to be acceptable.

It is considered that the scale, design and layout of the proposed development would be in keeping with surrounding development and would have an acceptable impact upon the visual amenity of the surrounding area. As such, the proposed development is in accordance with Policy 24 of the LP.

Impact on National Landscape

The site is within the Cranborne Chase National Landscape (AONB), which is also an International Dark Sky Reserve (IDSR). As already set out, the application originally sought the erection of seven dwellings, six of which would have been three-storey in height, with dormer windows and rooflights. This would have been at odds with the prevailing character of surrounding development, and the rooflights and dormer windows could have impacted negatively upon the dark skies of the IDSR through light pollution. The revised scheme sees these elements removed, and the scale and density of the proposal reduced. It is recommended that a condition requiring details of any external lighting to be submitted to and approved by the Local Planning Authority (LPA) is attached, should planning permission be granted. This would give the LPA control over the type and brightness of such lighting, to ensure it did not have a negative impact upon the dark skies.

It is considered that the proposed development would conserve the natural beauty of the National Landscape and would not impact negatively upon the dark skies of the IDSR. As such, the proposed development is in accordance with Policy 4 of the LP.

Impact on the living conditions of the occupants and neighbouring properties

Having regard to their location, bulk, scale, mass and fenestration, it is considered that the proposed dwellings would have an acceptable impact upon the residential amenity of neighbouring properties; they would not unacceptably overlook, overshadow or be overbearing upon their neighbours. In terms of the new dwellings themselves, it is considered that they would provide an acceptable level of residential amenity for future occupants; they have reasonably sized private gardens, each with external rear

access, and would not be unacceptably overlooked by neighbouring properties. The parish council considers that the residential amenity of the proposed dwellings would be negatively affected by the presence of an employment site on the opposite side of Yarde Lane. The site houses several large warehouse buildings, and is occupied by K J Pike & Sons, who repair and refurbish trolleys. From reviewing the planning history, the site has a mixed storage use (B8) and a light industry (formerly B1) use, which comprises uses which can be carried out in a residential area without detriment to its amenity. As such, it is considered that the proposed development is in accordance with Policy 25 of the LP.

Flood risk and drainage

The site is located within Flood Zone 1, and the Council's Strategic Flood Risk Assessment (SFRA) reveals no surface water flood risk to the site. It does, however, indicate that the site is within an area that is susceptible to groundwater flooding. The applicants submitted a flood risk assessment (FRA) that concluded that the risk of significant groundwater flooding is low. The Local Lead Flood Authority (LLFA) concurs with this assessment. As such, the requirement for the sequential test is not triggered.

The LLFA required the applicants to demonstrate that a viable and deliverable surface water management strategy could be achieved on the site. Due to high levels of groundwater, infiltration was ruled out as method by which to discharge surface water from the development. Following several discussions and the provision of updated documents and strategies, it is now proposed that surface water will be discharged to the Pimperne Stream. The Environment Agency has indicated that there should not be any outright objection to this, and the LLFA is satisfied that the necessary detail to substantiate the applicant's proposed surface water strategy has been submitted. As such, the LLFA raises no objection to the application, subject to conditions. It is therefore considered that the proposal is acceptable in relation to flood risk, in accordance with Policy 3 of the LP.

Highway impacts, safety, access and parking

The Highway Authority raises no objection to the proposed development, subject to conditions to secure the turning/manoeuvring and parking arrangements, along with the proposed cycle storage, as set out on the proposed site plan. As such, it is considered that the proposed development has an acceptable impact upon highway safety, in accordance with Policies 23 and 24 of the LP.

Biodiversity

A biodiversity plan was submitted and approved by the Council's Natural Environment Team (NET). In the event of approval, a condition to secure the biodiversity protection and mitigation measures is recommended. It is considered that the proposed development has an acceptable impact upon biodiversity, in accordance with Policy 4 of the LP.

17.0 Conclusion

The site is within the defined settlement boundary for Pimperne, and the proposal is for an appropriately designed and laid out scheme. The proposal would accord with the development plan taken as a whole, and there are no material considerations indicating the decision should be taken otherwise than in accordance with the development plan. Consequently, the application is recommended for approval, subject to conditions.

18.0 Recommendation

Grant planning permission, subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 21033.100 A Location Plan
 - 21033.101 A Block Plan
 - 21033.103 F Proposed Site Plan
 - 21033.104 D Proposed Plots A-E
 - 21033.105 B Proposed Plot F
 - 21033.106 Existing & Proposed Site Sections
 - 21033.107 Proposed Fence Details
 - 21033.108 B Proposed Cycle Store
 - 21033.109 D Proposed Landscape Plan

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

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

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

4. Prior to occupation of the development, details of maintenance & management of both the surface water sustainable drainage scheme and any receiving system shall be submitted to and approved in writing by the local planning

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

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

5. Prior to occupation of the development, a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved plan.

Reason: To ensure that the future residents of the proposed development understand the actions required to remain safe during a flooding event.

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

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

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

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

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

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

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

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

10. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number 109C 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.

11. Before the development is occupied or utilised the cycle parking facilities shown on Drawing Number 103 (as amended) 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.

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

Reason: To ensure risks from contamination are minimised.

13. Having regard to the close vicinity of existing residential dwellings to this site, demolition and construction works shall not take place outside of the following hours:

Monday – Friday: 0700 – 1900

Saturday: 0800 – 1300

Reason: In the interests of residential amenity

14. The detailed biodiversity mitigation, compensation and enhancement strategy set out within the approved Biodiversity Plan, certified by the Dorset Council Natural Environment Team on 29/04/2024, 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 measures detailed in the approved Biodiversity Plan have been completed in full, in accordance with any specified timetable.

ii) evidence of compliance, including photographic evidence, in accordance with section J of the approved Biodiversity Plan has been supplied to the Local Planning Authority prior to the substantial completion, or the first bringing into

use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved Biodiversity Plan and thereafter the approved mitigation, compensation and enhancement measures must be permanently maintained and retained in accordance with the approved details.

Reason: To mitigate and compensate for impacts on ecological receptors, and to provide biodiversity gains.

15. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), before the development hereby approved is first occupied or brought into use the following windows shall be permanently glazed with obscured glass of a minimum obscurity of level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and these window(s) shall be retained as such thereafter:

Plot A: First floor: bathroom window on the rear/north elevation & en-suite window on the front/south elevation; Ground floor: WC window on the front/south elevation

Plots B & C: First floor: bathroom window on the rear/north elevation; Ground floor: WC window on the front/south elevation

Plot D: First floor: bathroom and en-suite windows on the side/west elevation; Ground floor: WC window on the front/south elevation

Plot E: First floor: bathroom and en-suite windows on the side/east elevation; Ground floor: WC window on the front/south elevation

Plot F: First floor: bathroom and en-suite windows on the rear (east) elevation; Ground floor: WC window on the front (west) elevation

Reason: To protect amenity and privacy.

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

Reason: In the interests of the dark night skies of the International Dark Sky Reserve and to avoid nuisance to adjoining properties.

17. Prior to commencement of the development approved details of the finished floor level(s) of all the building(s) hereby approved 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 interests of visual amenity.

