



Eastern Area Planning Committee

Date: Wednesday, 31st July 2024
Time: 10.00 am
Venue: The Allendale Centre, Hanham Road, Wimborne, Dorset, BH21 1AS

Members (Quorum 6)

David Tooke (Chair), Duncan Sowry-House (Vice-Chair), Alex Brenton, Toni Coombs, Beryl Ezzard, Scott Florek, Spencer Flower, Barry Goringe, Hannah Hobbs-Chell, David Morgan, Andy Skeats and Bill Trite.

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

For more information about this agenda please contact Democratic Services
Meeting Contact megan.r.rochester@dorsetcouncil.gov.uk

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

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Agenda

Item		Pages
1.	APOLOGIES	
	To receive any apologies for absence	
2.	DECLARATIONS OF INTEREST	
	To disclose any pecuniary, other registrable or personal interest as set out in the adopted Code of Conduct. In making their decision councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.	
	If required, further advice should be sought from the Monitoring Officer in advance of the meeting.	
3.	MINUTES	5 - 10

To confirm the minutes of the meeting held on Wednesday 24th April 2024.

4. **REGISTRATION FOR PUBLIC SPEAKING AND STATEMENTS**

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

The deadline for notifying a request to speak is 8.30am on Monday 29th July 2024.

5. **PLANNING APPLICATIONS**

To consider the applications listed below for planning permission

6. **P/RES/2024/01209 - 97 AND 99 HIGH STREET, STURMINSTER MARSHALL, BH21 4AT** 11 - 30

Reserved matters application seeking consent for Appearance, Scale and Landscaping in respect to approved outline application P/OUT/2021/04873 (Access and Layout to demolish a pair of semi-detached bungalows and replace with 5 x 3-bedroom dwellinghouses).

7. **P/FUL/2024/00495 - 1 CHERRY TREE CLOSE, ST LEONARDS AND ST IVES, BH24 2QN** 31 - 54

Alterations to existing dwelling, including removal of swimming pool & demolition of garage. Erection of 1 no. new dwelling.

8. **P/FUL/2023/03855 - KEMPS COUNTRY HOUSE, WAREHAM ROAD, EAST STOKE** 55 - 78

Sever land and erect a dwelling with associated parking and access.

9. **P/FUL/2024/00337 - MUSHROOM FIELD, FURZEBROOK ROAD, STOBOROUGH** 79 - 100

Create vehicular access.

10. **P/VOC/2024/00411 - 33 CORFE VIEW ROAD, CORFE MULLEN, BH21 3LY** 101 - 114

Application to Vary Condition 2 of Approved P/A P/HOU/2022/04740 (Bungalow Conversion - extensions to form 2 storey dwelling) to amend plans.

11. **P/HOU/2024/01422 - ALEXANDER HOUSE, 33 STOBOROUGH MEADOW, WAREHAM, BH20 5HP** 115 - 130

Grey cladding above the dado line, replacement of UPVC soffits and fascias on porch with same cladding, new aluminium white double-glazed windows.

12. **P/FUL/2024/01190 - ST IVES COUNTY FIRST SCHOOL, SANDY LANE, ST LEONARDS AND ST IVES, DORSET, BH24 2LE.** 131 - 144

Proposed annexe to create additional classrooms.

13. **URGENT ITEMS**

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

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

14. **EXEMPT BUSINESS**

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

There are no exempt items scheduled for this meeting.

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EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 24 APRIL 2024

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

Apologies: Cllrs Julie Robinson, Bill Trite and John Worth

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

Elizabeth Adams (Development Management Team Leader), Philip Crowther (Legal Business Partner - Regulatory), Robert Hanson (Engineer), Joshua Kennedy (Democratic Services Officer), Anna Lee (Service Manager for Development Management and Enforcement), John Miles (Democratic Services Officer), Megan Rochester (Democratic Services Officer), Steve Savage (Transport Development Liaison Manager), Naomi Shinkins (Lead Project Officer), Jane Vlach (Senior Planning Officer) and Sam Williams (Lead Senior Engineer).

76. Declarations of Interest

Cllr Mike Barron declared an interest to agenda item 6, in which he had undertaken a separate site visit with one of the Local Ward Members. Therefore, it was agreed that we would not take part in the debate or vote.

77. Minutes

The minutes of the meeting held on Wednesday 13th March 2024 were confirmed and signed.

78. Registration for public speaking

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

79. Planning Applications

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

80. P/OUT/2022/04113 - Land off Blackfield Lane, West Moors, Ferndown,

BH22 ONH

The Case Officer reminded members of the application before them and noted some of the key information which was shown in the officer's presentation at the previous committee. This included details such as the application site in relation to the settlement boundary as well as highlighting the Local Plan Policy. All matters were reserved except for access and scale. The Case Officer also provided the following updates since the committee report on Wednesday 13th March 2024:

- Update to the housing land supply.
- Extension of time agreed to 1st May 2024 which was required due to the committee's decision of deferral.
- References to use class D1 had changed to refer to F1, in connection with public work or religious instruction as set out on March 13th Committee report.
- References to close care had been changed to nursing care.
- References to church/community hall had been changed to church in response to public representations.
- Comments received from Adult Social Care Team added to section 9.7 of the report.
- Reference to the Dorset Council Strategic Flood Risk Assessment which had been added to section 15.6 of the report.
- Summary of comments received from Dorset and Wiltshire Fire Service were added to section 9.7 of the report.
- Summary of local representatives received prior to the previous committee meeting by Monday 15th April 2024 had been added to section 9.4 of the report.
- Origin Transport Consultant post committee added to the list of local resident reports submitted under section 9.5 of the report.

The following conditions had also been added as set out below.