Informative Notes:

1. The applicant is advised of the information/advice provided by Wessex Water in its response dated 17/02/2022, a copy of which is available on the Council's website
2. The applicant is reminded of their responsibility to submit photographic evidence of compliance with the Biodiversity Plan or LEMP to Dorset Natural Environment Team in order to comply fully with requirements of condition 13.
3. If the applicant wishes to offer for adoption any highways drainage to DC, they should contact DC Highway's Development team at DLI@dorsetcouncil.gov.uk as soon as possible to ensure that any highways drainage proposals meet DCC's design requirements.
4. A Flood Risk Activity Permit may be required from the EA, as relevant regulator for all works to a designated Main River that take place in, under or over, or as prescribed under relevant byelaws in accordance with section 109 of the Water Resources Act 1991. To clarify the Environment Agency's requirements, the applicant should contact the relevant department by emailing floodriskpermit@environment-agency.gov.uk.
5. The applicant is advised to have early discussions with Wessex Water in relation to the possible adoption of SuDS features in order to ensure that the final design of the attenuation features are in line with their design requirements.
6. National Planning Policy Framework Statement
In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.
The council works with applicants/agents in a positive and proactive manner by:
 - offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.
In this case:
 - The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
7. The applicant is advised that with regard to condition 15 above, any external lighting should comply with the Cranborne and West Wiltshire Downs Position Statement Number 1 on Light Pollution, and the paper by Bob Mizon - 'Lighting: types, qualities and impacts'.

8. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

- The permission which has been granted is for development which is exempt being:

- Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024;

Read more about Biodiversity Net Gain at

<https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>

9. Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024;
- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions

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Agenda Item 7

Application Number:	P/FUL/2024/03602		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Hazelbury Bryan Primary School Droop Sturminster Newton DT10 2ED		
Proposal:	Creation of school car park & associated access		
Applicant name:	Mr Andy Muir - Governors of Hazelbury Bryan Primary School		
Case Officer:	Cass Worman		
Ward Member(s):	Cllr Murcer		
Publicity expiry date:	1 October 2024	Officer site visit date:	29/08/2024
Decision due date:	17 October 2024	Ext(s) of time:	07/02/2025
No of Site Notices:	4: - front corner under school name sign - gate at RoW opposite church around back of playing field - fence on NE corner of playing field adjacent to woodland planting and corner of RoW - tied to hedge at proposed entrance/layby		
SN displayed reasoning:	Maximise visibility of site notices around the site		

1.0 Reason application is going to committee: Council owned land

2.0 Summary of recommendation:

GRANT subject to conditions

3.0 Reason for the recommendation:

- Existing school car park has only 6 spaces and is insufficient for needs of the school
- Current arrangements pose concerns for safety and access
- Proposals would increase parking for staff, as well as improved drop off and pick up arrangements for the school
- Proposals are supported by the Highways Engineer

- Proposals would not adversely reduce the size of the school playing field and is acceptable to Sports England
- Loss of trees & hedge translocation to facilitate the new parking area is acceptable with conditions to ensure suitable methodology and replacement planting
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

This must include all those headings which will then be discussed in full in the Planning Assessment section

Issue	Conclusion
Principle of development	The proposals accord with exception 3 of Sports England Playing Fields Policy & Guidance, and paragraph 104 of the NPPF
Scale, design, impact on character and appearance	Acceptable, new planting is proposed
Impact on the living conditions of the occupants and neighbouring properties	No impacts
Impact on landscape or heritage assets	No harm to setting of Grade I listed church, outside (and no harm to setting) to Dorset AONB/National Landscape
Flood risk and drainage	Surfacing is to be porous and an aco drain installed
Economic benefits	n/a
Highway impacts, safety, access and parking	Improved car parking and drop off/collection provision for the school, wider improvements to surrounding highway network
Impact on trees	Loss of small copse of trees acceptable and replacement planting in combination with BNG secured via condition

5.0 Description of Site

The school is situated in a rural hamlet accessed by narrow roads with no pavements. The school currently has a very limited number of parking places, staff use the church car park adjacent. There are very limited spaces for vehicular drop off and collection. The main school gates open directly onto the highway adjacent to a junction.

As such, the junction, local driveways, and farmland accesses become blocked and constrains access for other road users and places pedestrians at increased risk.

6.0 Description of Development

Provision of new car park with associated access

7.0 Relevant Planning History

2/1993/0400 - Decision: GRA - Decision Date: 16/07/1993
Change of use for existing School House to Administration Offices

2/1997/0497 - Decision: GRA - Decision Date: 07/10/1997
Erect extension to infant classroom, erect new reception classroom and toilets

2/2002/0534 - Decision: GRA - Decision Date: 03/07/2002
Erect portable classroom

2/2003/0450 - Decision: GRA - Decision Date: 28/05/2003
Demolition of failing hall, erect new school hall, extend classroom, install new entrance door and form pitched roof over flat roofed toilets

8.0 List of Constraints

LP - North Dorset Local Plan Part 1 (2011-2031); Adopted; Outside settlement boundaries (countryside); Policy 2, 20; NULL - Distance: 0

Neighbourhood Plan - Made; Name: Hazelbury Bryan NP - First Review; Status 'Made' 12/03/2024; - Distance: 0

PROW - Right of Way: Footpath N41/5; - Distance: 0

PROW - Right of Way: Footpath N41/3; - Distance: 2.9

PROW - Right of Way: Footpath N41/15; - Distance: 42.04

PROW - Right of Way: Footpath N41/2; - Distance: 11.68

EA - Groundwater – Susceptibility to flooding; - Distance: 0

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

Dorset Council Land (Freehold): Hazelbury Bryan Primary School, Droop, Hazelbury Bryan, Sturminster Newton (03275 03276 03277) - Reference 09746 - Distance: 0

Area of Outstanding Natural Beauty (AONB): Dorset; - Distance: 420.88

Existing ecological network (Polygons) - Distance: 0

Higher Potential ecological network - Distance: 0

Minerals and Waste Safeguarding Area - ID: 6324; Building Stone - Distance: 0

Grade I listed building – within setting of St James’s Church (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

National Landscapes (Areas of Outstanding Natural Beauty): (statutory protection Local Planning Authorities to seek further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty- National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

9.0 Consultations

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

Consultees

Hazelbury Bryan Parish Council

The parish council fully supports this application. The car park is long overdue and will be of great benefit to all those involved with the school

Blackmore Vale Ward Member - *No comments received*

Historic England – *no comments offered*

Dorset Police Architectural Liaison Officer - *No comments received*

Sport England – *“no objection - it is considered to accord with exception 3 of our Playing Fields Policy and paragraph 103 of the NPPF” [Officer note, this is now para 104 of the updated NPPF updated December 2024)*

Dorset Wildlife Trust - *No comments received*

Ramblers Association - *No comments received*

DC - Highways - *No objection*

DC - Trees – *No objection to removal of small squat trees, as these are not of a size, prominence or condition to make them worthy of statutory protection. Supportive of proposed new tree planting of suitable species, landscaping & planting scheme to be made a condition, hedging should be of native species to suit this rural location.*

DC - Conservation Officers – *no objection – there would be harm to setting of listed church*

DC - Rights of Way Officer - *No objection*

DC - Minerals & Waste Policy - *No comments received*

DC - Public Health Dorset - *No comments received*

DC - Asset & Property - *No comments received*

DC - Highways Asset Manager - *No comments received*

DC - BNG Natural Environment Team – *No objection*

Representations received

Summary of comments of objections: none

Summary of comments of support: The proposals have numerous letters of support from the community on grounds of improved safety & access.

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.