- Renewable energy and water efficiency condition added.
- The number of bedrooms conditioned to 60 and the number of storeys limited to 2 stories high. The reason for this was to protect the character of the area and prevent over development of the site.
- Grampian condition was required for the removal of the utility pole at Station Road junction.
- Removal of permitted development rights for F1 use class added.
- Condition 15 LEMP – had been amended with the addition required in relation to Dorset Heathland fires.

The Case Officer discussed the site visit which had been carried out on Wednesday 17th April between 2:30-4pm. Highlighting that member had now viewed the site and the junction and had looked at alternative routes. The officer also discussed the comments which had been received post committee in relation to development from local residents, the summary of these comments could be found in section 9.5 of the report and full comments were available online. In

summary, the officer's recommendation had not changed, therefore, the recommendation was to grant permission subject to conditions listed in the officer's report and the updated conditions.

Public Participation

Representations made by the public for this item were heard at the previous committee meeting which was held on Wednesday 13th March 2024.

Members questions and comments

- Clarification on the differences between a care home and a nursing home as well as clarity on the intended use of the proposed church.
- Entitlement to approve part of the proposal and assess them as separate applications.
- Members referred to the site visit which was undertaken on Wednesday 17th April 2024 and raised concerns regarding visibility splays on the junction. Cllr Bartlett asked the Highways Officer to confirm the timeframe of the data.
- Possibility for the implementation of pedestrian crossings.
- Confirmation on traffic flow of the proposal, the traffic analysis, and the collision data.
- Members felt that the site visit undertaken was useful and very informative.
- Concerns were raised regarding the roads surrounding the site and referred to collision explorer.
- Members referred to slide 21 of the officer's presentation and requested further confirmation regarding heathland fires, evacuation plans and the ecological management plan of the site.
- Unsatisfactory junctions and road width.
- Clarification provided in relation to the history of flooding on the proposed site.
- Clarification of the maintenance of the ditches on site and the history of flooding in relation to slide 37 of the officer's presentation.
- Members were not convinced that the church was the best use of land and did not feel as though the speakers from the previous committee highlighted need for the church use.
- Concerns regarding the type of care to be provided.
- Clarification sought regarding noise impact.
- Clarification sought regarding heathland mitigation.
- A motion to split the decision and approve the care home in line with the officer's recommendation and refuse the officer's recommendation to grant the Church, was proposed by Cllr Shane Bartlett, and seconded by Cllr Robin Cook, subject to conditions set out in the officer's report and updated conditions set out by the planning officer. The proposal fell at the vote and was therefore not carried.
- A motion to approve the officer's recommendation to grant planning permission as recommended, was proposed by Cllr Toni Coombs, and seconded by Cllr Shane Bartlett. The proposal fell at the vote and was therefore not carried.

Proposed by Cllr Shane Bartlett, seconded by Cllr Robin Cook.

Decision: That in accordance with procedural rule 19.5 a recorded vote was taken.

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 representatives; and what they had heard at the meeting, a motion to overturn and **REFUSE** the officer's recommendation to **GRANT** planning permission as recommended, was proposed by Cllr David Tooke, and seconded by Cllr Mike Dyer.

Those in favour of the proposal: Cllrs David Tooke, Mike Dyer, and David Morgan.

Those against the proposal: Cllrs Shane Bartlett and Robin Cook

Those who abstained: Cllr Barry Goringe, Cllr Alex Brenton

Decision: To overturn and **REFUSE** the officer's recommendation for **APPROVAL** for the following reasons:

- **Highways** - The increased use of the existing junction of The Avenue with Station Road by traffic movements associated with the proposed development would, by virtue of the limited visibility to the north for vehicles using the junction, would have been likely to prejudice the free flow of traffic and conditions of general safety and was considered to have an unacceptable impact on highway safety, contrary to paragraph 115 of the National Planning Policy Framework (NPPF) 2023.
- **Traffic Noise** - The proposed development would have detracted from the living conditions of those nearby with specific reference to noise and disturbance, particularly in relation to Sunday early morning services at the proposed church. As such there would have been conflict with Policy HE2 of the East Dorset Core Strategy and paragraph 191 (a) of the NPPF 2023 in so far that it seeks to prevent development that would have an undesirable impact through noise and disturbance.
- **Heathlands** - Whilst mitigation is proposed on site, based on the information that was provided, it could not have been safely concluded that the scheme with the proposed mitigation measures secured would have avoided an adverse effect on the adjoining internationally designated sites. As such, the proposal was contrary to policy ME1 of the East Dorset Core Strategy and paragraphs 186 to 188 of the NPPF 2023.
- **Efficient use of land** - In the absence of evidence of need for the church, the proposed development did not make efficient use of land, contrary to paragraph 128 of the NPPF 2023.

81. **P/FUL/2023/06130 - 1 Christchurch Road Longham Ferndown BH22 8TD**

The applicant had withdrawn their application for development at 1 Christchurch Road Longham Ferndown BH22 8TD application reference P/FUL/2023/06130 so there was no application for the Committee to consider.

82. **P/VOC/2023/07382 - The Barn, Gods Blessing Lane, Holt, BH21 7DE**

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 constraints and policies to members. Photographs of the proposed elevations, an indicative 3D design, and images from September 2019, March 2021 and September 2023 were shown. Members were informed of an updated site plan which identified the proposed residential curtilage.. The Case Officer briefly outlined the history of the barn which benefitted from prior approval for residential use. The differences between the previous proposal and that before Members was explained including the proposed materials. The recommendation was to grant subject to conditions set out in the officer's report.

Public Participation

The applicant addressed the committee and explained his intentions for the barn. Mr Freemantle highlighted the amount of time and work undertaken with their architect to ensure that the correct layout to meet his family needs and suit the location. The applicant asked the committee to note that the bedroom windows had decreased in size and would have been screened by a mature hedge. Mr Freemantle recognised that local residents would notice the barn but reported local support. He expressed his hope that the committee would support the officer's recommendation to approve.

Members questions and comments

- The Local Ward member explained that he was familiar with the structure and was pleased by the proposed conversion. It was noted that the dwelling is visually dominant in the area in which it was situated, however, he considered it was a good proposal and supported it.
- Clarification regarding the curtilage.
- Members felt as though the proposal was an improvement.

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 Robin Cook, and seconded by Cllr Mike Dyer.

Decision: To GRANT the officer's recommendation for APPROVAL.

83. Urgent items

There were no urgent items.

84. Exempt Business

There was no exempt business.

Decision Sheet

Duration of meeting: 10.15 am - 12.38 pm

Chairman

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Agenda Item 6

Eastern Area Planning Committee
31 July 2024

Application Number:	P/RES/2024/01209		
Webpage:	Planning application: P/RES/2024/01209 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	97 and 99 High Street, Sturminster Marshall, BH21 4AT		
Proposal:	Reserved matters application seeking consent for Appearance, Scale and Landscaping in respect to approved outline application P/OUT/2021/04873 (Access and Layout to demolish a pair of semi-detached bungalows and replace with 5 x 3 bedroom dwellinghouses)		
Applicant name:	Lonnen Road Ltd		
Case Officer:	James Brightman		
Ward Member(s):	Cllr Cook (at time of consultation). Currently Cllr Chakawhata		
Publicity expiry date:	10 May 2024	Officer site visit date:	14/5/2024
Decision due date:	1 August 2024	Ext(s) of time:	1 August 2024
No of Site Notices:	4 notices. 1 outside the application site; 1 outside 10 & 11 Churchill Close at the rear; 1 on High Street to the south of the site and 1 on High Street to the north of the site		
SN displayed reasoning:	To maximise awareness for the occupants of adjacent dwellings.		

1.0 Reason for committee consideration

At the request of the Nominated Officer.

2.0 Summary of recommendation:

GRANT subject to conditions

3.0 Reason for the recommendation: as set out in Section 16

- The proposal is acceptable in its design and general visual impact on the character and appearance of the immediate area.
- There is not considered to be any significant harm to neighbouring residential amenity.
- The proposals are not considered to result in harm to the heritage assets Holly Cottage (grade II listed) and 105 High Street (grade II listed), which lie in close proximity.

- There are no material considerations which would warrant refusal of this application and the proposal has overcome the adverse impacts identified for the refused reserved matters application preceding the current application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development has been established under the related outline permission and the proposal is compliant with Core Strategy Policy KS2: Settlement Hierarchy.
Scale, design, impact on character and appearance	Acceptable - The proposal is considered to be of appropriate scale, design and layout and would have an acceptable impact on the character of the immediate area in accordance with Core Strategy Policies HE2 and HE3.
Impact on the living conditions of the occupants of the proposed dwellings and those of the neighbouring properties	Acceptable – no harmful overlooking or overshadowing would result from the proposed dwellings and the proposed dwellings would offer a good standard of amenity
Impact on heritage assets	Acceptable – no harm to the special character and setting of the adjacent Grade II listed Holly Cottage, 101 High Street
Flood risk and drainage	These were considered under the outline approval
Highway impacts, safety, access and parking	These were considered under the outline approval
Biodiversity	This was considered under the outline approval

5.0 Description of Site & its surroundings

- 5.1 The application site is on the west side of the High Street in Sturminster Marshall. It currently hosts of a pair of 1950s semi-detached bungalows occupying a long, relatively flat plot, approx. 75 metres deep. The existing dwellings are set back from the street by approximately 15m and span the majority of the width of the plot. These dwellings have dark red brick walls and brown concrete tiled roofs with gabled roofs projecting towards the road. The front boundary of the site is enclosed by a low brick wall with some bushes behind and there is a tall hedge running along the north site boundary with 101 High Street.
- 5.2 The surrounding locale is predominantly residential in nature. The site is flanked by neighbouring dwellings; Holly Cottage lies to the north and 95 High Street, a chalet style property to the south. To the rear the site backs onto the gardens of 10 and 11 Churchill Close which are two storey dwellings.

- 5.3 Directly to the north of the site are two Grade II Listed thatched cottages- Holly Cottage, also known as 101 High Street (adjacent to the site) and further north 105 High Street (formerly known as 15 High Street).
- 5.4 The existing High Street has retained an overall character and appearance of ad hoc development where buildings have developed on a largely individual basis, creating a mixture of styles and forms, broadly reflective of the time in which they were built.
- 5.6 There is a significant amount of development behind the main street frontage including some estate style development with formal access/road systems.

6.0 Description of Development

- 6.1 The application is for the consideration of appearance, scale and landscaping in conjunction with the outline planning permission P/OUT/2021/04873 (which approved access and layout).
- 6.2 The demolition of the existing pair of semi-detached bungalows and their replacement with 5 x 3 bedroomed houses benefits from outline permission. The proposal is for a pair of semi-detached houses fronting the High Street with a terrace of three houses on land at the rear served by a new access running along the site's northern boundary with 101 High Street.
- 6.3 Parking and turning would be provided at the front of the dwellings and all dwellings would be 3 bedrooms.
- 6.4 A landscaping plan shows new hedges on the front boundary of the dwellings fronting the High Street, a native hedge along the north boundary with Holly Cottage, two new trees on the rear site boundary and two new trees in front of the dwellings that would face High Street. The agent has confirmed that the existing hedge and vegetation on the south boundary of Holly Cottage would be retained.