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)

11.0 Relevant Policies

Development Plan:

North Dorset Local Plan Part 1 - 2011 – 2031. January 2016

Policy 1 – Presumption in Favour of Sustainable Development
Policy 2 – Core Spatial Strategy
Policy 4 – The Natural Environment
Policy 5 – The Historic Environment
Policy 12 – Retail, Leisure and Other Commercial Developments
Policy 13 - Grey Infrastructure
Policy 14 – Social Infrastructure
Policy 20 – The Countryside
Policy 23 – Parking
Policy 24 – Design
Policy 25 – Amenity
Policy 27 – Retention of Community Facilities

Hazelbury Bryan Neighbourhood Plan 2018 to 2031 – Made March 2024

Paragraph 8.5 of the Neighbourhood Plan states:

“Another issue for the primary school relates to access and parking. Most of the school’s families do not walk to school due to road safety concerns, and parking at the school has become increasingly limited adding to these concerns for pedestrians and drivers at school run times. Pedestrian gates were installed along the footpaths under a “walk to school” initiative to provide an alternative off-road route that is baby buggy and mobility vehicle accessible, however many families state that the pedestrian route is not buggy friendly. Further improvements to the off-road route, and additional parking for the school and church would be beneficial”

Policy HB5. Locally Distinctive Development

Any future development will be designed to reinforce the distinctive local character of the settlement or outlying rural area to which it relates... this should include consideration of

....

e) the sensitive inclusion of car parking and infrastructure / services, including electric vehicle charging points and sustainable drainage.

Policy HB10. Droop Distinctive Character

Any future development in the vicinity of Droop should:

- a) respect the scattered rural nature of the area, and the dominance of the church and school as the key local landmarks,*
- b) retain and reinforce the narrow confines created by the rural lanes, the historic field boundaries and native hedgerows and presence of mature trees...*

Policy HB14. Supporting Community Facilities

Development proposals to improve the provision of community facilities (including those listed below) in a manner in keeping with the character of the area will be supported. Every effort should be made to work with the local community and relevant authorities to investigate potential solutions to avoid any loss of the following valued assets:

...

- b) Hazelbury Bryan Primary School (including Pre-School provision)...*

Policy HB23. Supporting Highway Infrastructure Improvements

Developer contributions may be sought where reasonable and necessary for improvements to the road infrastructure

Policy HBP1: Traffic Management in Hazelbury Bryan

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 December 2024

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:

Chapter 8: Promoting healthy and safe communities

Open space and recreation

Para 103. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change....

Para 104. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use

Chapter 9. Promoting sustainable transport

Chapter 12. Achieving well-designed places

Chapter 15. Conserving and enhancing the natural environment

Chapter 16. Conserving and enhancing the historic environment

Other material considerations

Sport England: Playing fields policy and guidance *Sport England's policy and associated guidance on planning applications affecting playing fields* March 2018
Last Updated December 2021 - www.sportengland.org/playingfieldspolicy

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.

Taking into consideration requirements of PSED, the proposals improve access to the school; arrangements have been made to ensure people with disabilities & mobility impairments have better access to car parking places, access to the school is improved for pedestrians and those pushing buggies.

14.0 Financial benefits

n/a

15.0 Environmental Implications

Improved access to the school. Biodiversity enhancements of new planting.

16.0 Planning Assessment

Improvements to parking & access for the school is understood and supportable in principle and supported by the Local Community.

Sport England’s policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field land remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England the development as a whole meets with one or more of five specific exceptions as outlined in their guidance

www.sportengland.org/playingfieldspolicy

Exception 3 is relevant to this application:

The proposed development affects only land incapable of forming part of a playing pitch and does not:

- *reduce the size of any playing pitch;*

- *result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);*
- *reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;*
- *result in the loss of other sporting provision or ancillary facilities on the site;*
or
- *prejudice the use of any remaining areas of playing field on the site.*

The proposal for a new car park would result the loss of approx. 160m² of playing field. Further to Sport England's initial comments, an amended plan has been provided which demonstrates how in combination with the new car park and relocated play equipment, it is still possible to layout a recognised playing pitch in accordance with Sport England's guidelines (the blue and dashed lines on plan AJC/210/23/C/Rev6 shows a Mini Soccer pitch and outfield, as per Sport England guidance on pitch sizes).

With this demonstration that a suitable playing pitch can still be provided, Sport England have confirmed that the development would meet their E3 planning policy exception and they subsequently have no objection to the proposals.

Additionally, the proposals are considered to accord with paragraph 104 of the NPPF as the car park can be established whilst still maintaining a suitably sized playing pitch which meets Sport England's requirements (the blue and dashed lines on plan AJC/210/23/C/Rev6 shows a Mini Soccer pitch and outfield, as per Sport England guidance on pitch sizes).

Highways safety and access

During the course of the application, discussions between the applicant's agent & Highways Officers have taken place. The newly submitted layout now addresses the concerns that were previously raised by Highways Officers:

The access is of a suitable dimension to be used by a bus/coach, as confirmed by the submitted swept path analysis, and is provided with suitable visibility splays. A suitably sized car park is to be constructed which in Highways terms should serve to prevent on-street parking in the vicinity of the school.

The Highway Authority subsequently has no objection, subject to conditions (vehicle access construction, turning/manoeuvring and parking construction, set back gates, visibility splays as shown). The proposal would comply with Policy 13 of the Local Plan.

Impact on character, AONB & Listed Building

The proposals would require the removal of a section of hedgerow to facilitate the opening into the new car park and the new area of hardstanding. This would be read in conjunction with the existing school complex and would not appear out of context nor incongruous. New planting of trees and hedgerows to soften the proposals is welcomed.

The site is outside of the Dorset AONB/National Landscape and the establishment of a modestly sized car park adjacent to an existing school complex would have no adverse impact on the special characteristics of the AONB/National Landscape. Similarly, due to the location of the car park on the other side of the school buildings, and read in association with this complex, there would be no harm to the setting of the nearby Grade I listed church. The proposal would comply with Policy 4 and 5 of the Local Plan.

Biodiversity & Trees

The Council's Tree Officer has no objection to the removal of the small copse of trees to facilitate the development, subject to a planting and landscaping condition for their suitable replacement. The hedgerow would need to be translocated to facilitate the required visibility splays, details to be secured via condition. Details of onsite BNG have been submitted in support of the application and would be secured via condition. The proposal would comply with Policy 4 of the Local Plan.

Amenity

The establishment of a car park in this location poses no concerns with regards to noise or disturbance to occupants of nearby dwellings, and will improve the issues of congestion & obstruction in the vicinity. The proposal would comply with Policy 25 of the Local Plan.

Flood Risk

The surfacing for the car park is to be porous and an ACO drain at the entrance point installed, the proposals would therefore not increase the risk of flooding elsewhere. The proposal would comply with Policy 13 of the Local Plan.

17.0 Conclusion

- Existing school car parking arrangements are insufficient for needs of the school and pose concerns for safety and access
- Proposals would increase parking for staff, as well as improved drop off and pick up arrangements for the school
- Proposals are supported by the Highways Engineer
- Proposals would not adversely reduce the size of the school playing field and is acceptable to Sports England
- Loss of trees & hedge translocation to facilitate the new parking area is acceptable with conditions to ensure suitable methodology and replacement planting
- The development would comply with the development plan taken as a whole and there are no material considerations which would warrant refusal of this application

18.0 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:
AJC/210/23/A Rev 3 Location Plan
AJC/210/23/B Rev 4 Existing Site Plan
AJC/210/23/C Rev 6 Proposed Site Plan
AJC/210/23/D Existing & proposed cross sections

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

- 3.Before the development is occupied or utilised the first 10.00 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

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

- 4.Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number AJC/210/23/C/Rev 6 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.

- 5.Before the development hereby approved is occupied or utilised the visibility splay areas as shown on Drawing Number AJC/210/23/C/Rev 6 must be cleared/excavated to a level not exceeding 0.60metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

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

- 6.Before the development hereby approved is occupied or utilised any entrance gates must be set back a minimum distance of 7.00 metres from the edge of the carriageway and hung so that the gates can only open inwards. Thereafter,

the gates must be retained at their approved position, maintained and kept free from obstruction.

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

7. Prior to the surfacing of the car park hereby approved, a soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall include details of hedgerow translocation, and provision for the maintenance. If, within a period of five years from the date of planting, any planting is removed, uprooted, destroyed or dies, planting of the same size and species shall be planted within the first planting season following the removal, uprooting, destruction or death of the planting it replaces.

Reason: In the interest of visual amenity.

Informative Notes:

1. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Read more about Biodiversity Net Gain at
<https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>

2. Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan

- 1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

i) the application for planning permission was made before 2 April 2024;

ii) planning permission is granted which has effect before 2 April 2024; or

iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

3. INFORMATIVE NOTE: Dorset Highways

In addition to this permission, the vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

4. Informative: National Planning Policy Framework Statement

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

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

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

In this case:

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

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Agenda Item 8

Application Number:	P/FUL/2024/04028		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Plot 3 North Dorset Business Park Rolls Mill Way Sturminster Newton DT10 2GA		
Proposal:	Erection of industrial building		
Applicant name:	Rose Engineering (South West) Ltd		
Case Officer:	Steven Banks		
Ward Member(s):	Cllr Carole Jones		
Publicity expiry date:	19 September 2024	Officer site visit date:	N/A
Decision due date:	19 September 2024	Ext(s) of time:	06/02/2025
No of Site Notices:	2		
SN displayed reasoning:	The site notices were displayed in order to publicise the application.		

1.0 Reason application is going to committee

This application is to be determined by a planning committee because the application site comprises of land which is owned by Dorset Council.

2.0 Summary of recommendation:

Grant planning permission subject to conditions.

3.0 Reason for the recommendation:

- The proposal would create employment.
- The proposal would respect the character of the area.
- The proposal would not have an unacceptable impact on highway safety or the efficiency of the transport network.
- The proposal would not harm biodiversity.
- An acceptable level of residential amenity would result.
- The proposal would not result in an increase in flood risk.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development is accepted due to the nature and location of the proposal.
Character and appearance	The proposed building, by reason of its form, scale, materials, and positioning, would maintain the distinctive character of the area.

Living conditions	<p>Given the proximity, of the residential properties, to the proposed building, it is recommended that conditions, relating to operating hours and the use of machinery outside of the units of the building, should be imposed on any permission.</p> <p>Subject to the imposition of the recommended conditions, on any permission, the proposal would comply with policy 25 of the Local Plan which aims to protect residential amenity.</p>
Highway Safety	<p>There would not be an unacceptable impact on highway safety or the road network.</p> <p>A sufficient level of parking is proposed.</p>
Flood risk	<p>The proposal, by reason of its nature and design, would not result in an increase in flood risk.</p>
Economic benefits	<p>The proposal, by reason of its nature, would create employment.</p>
Biodiversity	<p>The proposal, by reason of its location, would not harm biodiversity.</p>

5.0 Description of Site

The application site comprises of a relatively flat piece of land which forms part of the southern part of the North Dorset Business Park, which can be found to the north of the A357 and approximately 4 miles to the southwest of Sturminster Newton. Industrial units are a notable characteristic of the area surrounding the application site. A container storage yard and scaffolding storage yard can be found within the North Dorset Business Park. Residential development can be found to the southwest of the application site and public right of way N53/70 can be found to the south of the application site.

The site, which measures approximately 0.17 hectares, falls within the settlement boundary of Sturminster Newton.

The application site comprises of a small amount of land which has been assessed as having an annual probability of flooding from surface water of: 1 in 30 (3.3%); 1 in 100 (1%); 1 in 1,000 (0.1%); 1 in 100 (1%), plus a 20% allowance for climate change; and 1 in 100 (1%), plus a 40% allowance for climate change.

The site also comprises of land which has been assessed as being susceptible to flooding from groundwater.

6.0 Description of Development

In application P/FUL/2024/04028 it is proposed to construct a building which comprises of five industrial units. The units are identified as 3C, 3D, 3E, 3F and 3G. Unit 3C measures, internally, approximately 252.7 square metres. Unit 3D measures, internally, approximately 123 square metres. Unit 3E measures, internally, approximately 125.3 square metres. Unit 3F measures, internally, approximately 123 square metres. Unit 3G measures, internally, approximately 125.3 square metres. The internal floorspace of the building measures approximately 749.3 square metres. The building measures approximately 31.7m long and 25m wide. The distance between ground level and the eaves of the building is approximately 5.5m. The distance between ground level and the ridge of the proposed building is approximately 7.7m.

It is proposed that the units would fall within Class B and Class E of the Town and Country Planning (use classes) Order 1987 (as amended). This is general industrial use, storage and distribution, and light industrial use.

It is proposed to construct the walls and the roof of the building out of goosewing grey composite panels and merlin grey flashings and edgings. A red brick dwarf wall is also proposed.

It is also proposed to develop 14 spaces for the parking of cars and 6 spaces for the parking of bicycles. It is, further, proposed to plant a hedge, comprising of hawthorn, blackthorn, field maple and green beech, along the southern boundary of the site.

7.0 Relevant Planning History

2/88/1041/54 (Outline) - Decision: GRA - Decision Date: 23/05/1990
Change of use of agricultural land to general industrial estate

An appeal against a refusal to approve landscaping details (part of condition 1 and condition 7 of 2/88/1041/54) was allowed 22/07/1992. Decision notices have not been located.

2/1990/0153 - Decision: GRA - Decision Date: 25/04/1991
Layout industrial estate roads and sewers

2/1993/0287 - Decision: GRA - Decision Date: 01/07/1993
Renewal of planning permission 2/88/1041 to develop land from agricultural to general industrial

2/2012/1614/PLNG - Decision: GRA - Decision Date: 25/04/2013
Develop land by the erection of Industrial/Commercial Buildings for Class B1, B2 & B8 use with access/parking. (Outline Application to determine access).

2/2015/1638/REM - Decision: GRA - Decision Date: 28/01/2016
Erect Industrial/Commercial Buildings for Class B1, B2 & B8 use with access/parking. (Reserved Matters application to determine Landscaping; following grant of Outline Planning Permission No. 2/2012/1614).

2/2015/1701/DOC - Decision: DET - Decision Date: 16/12/2015

Discharge of Condition Nos. 7 - Travel Plan; 8 - Design Code; 11 - Landscape maintenance; and 12 - Maximum Building Heights & BREEAM Standards; following grant of Outline Planning Permission No. 2/2012/1614.

8.0 List of Constraints

Public Right of Way: Footpath N53/70 - Distance: 4.83

High pressure gas pipeline 1km or less from Regional High Pressure Pipelines (>7 bar) - Distance: 887.6

Groundwater – Susceptibility to flooding - Distance: 0

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

Risk of Surface Water Flooding Extent 1 in 30 - Distance: 0

Risk of Surface Water Flooding Extent 1 in 100 - Distance: 0

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

Surface water flooding - 1 in 100 year event plus 20% allowance - Distance: 0

Surface water flooding - 1 in 100 year event plus 40% allowance - Distance: 0

9.0 Consultations

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

Consultees

1. **Sturminster Newton Town Council**

No objections.