7.0 Relevant Planning History

Application no.	Proposal	Decision	Appeal
3/20/1100/OUT	Demolish a pair of semi-detached bungalows and replace with 5 x 3 bedroom dwellinghouses	Refused 17/12/2020	Dismissed 26/05/2021
P/OUT/2021/04873	Outline application for Access and Layout to demolish a pair of semi-detached bungalows and replace with 5 x 3 bedroom dwellinghouses. Note: This is the application that the current reserved matters relates to.	Granted 02/03/2023	None
P/RES/2023/06294	Reserved matters seeking consent for Appearance, Scale	Refused 11/01/2024	None

	and Landscaping in respect to approved outline application P/OUT/2021/04873 (Access and Layout to demolish a pair of semi-detached bungalows and replace with 5 x 3 bedroom dwellinghouses)		
<p>Reasons for refusal:</p> <ol style="list-style-type: none"> 1. <i>The proposed development would, by reason of its scale, detract from and harm the character and appearance of the adjacent non-designated Heritage Asset - Holly Cottage and its wider setting contrary to NPPF 2023 paragraph 11 D and paragraph 135 C and Core Strategy policy HE1; and has an adverse and harmful effect on the character and appearance of the wider area contrary to NPPF paragraph 135 A, B and C.</i> 2. <i>The proposal will result in demonstrable harm from overlooking of private rear amenity space at 95 High Street that could be prevented by reducing scale of dwellings. Therefore, the development is contrary to policy HE2 of core strategy and NPPF paragraph 135.</i> 			

8.0 List of Constraints

Grade II Listed Building: HOLLY COTTAGE, 101 High Street - Distance: 11.88m

Within Settlement Boundary - Sturminster Marshall

Within Dorset Heathlands – 400m-5km heathland Buffer

Neighbourhood Plan – Emerging – limited weight

Legal Agreements S106 – Biodiversity mitigation secured

Wessex Water Risk of foul sewer inundation 2023- Medium Risk of Foul Sewer Inundation

Risk of Surface Water Flooding Extent 1 in 100 and 1 in 1000

Groundwater – Susceptibility to flooding - Source Protection Zone

Higher Potential ecological network

Scheduled Monument: A shrunken medieval village and earlier prehistoric settlement remains at Walnut Tree Field (List Entry: 1008750.0); - Distance: 392.18m

Radon: Class: Class 1: Less than 1%

9.0 Consultations

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

Consultees

1. **Conservation Officer – No Objection**

- Changes have been made to the front boundary and house 1 as suggested. Rooflights rather than large dormers reveal more of the roof form and materials and would achieve a more modest residential design at the front of the plot.
- The new brick boundary wall is consistent with the existing boundary treatment and is coherent with the pallet of materials elsewhere on site.
- Materials have been previously approved, and condition is needed to agree a sample on site.
- Due consideration and regard has been given to statutory and local and national policy considerations and on balance the current revised scheme will not harm the special character and setting of the Listed Building by virtue of design and scale and materials, subject to conditions.

2. Sturminster Marshall Parish Council - Object

- Design and materials not reflective of the character. Bungalows would be more in keeping.
- The scale of the proposed properties would dominate the existing neighbouring properties and cause overlooking and loss of light.
- Unacceptable harm to the setting of a neighbouring Listed Building due to the design of the properties not being sympathetic to this setting.
- Planning Appeal Inspector's comments for APP/D1265/W/21/3268146 apply for the design of the proposed houses and application does not accord with Policies HE1 and HE2 of the Core Strategy and the Submission Draft Sturminster Marshall Neighbourhood Plan Policy SMNP11 and SMNP13.
- Overlooking from the proposal needs to be addressed

3. Stour and Allen Vale Ward Member (Cllr Cook at time of consultation)

No comments received

Total - Objections	Total - Support
5	4

Summary of comments of objections:

- Loss of privacy/light at 95 High Street and for residents of proposed rear terrace
- Impact on living conditions of Holly Cottage- long, high northern flank walls facing Holly Cottage would be intrusive and oppressive
- Increased density of development will cause sewage/drainage problems
- Increase in traffic on High Street
- Demand for on-street parking
- The proposed increase in density of newer houses in the older part of the village will affect the balance of the type of housing in this area, especially being proposed beside a listed building.
- The houses and parking are crammed into a small space replacing trees and greenery with concrete and cars
- Materials of proposed houses do not resemble any of the properties close by and are too dark.
- The layout and density of the development has a detrimental effect on the surrounding area.
- Approval of reserved matters for elevations and materials should be the subject of prior report from the Conservation Officer.
- Application should be heard at planning committee for determination and not decided by officers under delegated powers.

Summary of comments of support:

- Need for more homes - sensible to use large garden plots.
- Red brick appropriate for area.
- Sufficient parking included in scheme.

10.0 Duties

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

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 requires that in considering whether to grant planning permission, special regard is to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

11.0 Relevant Policies

Development Plan

Adopted Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2014 (CED) and saved policies from the **East Dorset Local Plan 2002: (EDLP)**

The following policies are considered relevant to this proposal:

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

Material Considerations

Emerging Dorset Council Local Plan:

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

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

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

The revised NPPF 2023 introduced a reduced housing land supply requirement for local planning authorities that have met certain criteria as set out in paragraph 266 of the NPPF. This relaxes the requirement to demonstrate 5 years' worth of deliverable housing sites for Local Planning authorities that meet certain requirements. Dorset Council does not currently benefit from the provisions of paragraph 226 and therefore must demonstrate a five year supply. In the East Dorset area the published supply position of 3.9 years means the tilted balance in paragraph 11 of the NPPF is engaged for every application. The delivery of additional housing to meet the shortfall in supply should therefore be given significant weight in planning decisions.

Emerging Neighbourhood Plans

Sturminster Marshall Neighbourhood Plan (NP) - No weight to be afforded to this as the NP has not been through examination.

National Planning Policy Framework

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

Other relevant NPPF sections include:

- Section 4 'Decision making': Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 82-84 reflecting the requirement for development in rural areas.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed and beautiful places' indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. 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 & enhancing the natural environment' - Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 205). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 209).

National Planning Practice Guidance

Including 'Historic Environment' and 'Use of Planning Conditions'

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.

The proposal will replace single storey dwellings with two storey which may be less suitable for those with mobility issues but overall, it is considered that the proposed residential development will have a neutral impact on those with protected characteristics.

During the proposed construction works, those who are less mobile may be more impacted by the associated noise and disturbance from the development, but this would be for a limited time.

14.0 Financial benefits

Benefit	Amount / value
Material Considerations	
None	
Non-Material Considerations	
Council Tax net increase from the 3 additional dwellings	3 additional houses would be 3 x £2454.01 (Band D) = £7362.03
Community Infrastructure Levy (CIL)	3 x 90 sqm = 270 sqm for the terraced houses 2 x 116 sqm = 232 sqm for the semi-detached houses Existing semi-detached bungalows 2 x 63 sqm = 126 sqm Net increase of 376 sqm = 376 x £150/sqm = £56,400 in CIL increase

15.0 Environmental Implications

15.1 The proposal would result in the demolition of the two existing dwellings and general site clearance which would have an impact on the environment through loss of vegetation and habitat and use of fossil fuels to power machinery. Visiting trades persons would generate carbon emissions from their vehicles and the materials used in the construction would have an environmental impact in terms of their production and distribution. However, these impacts are necessary to develop the site and cannot be reasonably avoided.

16.0 Planning Assessment

16.1 The principle of development has been established by the outline planning permission. The current application is made within the 3 year time period stipulated by the outline permission (i.e. before 2/3/2026) so the main considerations for this reserved matters application are:

- Scale, design and impact on the character and appearance of the area
- Impact on heritage assets
- Impact on the living conditions

These and other material considerations are assessed below.

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

- 16.2 The previous reserved matters application, P/RES/2023/06294 was refused because the scale was judged to harm the character and appearance of the area. The applicant has responded by reducing the heights of the proposed dwellings.
- 16.3 Analysis of the street scape indicates that Holly Cottage at 101 High Street has a maximum ridge height of 6.6m. To the south, No.95 is a chalet bungalow with a maximum ridge height of 6.3m. The previous application for reserved matters showed a proposed ridge height of the dwellings as 8.8m which was considered to be incongruous, being more than 2m higher than the adjacent property at 95 High Street.
- 16.4 The massing of the proposed dwellings has been reduced, with ridge heights of the front dwellings reduced to 6.4m so that they are proportionate with the existing scale of development and the ridges of the rear terraced dwellings reduced to 7m in height. Roofs sloping away from the site's north and south boundaries will assist in maintaining space between the development and adjacent dwellings and allow the new buildings to sit comfortably in their context with no harm to the street scene, character of the immediate area or setting of the listed Holly Cottage. The appropriateness of the contribution to the streetscene will be further assisted by the retention of the vegetation on the north boundary with Holly Cottage and the low brick front boundary wall with hedging which is in keeping with the townscape setting.
- 16.5 The parish council has referred to comments made by the Planning Inspector when considering the appeal against refusal of outline permission on the site. The Inspector identified that the High Street had '*retained an overall character and appearance of ad hoc development where buildings have developed on a largely individual basis, creating a rich tapestry of styles and forms, broadly reflective of the time in which they were built*'. He noted some parts of matching buildings which were usually semi-detached and noted an informality and individuality in the architecture facing the High Street. In this context he did not support the proposed formal, symmetrical layout which had two detached front dwellings with a central driveway. The current proposal is very different to that which was refused and would positively contribute to the streetscene.
- 16.6 The proposal is considered to be of appropriate appearance and scale, with acceptable landscaping provision and would have an acceptable impact on the character of the immediate area in accordance with Core Strategy Policy HE2 as it would be compatible with its surroundings. The proposal also complies with the policy set out in Section 12: Achieving well-designed and beautiful places of the National Planning Policy Framework as it is sympathetic to local character whilst optimising the potential of the site to accommodate an appropriate amount of development.

Impact on heritage assets

- 16.7 In assessing the proposal in respect of its impact on heritage assets, there is a statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990. Planning permission for the previous reserved matters application was refused because the scale of the buildings was judged to detract from and result in substantial harm to the setting of Holly Cottage, a Grade II listed building. Sturminster Marshall Parish Council are concerned that this reason for refusal has not been overcome.
- 16.8 The application site is part of the setting of Holly Cottage and, to a lesser degree, No. 105. As identified by the Planning Inspector at the appeal against refusal of outline permission, the setting of the buildings is derived from the position of the cottages in the varied townscape which has developed over their lifetime and the verdant setting provided by vegetation in their gardens. The siting of the proposed dwellings was approved at outline stage as being appropriately set back from the highway so that they would not vie for attention with the prominent side elevation of Holly Cottage.
- 16.9 The scale of the proposed dwellings, materially reduced from the previous refused application, will ensure that they sit comfortably adjacent to Holly Cottage. During the course of the application dormers have been removed from the front elevation, replaced with rooflights to simplify the design of the semi-detached pair so that they avoid harm to the setting of the listed cottages.
- 16.10 It is proposed to construct the dwellings in red stock brick with stone sills and window heads, window and door frames in grey and grey slate roof tiles.
- 16.11 Listed cottages in the High Street are rendered white as are several more modern dwellings in the vicinity. The context for the proposed development is the immediate surrounding area where the predominant construction material is red brick with tiled roof, with the exception of listed Holly Cottage. The Council's conservation officer is content with the proposed red brickwork, subject to a condition that samples be approved. Red brick is commonly used locally and it will allow the listed buildings to stand apart from the newer townscape; it is considered that rendering the units would be inappropriate.
- 16.12 The appearance, scale and landscaping proposed would allow the development to sit comfortably in the context of Holly Cottage and no adverse impact on its setting or special character of the heritage assets would result. The proposal accords with Policy HE1 of the Core Strategy and the policy set out in Section 16: Conserving & enhancing the historic environment of the NPPF.