2. **DC - Rights of Way Officer**

“Please ensure that a suitable width is left available for Public right of way N53/70 to the south of the property. Minimum of 2m”

3. **DC - Highways**

No objection subject to the imposition of conditions, relating to: the construction of access, turning and parking areas; the construction of cycle parking; and entrance gates, on any permission

4. **DC - Environment Services – Protection**

No comment.

5. **Scottish And Southern Energy Networks**

“The application site is part of an embedded network. The site involves land where this company has 11kV High Voltage underground cables and equipment within the substation named Divelish Commercial. This is all portrayed by the above plan (all cables displayed are assumed positions).”

Cable tracing should be undertaken for safety and in line with appropriate guidance. No changes should be made within this application that negatively affect this company's assets."

6. Natural England

No objection subject to securing mitigation.

The application falls within the scope of the Dorset Biodiversity Appraisal Protocol, adopted by your authority which requires the submission of NET approved ecological information for all developments of this nature. Natural England therefore recommends that permission is not granted until supporting ecological information has been approved by the Dorset Council's Natural Environment Team (NET).

10.0 Duties

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

11.0 Relevant Policies

Development Plan

North Dorset Local Plan Part 1 2011 – 2031 (2016)

Policy 1 – Presumption in favour of sustainable development

Policy 2 – Core Spatial Strategy

Policy 3 – Climate Change

Policy 4 – The Natural Environment

Policy 11 – The Economy

Policy 19 – Sturminster Newton

Policy 23 – Parking

Policy 24 – Design

Policy 25 – Amenity

North Dorset District-Wide Local Plan (1994-2011)

Saved Policies

3.2 – Development on Defined Employment Areas

SN6 – Employment Development Site E/47/2

Sturminster Newton Neighbourhood Plan 2016 – 2031 (2019)

Policy 1 – Design and character of buildings and their setting

Policy 8 – Settlement boundary revision

Policy 38 – Land at North Dorset Business Park

Material Considerations

Emerging Local Plans:

Paragraph 49 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 draft 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. 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:

2 – Achieving sustainable development

4 – Decision making

6 – Building a strong, competitive economy

9 – Promoting sustainable transport

11 – Making effective use of land

12 – Achieving well-designed places

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

15 – Conserving and enhancing the natural environment

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.

Officers have not identified any specific impact that the proposed development would have on those with protected characteristics.

14.0 Financial benefits

What	Amount / value
Material Considerations	
Employment created during the phases of the development.	The proposal would require a modest amount of labour from the construction industry during the phases of development. Wages would be paid to those employed. The spending of wages, earned during the phases of development, by those employed, would benefit the economy.
The purchasing of materials and products for the development	The purchasing of materials and products, for the development, would benefit the economy.
Expenditure by occupants of the proposed units	Occupants of the units would make a small contribution, through expenditure, to the viability of local retailers and service providers.
Non Material Considerations	
Tax payments	As per the required payment.

15.0 Environmental Implications

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

The occupation of the units 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 building to meet the requirements of building regulations, which among other things, require energy efficiency standards to be met.

16.0 Planning Assessment

Principle

Policy 2 of the Local Plan includes the spatial strategy for North Dorset. It identifies that Blanford (Forum and St. Mary), Gillingham, Shaftesbury and Sturminster Newton are where growth is to be focussed. It is expressed in policy 11 of the Local Plan that the economic development of the four main towns is to be supported by the development of key strategic sites and that the development of the North Dorset Business Park shall be primarily for employment uses. It is identified in policy 19 that Sturminster Newton shall continue to function as the main service centre in the rural west of the district and that economic needs shall be met through the development of the North Dorset Business Park.

Saved policy 3.2 identifies that Business (B1), General Industrial (B2) and Storage/Distribution (B8) uses will be permitted within the defined Employment Area of North Dorset Business Park. Saved policy SN6 requires the restriction of uses, within Area A of the North Dorset Business Park, to B1 (Business) or B8 (Warehousing).

Policy 38 of the Neighbourhood Plan supports employment development, within the North Dorset Business Park. Development which: focuses on business support; concerns education/training; which includes an ancillary retail element for the sale of bulky goods; or development which falls within use classes B1, B2 or B8, is permitted by policy 38.

It is identified in paragraph 85 of the NPPF that decisions should help to create the conditions in which businesses can invest, expand and adapt.

It is proposed to construct an industrial building on the North Dorset Business Park. for general industrial use, storage and distribution, and light industrial use. within Class B and Class E of the Town and Country Planning (use classes) Order 1987 (as amended).

In the interest of ensuring that only development which is appropriate for the business park would take place, it is recommended that a condition restricting the use of the building to uses which fall within general industrial use, storage and distribution, and light industrial use. This is Class B2 and B8 of Part B of Schedule 1 of the Town and Country Planning (use classes) Order 1987 (as amended) and parts (i), (ii), and (iii) of part (c) and parts (i), (ii) and (iii) of part (g) of Class E of Part A of Schedule 2 of the Town and Country Planning (use classes) Order 1987 (as amended).

The proposed development, by reason of its nature, would encourage economic growth, create a condition where businesses could expand, and contribute to a growth in employment. The North Dorset Business Park is a suitable location for this type of development.

The principle of development is accepted due to the nature and location of the proposal. The development would comply with Policy 11 of the North Dorset Local Plan.

Character and appearance

Policy 24 of the Local Plan seeks to secure development which would improve the character and quality of the area in which it is located. Policy 1 of the Neighbourhood Plan aspires to secure development which is sympathetic to the character of the area. Part 12 of the NPPF aims to secure well-designed places.

The proposed building measures approximately 31.7m long and 25m wide. The distance between ground level and the eaves of the building is approximately 5.5m. The distance between ground level and the ridge of the proposed building is approximately 7.7m.

It is proposed to construct the walls and the roof of the building out of goosewing grey composite panels and merlin grey flashings and edgings. A red brick dwarf wall is also proposed.

It is also proposed to develop 14 spaces for the parking of cars and 6 spaces for the parking of bicycles. It is, further, proposed to plant a hedge, comprising of hawthorn, blackthorn, field maple and green beech, along the southern boundary of the site.

Industrial units are a notable characteristic of the area surrounding the application site. A container storage yard and scaffolding storage yard can be found within the North Dorset Business Park. Residential development can be found to the southwest of the application site.

The proposed building, by reason of its form, scale, materials, and positioning, would maintain the distinctive character of the area. The proposal complies with policy 24 of the Local Plan and Policy 1 of the Neighbourhood Plan. It also meets the aim of part 12 of the NPPF.

Living conditions

Policy 25 of the Local Plan aims to protect residential amenity.

Residential properties can be found, in relatively close proximity, to the southeast of the proposed building.

There would not be an overshadowing or overbearing effect, from the proposed structure, which would harm the amenity of the occupiers of the existing dwellings, due to the size, mass and positioning of the proposed building.

An Environmental Protection Officer, of the Council, in their consultation response, stated, no comment.

Given the proximity, of the residential properties, to the proposed building, it is recommended that conditions, relating to operating hours and the use of machinery outside of the units of the building, should be imposed on any permission.