Impact on the living conditions

Living conditions of the occupants of adjacent dwellings

- 16.13 Concerns have been raised by objectors about the impact on neighbouring amenity.

- 16.14 The amendments to the scale and design of the proposed dwellings have addressed the adverse impacts of the refused reserved matters application in respect of overlooking; the single, first floor, front bedroom window in each terraced house at the rear of the site would not introduce demonstrably harmful overlooking of the dwellings and their rear gardens at Holly Cottage and 95 High Street.
- 16.15 The rear of no. 95 to the south, lies approx. 20m from the front bedroom window of the southernmost unit which is an acceptable distance in this urban area. Whilst there would be some oblique overlooking of the private amenity space of No. 95 from the first-floor windows in the front elevation of the terraced houses, the existing mature hedge along the boundary with No. 95 and the inclusion of 2 new trees on the south boundary on the proposed Landscaping Plan would assist in reducing the opportunities for and perception of overlooking to an acceptable level.
- 16.16 The 2 proposed dwellings at the front of the site would also not result in any harmful overlooking of these adjacent dwellings. Roof lights shown on the side elevations of the dwellings are high level and are to serve bathrooms and this would prevent harmful overlooking of the adjacent properties. The retention of the vegetation on the boundary of Holly Cottage would also assist in mitigating overlooking.
- 16.17 The proposed terraced properties will be sited approximately 8.5m-12.5m from the western boundary with the gardens of 10 and 11 Churchill Close. Separation distances of over 25m will avoid harmful inter-looking between the dwellings. There is potential for overlooking of the rear gardens of 10-12 Churchill Close from the proposed rear first floor bedroom windows which fencing cannot mitigate but this harm is given modest weight in the planning balance because the gardens are already subject to some oblique overlooking from two storey properties on Churchill Close.
- 16.18 The northern flank wall of the semi-detached pair which is approximately 4m high to the eaves is to be positioned approximately 6m from the northern site boundary with Holly Cottage, separated from the garden of that property by boundary vegetation that will soften the visual impact for the occupants. The roof of the properties will hip away from the boundary reducing the visual impact of their bulk. The flank wall of the terrace is located approximately 1m from the boundary, but this is at the end of the long rear garden where any harm from overbearing or overshadowing impact can be given less weight.

Living conditions of the occupants of the proposed dwellings

- 16.19 The siting of the proposed dwellings remains as approved by the outline permission. Internal building to building separation distances of approximately 24m and approx. 15m between the terrace front windows and the boundary of the rear gardens of the semi-detached pair is appropriate to avoid harmful overlooking.
- 16.20 The semi-detached dwellings have an internal floor area of approximately 120sqm and the terrace properties offer 90sqm floor area which will offer appropriate amenity for future occupiers. Gardens to the terraced properties are modest but will provide acceptable opportunities for amenity.

- 16.21 It is proposed that the dwellings will be fitted with an Air Source Heat Pump. As these have the potential to be noisy, it is considered necessary and reasonable to impose a condition (no. 8) to secure a noise assessment if the pump(s) do not comply with permitted development criteria (which include a requirement to accord with a noise limit of 42dB L) in the interests of neighbouring amenities.
- 16.22 On the above basis, the proposal would comply with Policy HE2 of the Core Strategy as it would be compatible with its surroundings in respect of neighbouring dwellings.

Other Issues

- 16.23 The site lies within 5km of designated Dorset Heathland Habitat Sites. The Dorset Heathlands Planning Framework Supplementary Planning Document (SPD) 2020-2025 identifies that a net increase in dwellings in this area is associated with additional recreational disturbance that, without mitigation, is likely to result in significant harm to the conservation objectives of Habitats Sites. It has therefore been necessary to undertake a Habitats Regulations appropriate assessment. This has concluded that the impact of the development can be effectively mitigated via a financial contribution secured from the Community Infrastructure Levy towards mitigation identified by the SPD.
- 16.24 Condition 6 of the approved outline permission requires a detailed surface water drainage scheme for surface water drainage to be submitted to and approved by the Council and thereafter maintained in accordance with an agreed management plan. This would address the flood risk and drainage issues from the development which are not matters for consideration under the current application.
- 16.25 Conditions attached to the outline permission also secure vehicular access (no. 7) and parking provision (no. 8). The impact on Highway safety is not a material consideration for the current application which is concerned only with scale, appearance and landscaping.
- 16.26 The approved outline application also considered the impact of the development on biodiversity and has a condition (no. 5) and legal agreement to require biodiversity mitigation, enhancement and a compensation payment in respect of the loss of grassland at the site.

17.0 Conclusion

- 17.1 The proposal is acceptable in its appearance, scale and landscaping and would not have an adverse visual impact on the character and appearance of the immediate area.
- 17.2 The proposal would not result in harm to the heritage assets Holly Cottage (grade II listed) and 105 High Street (grade II listed) as it would preserve their townscape setting.
- 17.3 The proposal does not result in significant harm to the amenity of the occupants of adjacent properties from overbearing or overshadowing impacts or from overlooking. The harm arising from overlooking of neighbouring gardens is limited and would not

represent demonstrable harm that would justify refusal of planning permission which will secure a net increase of three dwellings in this sustainable location.

- 17.4 The proposal has overcome the adverse impacts identified for the refused reserved matters application that preceded the current application.

18.0 Recommendation

Grant, subject to the following conditions:

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

tbd-127 OU-02 Location Plan
DD01 Existing Site
DD03B Proposed Site Plan
DD04B Proposed Floor and Roof Plans houses 1 & 2
DD05E Proposed Elevations houses 1 & 2
DD07B Proposed elevations – rear terrace
DD08B revised street scene
10778A Landscape Plan

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

2. Prior to development above damp-proof course level, details of all external facing materials for the walls and roofs shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include samples of the brick and roof slate which shall be made available for inspection on the application site by prior arrangement. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

3. In the first planting season following the substantial external completion of the development, the soft landscaping of the site shall be completed in accordance with the details on the approved landscaping plan by Land Products (Wessex) Ltd Drawing No. 10778a and measures put in place to protect damage to the vegetation within the ownership of the adjacent property at Holly Cottage, 101 High Street. Any new plants found to be damaged, dead or dying in the first five years following completion shall be replaced.

Reason: In the interests of the character of the area and amenity of the occupants of Holly Cottage, 101 High Street.

4. Prior to the first occupation of the dwellings hereby approved the bin stores, cycle parking, hard surfacing and 1.8m high boundary fencing shall be erected in accordance with the proposed site plan DD03B.

Reason: In the interests of the amenity of future occupiers

5. Prior to first occupation of units 1 and 2 and the southern-most terraced property, the rooflights shown to be serving bathrooms in those properties shall be obscure glazed to level 3 industry standard and these shall be fixed shut unless the cill height is at least 1.7m above the finished floor level of the room they serve. The rooflights shall thereafter be maintained as such.

Reason: In the interests of neighbouring amenity.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent reenactment thereof, there shall be no roof extensions to the semi-detached properties under Schedule 2, Part 1 hereby approved.

Reason: In the interests of the setting of the listed building, Holly Cottage.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent reenactment thereof, there shall be no additional windows installed in the rear elevation of the terraced properties hereby approved above ground floor level (such expression to include the roof).

Reason: To prevent additional overlooking of the gardens of 10 and 11 Churchill Close in the interests of neighbouring amenity.

8. No air source heat pump shall be installed on the dwellings unless one of the following applies:
 - i) details of the air source heat pump to demonstrate that it complies with the requirements of Schedule 2, Part 14, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent reenactment thereof, have been submitted to and agreed in writing by the Local Planning Authority, or
 - ii) details and a noise assessment of the air source heat pump have been submitted to, and approved in writing by, the Local Planning Authority. The noise assessment must be undertaken by a Suitably Qualified Acoustician and consider the local circumstances, the nature of the installation and the five factors (Tonality, Intermittency of operation, Sound levels in reverse cycle, Low background sound levels, Structure borne sound and vibration transmission). The Institute of Acoustics, and Chartered Institute of Environmental Health guidance should be taken into consideration.

Thereafter, the development shall proceed in accordance with approved details including any mitigation measures and shall be maintained and operated in accordance with those details and any noise assessment details that have been agreed.

Reason: To safeguard the amenity of the occupiers of adjoining residential properties.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

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

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

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

In this case:

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

2. Informative: This permission is subject to a legal agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated 27th February 2023 relating to contributions towards biodiversity enhancement and gains.

3. Informative: This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development, and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties, it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.

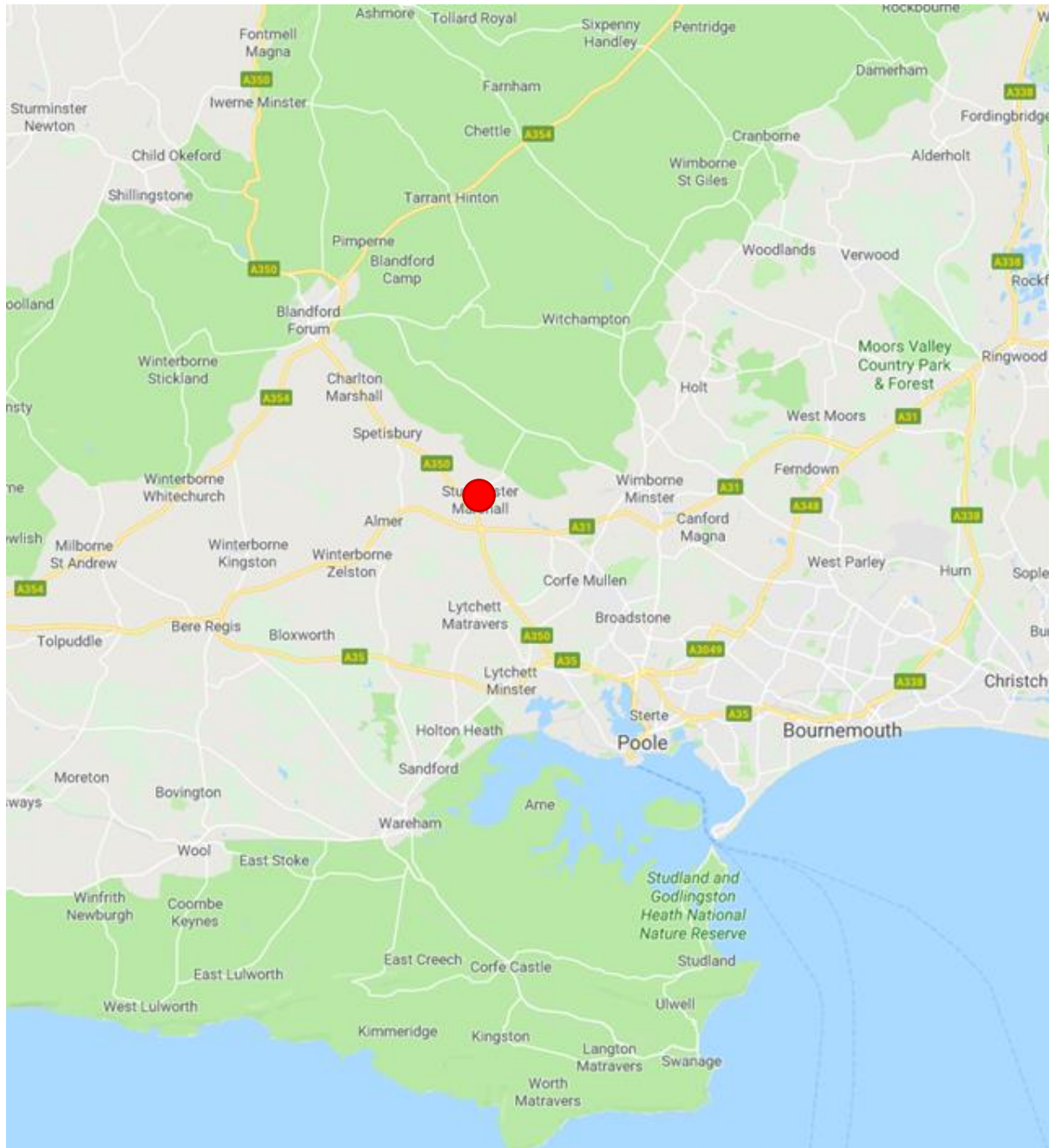
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● Approximate Site Location