Subject to the imposition of the recommended conditions, on any permission, the proposal would comply with policy 25 of the Local Plan.

Highway Safety

It is stated in paragraph 116 of the NPPF that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. The Highway Authority did not object to the proposal, on either of these grounds, subject to the imposition of conditions on any planning permission. It is recommended that the conditions should be imposed on any planning permission.

Policy 23 of the Local Plan aims to ensure that development is served by an appropriate level of parking. The Highway Authority did not object to the application, subject to imposition of, the recommended, conditions on any permission, on the grounds that there would be an insufficient level of parking serving the development. The proposal would, therefore, subject to the imposition of the recommended conditions, accord with policy 23 of the Local Plan which, among other things, requires there to be a sufficient level of parking to serve developments.

Flood Risk

Policy 3 of the Local Plan requires development to 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. It is identified in paragraph 170 of the NPPF that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). It is further identified in the paragraph that, where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Most of the site is at a low risk of flooding with only a small part of the site falling within an area of land which has been assessed as having a high 1 in 30 (3.3%) annual probability of flooding from surface water. The areas identified would not result in issues with access to and from the site. In light of this, it is considered that the proposal, by reason of its nature and design, would not result in an increase in flood risk. Drainage details have been submitted that show that the surface water will be disposed of to the existing surface drainage that serves the wider development. Therefore, the proposal would comply with policy 3 of the Local Plan and paragraph 170 of the NPPF.

Biodiversity

Policy 4 of the Local Plan aims to protect environmental assets. Paragraph 187 of the NPPF seeks to enhance the natural environment. In the material submitted a part of the application, it is confirmed that the entire area of the application site comprises of hardstanding. Given the nature of the site, it is considered that the proposal, by reason of its location, complies with policy 4 of the Local Plan and paragraph 187 of the NPPF.

17.0 Conclusion

For the reasons given it is concluded that that the proposal should be granted subject to the conditions below.

18.0 Recommendation
Grant, subject to conditions.

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:

PL03-01 – Received 12/11/2024
PL03-02 – Received 12/11/2024
PL03-03 – Received 12/11/2024
PL03-04 – Received 18/07/2024
PL03-05 – Received 18/07/2024
PL03-06 – Received 18/07/2024
PL03-07 – Received 12/11/2024
PL03-09 – Received 12/11/2024
PL03-10 – Received 12/11/2024
HI1031/300/01/C – Received 18/07/2024
HI1031/500/01/H – Received 18/07/2024
PL03-08 – Received 12/11/2024

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

3. The units hereby approved shall be used for purposes within Class B2 and B8 of Part B of Schedule 1 of the Town and Country Planning (use classes) Order 1987 (as amended), or in any equivalent provision to that Class in any statutory instrument revoking and re-enacting that Order, and parts (i), (ii), and (iii) of part (g) of Class E of Part A of Schedule 2 of the Town and Country Planning (use classes) Order 1987 (as amended), or in any equivalent provision in any statutory instrument revoking and re-enacting that Order.

Reason: In order to allow the Council to maintain control of the site.

4. The approved drainage scheme shown on drawing number PL03-07 shall be completed in full before occupation of the development.

Reason: To avoid drainage problems as a result of the development with consequent pollution or flood risk. Reason: To avoid drainage problems as a result of the development with consequent pollution or flood risk.

5. Prior to the commencement of any development hereby approved, above ground level, details of the finished floor levels of the building hereby approved 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.

6. The walls and the roof of the building shall be constructed out of red brick and goosewing grey composite panels and merlin grey flashings and edgings.

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

7. Prior to the occupation of the development hereby approved the access, geometric highway layout, turning and parking areas shown on approved plan PL03-03 must have been constructed. Thereafter, these areas must be maintained, kept free from obstruction and made available, for the purpose specified, in perpetuity.

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

8. Any entrance gates must be hung so that they do not open over the adjacent highway. Thereafter, the gates must be maintained and kept free from obstruction.

Reason: In the interest of highway safety.

9. Prior to the occupation of the development, hereby approved, the cycle parking facilities shown on Drawing Number PL03-3 must have been constructed. Thereafter, the cycle parking facilities must, in perpetuity, be maintained, kept free from obstruction, and made available for cycle parking.

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

10. The premises shall not be used for the purposes hereby permitted outside the hours of 07:00 to 18.00 on Mondays to Fridays (excluding public holidays) and at no time on Sundays or Public Holidays.

Reason: In the interest of residential amenity.

11. No powered machinery, tools or equipment shall be operated within the application site outside the building hereby approved.

Reason: In the interest of residential amenity.

Informatives:

1. NPPF

In accordance with paragraph 39 of the NPPF, the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

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

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

In this case:

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

2. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Read more about Biodiversity Net Gain at
<https://www.dorsetcouncil.gov.uk/w/biodiversity-netgain>

Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan

Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
 - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
 - 4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

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Agenda Item 9

Reference No: P/VOC/2024/05673			
Proposal: Erect building for use as Learning Resource Centre. (with variation of conditions 2 & 3 of planning permission P/FUL/2022/02607 to amend plans & materials)			
Address: Cerne Abbas Church of England First School Duck Street Cerne Abbas DT2 7LA			
Recommendation: Grant			
Case Officer: Jim Bennett			
Ward Members: Cllr Haynes			
Fee Paid:	£293.00		
Publicity expiry date:	20 December 2024	Officer site visit date:	19/11/2024
Decision due date:	14 January 2025	Ext(s) of time:	
No. of Site Notices:	1		
SN displayed reasoning:	Railings to front of school		

Reason Application Reported to Committee

The application is made by Dorset Council and relates to land owned by Dorset Council. The application is reported to committee in accordance with requirements of Dorset Council's Constitution for committee's consideration and determination.

Summary of Recommendation

That planning permission be granted subject to the conditions set out in this report.

Reason for the Recommendation

A recommendation to grant planning permission is made following consideration of:

- a. the application;
- b. the development plan;
- c. national planning policy and guidance;
- d. consultation responses and other representations made about the application;
- e. relevant legislation; and

f. other matters set out in this report.

It is considered that the application proposal is in general accordance with the development plan and that there are no material considerations warranting or requiring that the application be determined other than in accordance with the development plan. Subject to recommended conditions, it is considered that planning permission should be granted.

Summary of Conclusions on Key Planning Issues

The table below provides a summary of the conclusions drawn in relation to the main planning issues assessed in subsequent sections of this report.

Issue	Conclusion
Acceptability in principle of proposed development	Suitable and sustainable location for proposed development to which there is no in principle land use objection.
Flood risk and drainage	Sustainable form of development that responds positively to the climate emergency and which meets or exceeds development plan requirements for climate change and flood risk
Impact on character and appearance of application site and surroundings	Proposal is in accordance with most relevant design related policies of the Adopted Local Plan.
Impact on Heritage Assets	No harm to either character or appearance of Cerne Abbas Conservation Area and no harm to significance of known heritage assets.
Impact on amenity	No unacceptable impact on amenity or use of any property.

Background and Description of the Site

A variation to the approved scheme is sought for the erection of a learning resource centre on land at Cerne Abbas Church of England First School. It is proposed to vary conditions 2 and 3 which are the plan numbers and the materials conditions. The Application Site comprises approximately 250 sqm of hard-surfaced playing field land to the north of the main school building on the western side of Duck Street and mostly comprises a small playground. The playground is slightly elevated above Duck Street and is enclosed from Duck Street by a brick wall and railings inside of which is a higher wire mesh fence. Within the playground are a number of ancillary structures including a pergola/canopy and a timber shed.

The main school building is partly of Victorian construction, stands immediately adjacent to the pavement in Duck Street, adjoins a residential property (No.11 Duck Street) to the south and has been extended to the rear. The western edge of the playground comprises a retaining wall above which is a timber fence that defines the curtilage of a residential property (No 2 Springfield). To the north of the site is the residential curtilage of No. 13 Duck Street, the adjacent area of curtilage including a detached garage, a substantial tree and some shrubs. A stream runs alongside the eastern side of Duck Street. Pedestrian access to the playing field land beyond the stream can be gained via a footbridge opposite the main school building, the footbridge forming part of a public footpath route linking to the Abbey precinct beyond the school grounds. Also opposite the main school building is another residential property (No. 22 Duck Street).

Description of the Proposed Development

The proposed learning resource centre would comprise a single storey, building that would be positioned between the main school building and No 13 Duck Street, set back from the road frontage. The principle of this form of development was established through approval of application ref. P/FUL/2022/02607. The current application seeks to vary the approved scheme, as due to the complexities of the site, it is now proposed to install an off-site constructed building. Consequently changes have been made to meet building regulations and fire requirements. The application explains that there is a slight increase to pitch roof height, building width increased to allow for increased fire protection measures, changes to frontage form and other fenestration changes and changes to the materials finish.

The building would provide approximately 96sqm of floorspace that would be used as ancillary teaching space and office space. The application explains that there is a need within the school to provide additional teaching space, not only to better the current facilities, but also to ensure the school is able to achieve its critical mass in terms of number of pupils in attendance.

Provision of the proposed building would allow for the repurposing of the existing learning resource centre as a classroom and provide a new approach to the school,

ensuring better visibility of those approaching and entering the school site, and the ability to segregate visitors from the main school building, enhancing security and safeguarding.

The proposed building has been designed to be a low-profile addition to the school, with its height limited to sit below the eaves and ridge level of the existing school building. The mass of the building has been set back into the site to reduce the visual impact of the proposed and to ensure the original school building remains the dominant presence on the street scene. Planting, including a heavy tree standard will also be introduced to the site frontage.

Relevant Planning History

The main school building has been extended through various additions to its rear and further school facilities have been provided by the construction of detached lightweight building to the rear of the main school building.

P/FUL/2022/02607 - Decision: GRA - Decision Date: 26/10/2023 - Erect building for use as Learning Resource Centre

Constraints

Cerne Abbas Conservation Area - Distance: 0

PROW - Right of Way: Footpath S13/18; - Distance: 10.08

Wessex Water Risk of foul sewer inundation 2023 High Risk of Foul Sewer Inundation - Distance: 0

EA - Groundwater – Susceptibility to flooding; NULL; NULL; - Distance: 0

Higher Potential ecological network - Distance: 0

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

Flood Zone 2 (record ID 85909) - Distance: 0

EA - Risk of Surface Water Flooding Extent 1 in 100 and 1 in 1000 - Distance: 0

Surface water flooding - 1 in 100 year event plus 20% allowance and 1 in 100 year event plus 40% allowance - Distance: 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 areas.

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).

Relevant Policies

Development Plan Policies

The West Dorset Local Plan addresses the period to 2031 and sets out a vision for the former District of West Dorset as well as strategic and detailed development management policies for realising that vision. Having regard to the location of the Application Site and to the nature and details of the application proposal, the most relevant policies of the Adopted Local Plan are:

- INT1. Presumption in Favour of Sustainable Development;
- SUS2. Distribution of Development;
- ENV1. Landscape, Seascape and Sites of Geological Interest;
- ENV2. Wildlife and Habitats;
- ENV4. Heritage Assets;
- ENV5. Flood Risk;
- ENV10. The Landscape and Townscape Setting;
- ENV11. The Pattern of Streets and Spaces;
- ENV12. The Design and Positioning of Buildings;
- ENV13. Achieving High Levels of Environmental Performance;
- ENV15. Efficient and Appropriate Use of Land; and
- ENV16. Amenity.

The Cerne Valley Neighbourhood Plan (CVNP) identifies the Cerne Valley as a very special place to live and visit and aims to retain this status by protecting the environment and communities whilst seeking to encourage change which will enhance the appeal and sustainability of the area.

The policies of the CVNP are consistent with the policies of the Adopted Local Plan. Policy 2 of the CVNP is relevant and provides that all applications for new development should demonstrate high quality of design, use of materials and detail, which reflect local distinctiveness; and also have regard to prevailing scale, massing and density and other design principles as set in the Plan.

Policy 6 of the CVNP plan states that planning applications must consider all flood risk issues, including surface water, flood zones and flood inundation areas, to ensure there is no adverse impact on local flood risk through development.

Material Considerations

Supplementary Planning Policy and Guidance

Relevant supplementary policy or guidance is set out in:

National Plan Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

The Cerne Abbas, Charminster, Sydling St Nicholas and Godmanstone Conservation Area Appraisal adopted by the former West Dorset District Council in December 2006;

Cerne Valley Neighbourhood Plan

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 Planning Policy and Guidance

Government planning policy as set out in the National Planning Policy Framework ('the NPPF') is material to planning decisions in England.

The NPPF includes pertinent policy on the purpose of the planning system, on decision taking and making, and on a range of other matters including:

- promoting healthy and safe communities;
- making effective use of land;
- achieving well-designed places;
- meeting the challenge of climate change, flooding and coastal change;
- conserving and enhancing the natural environment; and
- conserving and enhancing the historic environment.

Emerging draft Dorset Council Local Plan:

Paragraph 49 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.

Human Rights

The Human Rights Act 1998 (as amended) imposes an obligation on public authorities not to act incompatibly with the European Convention on 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.

The 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.

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.

No material change is proposed to the existing site access arrangement and the internal configuration of the proposed building will be subject to regulation under the Building Regulations. Access to the application site is impacted by the topography of the site but it is considered that reasonable provision has been made for people with disability. It is not considered that people with other protected characteristics will be affected by the proposal.

Local Finance Considerations

For the purposes of section 70(2) of the Town and Country Planning Act 1990 (as amended) “local finance consideration” means:

a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

To be material to the determination of an application for planning permission, a local finance consideration must have the potential to help make development acceptable in planning terms. Accordingly, the consideration must have a planning purpose and must fairly and reasonably relate to the development.

The Community Infrastructure Levy (CIL) is operated in the former district area of West Dorset, but the proposed development is not of a type for which CIL is levied. The submitted application does not refer to any other grant or financial assistance that would constitute a local finance consideration.

Consultation Responses

Consultation Responses	No Objection	Object	Brief Summary of Comments
Town or Parish Council			No comments received
Ward Member(s)			No comments received
Third Parties			No comments received

Planning Assessment

Having regard to the location of the Application Site, to the nature of the proposed development and to the representations made about the application, the main issues in the determination of the application relate to:

- a. The acceptability in principle of proposed development;
- b. Flood risk and Drainage;
- c. The impact of the proposed development on the character and appearance of the Application Site and its surroundings;
- d. Impact on the historic environment, heritage assets and heritage significance; and
- e. Impact on the amenity of neighbouring residents.

Acceptability In Principle of the Proposed Development

The principle of this form of development was established through approval of application ref. P/FUL/2022/02607. The current application is a Section 73 application made to vary condition number 2 and 3 applied to P/FUL/2022/02607 in respect of the approved plans and materials.

Impact on Character and Appearance of Application Site and its Setting

The Dorset National Landscape (formerly AONB) is a nationally important landscape. Section 6.3.3 of the Dorset AONB Management Plan notes that the marks of human occupation are integral components of the 'natural' landscape; a record of how people have used the environment and the resources it provides over time, giving an insight into the lives of previous occupiers of the landscape and providing a sense of time depth and contributing to uniqueness in a sense of place. The proposed development would not harm the character, special qualities or natural beauty of the Dorset AONB nor interrupt panoramic views of individual landmarks.

The quality of the architecture is appropriate to its setting next to the main school building and being set back from the road frontage is well related to and does not overpower the original building or neighbouring properties.

The proposed building is of modest proportions, subservient to the main building and, the amended plans and materials are considered to be appropriate, and to provide for an acceptable, sustainable and inclusive school facility with siting, appearance, scale, mass and materials that respect and complement the character of the surrounding area, subject to conditions to ensure appropriate materials and landscaping arrangements are forthcoming. The proposal would comply with Policy ENV10 of the West Dorset Local Plan.

Impact on Heritage Assets

The Cerne Abbas Conservation Area was designated in 1971 and covers an area of approximately 28 hectares. The key characteristics of the Cerne Abbas Conservation area are identified in the Cerne Abbas Conservation Area Appraisal.

The landscape setting of the designated Conservation Area is an important element of the area's significance contributing to its archaeological and historic value, as well as its scenic characteristics. Views down into the settlement from the surrounding environs allow for the appreciation of its historic planform, which furnishes illustrative value.

The varied application proposal is considered to be in accordance with Policy ENV4 of Adopted Local Plan in that it would not harm either the character, the appearance or the heritage significance of the Cerne Abbas Conservation Area or any other designated heritage assets including the listed buildings along Duck Street and more distant scheduled monuments and their associated listed buildings.

Concerns raised regarding the potential for harm to the character and appearance of the conservation area have been addressed and resolved through amendment made to the application proposal.

The presence of the proposed learning resource centre would result in slight detriment to the setting of the main school building (a non-designated heritage asset) by reason of loss to the proposed development of the majority of the associated playground area, but would not prevent appreciation of the school's architectural, historic or cultural importance and would therefore not detract from asset's heritage significance. Provision of the proposed learning resource centre would also help to sustain the use of the heritage asset as a school, the purpose for which it was constructed. The proposal would comply with Policy ENV4 of the West Dorset Local Plan.

Flood Risk and Drainage

The application proposal provides for a sustainable form of development that responds positively to the climate emergency and which meets or exceeds development plan requirements for climate change, flood risk and for conserving and enhancing the natural environment.

Paragraph 161 of the NPPF states: "The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure."

Policy ENV5 of the Adopted Local Plan states that new development or the intensification of existing uses should be planned to avoid risk of flooding (from surface water run-off, groundwater, fluvial and coastal sources) where possible and that the risk of flooding will be minimised.

The Application Site is located partly within and adjacent to areas at acknowledged risk of flooding and in an area at risk of susceptibility to groundwater flooding. The degree to which it is affected by flood risk is lessened due to the site's elevated position above Duck Street. The Flood Risk Assessment and Drainage Strategy presented in support of the application demonstrate compliance with Policy ENV5 of the Adopted Local Plan and with government planning policy for flood risk set out in the NPPF.

The proposal will restrict the discharge rate of surface water flows generated from the new resource centre and associated hardstanding site, to as close to Greenfield runoff as possible. A rate of 1 litre per second restricted discharge rate to the design due to the potential maintenance issue that is likely to arise should the site be restricted to 0.5L/s (small orifice). It is proposed to restrict the surface water flows generated from the development with the introduction of a Polypipe RidgistormCheck orifice plate flow control chamber fitted with a 19mm orifice plate to control the surface water flows and sump to remove silts. Ultimately the surface water flows are proposed to discharge to the existing watercourse located within close proximity to the site for which Ordinary Watercourse Land Drainage Consent has been granted.

The application is supported by a suite of plans and documents to support the means of site drainage, which has been accepted by the Lead Local Flood Authority. Consequently the proposal is considered to be acceptable in terms of flood risk and drainage, subject to a condition to ensure the development is implemented in accordance with the agreed drainage proposals.

The proposal would comply with Policy ENV5 of the West Dorset Local Plan.

Impact on Amenity

Policy ENV16 of the Adopted Local Plan states that proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing residents and future residents within the development and close to it. The application proposal is sympathetic to the site context and neighbouring properties. The proposed development will not have any unacceptable impact on the amenity or use of any third party property.

Conclusion and Recommendation

Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposal provides for an appropriate and sustainable form of development that is considered to be in general accordance with relevant provisions of the

development and national planning policy. The application would comply with the development plan taken as a whole and with no social, environmental, economic or other material planning considerations either warranting or necessitating that the application be determined other than in accordance with the development plan, conditional planning permission should be granted. Accordingly, it is recommended that the proposed variation of planning permission be granted 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:

2427-MEB-XX-00-DR-A-3-105 P Site Plan
2427-MEB-XX-00-DR-A-3-300 P Proposed Elevations.pdf
2427-MEB-XX-00-DR-A-3-110 P External Works Plan and Details.pdf

Reason: For the avoidance of doubt and in the interests of proper planning in accordance with the application proposal having regard to Policies ENV1, ENV2, ENV4, ENV5, ENV10, ENV11, ENV12, and ENV13 of the adopted West Dorset, Weymouth & Portland Local Plan 2015 and to government planning policy set out in the National Planning Policy Framework.

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

Reason: To ensure the satisfactory appearance of the development in the in relation to existing development and the designated Cerne Abbas Conservation Area having regard to Policies ENV1, ENV4, ENV10 and ENV12 of the adopted West Dorset, Weymouth & Portland Local Plan 2015 and to government planning policy set out in the National Planning Policy Framework.

4. The development shall be implemented in full accordance with the submitted details of the surface water drainage works for the proposal, as follow:

P4457 - Hydraulic Calcs 1l document by Causeway dated 28/11/2024
IH 124 Mean Annual Flood document by Micro Drainage dated 27/11/2024
P4457-05 Standard Drainage Detail document by Avie dated Nov 2024
Ridgistorm Check Oriface Plate Date Sheet dated March 2019
P4457-01 rev B Proposed Fould and Surface Water Drainage Strategy by Avie dated Nov 2024
P4457-03 rev A Manhole Schedule by Avie dated Nov 2024

P4457-04 rev A Flood Exceedance Plan by Avie dated Nov 2024
P4457-01 rev B Proposed Foul and Surface Water Drainage Strategy by Avie
dated Nov 2024
Flood Exceedance Document

The approved drainage scheme shall be completed before occupation of the development and retained thereafter.

Reason: To avoid drainage problems as a result of the development with consequent pollution or flood risk.

5. The hard surfacing/paving, fencing, other external structures and planting shall be implemented as detailed on approved drawing number 2427-MEB-XX-00-DR-A-3-110 Rev P2 - External Works Plan and Details and shall be completed before the first use of any of the building.

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

Informative Notes:

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 39 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

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

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

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

2. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024

Read more about Biodiversity Net Gain at
<https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>

3. Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

i) the application for planning permission was made before 2 April 2024;

ii) planning permission is granted which has effect before 2 April 2024; or

iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing

dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions

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