Application reference: P/RES/2024/01209

Description of development: Reserved matters application seeking consent for Appearance, Scale and Landscaping in respect to approved outline application P/OUT/2021/04873 (Access and Layout to demolish a pair of semi-detached bungalows and replace with 5 x 3 bedroom dwellinghouses)

Site address: 97 and 99 High Street, Sturminster Marshall, BH21 4AT



Application Number:	P/FUL/2024/00495		
Webpage:	Planning application: P/FUL/2024/00495 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	1 Cherry Tree Close St Leonards and St Ives BH24 2QN		
Proposal:	Alterations to existing dwelling, including removal of swimming pool & demolition of garage. Erection of 1 no. new dwelling.		
Applicant name:	S Ascough		
Case Officer:	Ellie Lee		
Ward Member(s):	Cllr Bryan & Cllr Goringe (Post election: Cllr Bryan & Cllr Goringe)		
Publicity expiry date:	24 April 2024	Officer site visit date:	Photographs provided
Decision due date:	1 August 2024	Ext(s) of time:	1 August 2024
No of Site Notices:	3 Site Notices		
SN displayed reasoning:	1 Site Notice displayed in Cherry Tree Close at front of the site. 2 Site Notices displayed in Oaks Drive.		

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

2.0 Summary of recommendation:

GRANT subject to conditions.

3.0 Reason for the recommendation:

3.2 The proposed development for one new dwelling is acceptable in principle in this sustainable location.

3.3 The proposal is in keeping with the character of the area, offers acceptable levels of amenity for future occupiers and will not result in any harm to significant trees or any significant harm to neighbouring residential amenity.

3.7 The proposal does not present a material harm to the transport network or to highway safety, and sufficient vehicle parking space has been provided.

- 3.8 The submitted conceptual Surface Water Scheme demonstrates that the development can be progressed without increased flood risk, subject to further details required by condition.
- 3.9 The proposed scheme would make a modest positive contribution to the Dorset Council 5-year housing land supply, which is currently less than 5 years for the Eastern Area. There are no material considerations that would significantly and demonstrably outweigh the benefits.

4.0 Key planning issues

Issue	Conclusion
Principle of Development	Acceptable – The site is within the urban area. The proposal accords with local policy KS2 of the Christchurch and East Dorset Local Plan, Part 1 – Core Strategy.
Design and Character	Acceptable in terms of local policy HE2 (in relation to design and character), and the policies within NPPF section 12, for the reasons set out below.
Impact upon Neighbouring Amenity	Acceptable in terms of local policy HE2 (in relation to neighbouring amenity) and policies within NPPF section 12, for the reasons set out below.
Amenity of Future Occupiers	Acceptable in terms of local policy HE2 (in relation to amenity of future occupiers) and policies within NPPF section 12, for the reasons set out below.
Impact upon Trees and Landscape	Acceptable in terms of local policy HE3, and the policies within NPPF section 12, for the reasons set out below.
Highways and Parking	Acceptable in terms of local policies KS11 & KS12, and the policies within NPPF section 9, for the reasons set out below.
Flooding Risk and Drainage	Acceptable in terms of local policy ME6 and NPPF section 14, for the reasons set out below.
Impact upon Biodiversity	Accords with the Dorset Biodiversity Appraisal Protocol and local policy ME1, subject to a biodiversity enhancement condition.
Dorset Heathlands	A Habitats Regulations appropriate assessment has concluded that there will not be any adverse effect on the integrity of designated sites can be effectively mitigated.

5.0 Description of Site

- 5.1 The application site lies within the main urban area of St Leonards & St Ives in a predominantly residential area.
- 5.2 The application site is a long plot which includes an existing dwelling with an attached swimming pool to its rear. The rear garden has an abundance of hedging and vegetation to its boundaries, and there are two outbuildings (shed and summerhouse). The front of the property (between the existing dwelling and street) is mostly hard surfaced.
- 5.3 Between the existing vehicular and pedestrian access to the property, there are hedges along the front boundary to Cherry Tree Close. Land slopes down slightly to the north so that the finished floor level of no. 2 Cherry Tree Close is approx.0.5m lower than no. 1.
- 5.4 The pattern of development and spacing is varied in the area, with residential properties mostly comprising of detached bungalows and some detached chalet bungalows.
- 5.5 Similar backland bungalow developments in the area have previously been approved and developed, including at 10 Cherry Tree Close to the northeast, behind 10 & 12, 14 & 16 and 18 Oaks Drive to the south and west of the site and elsewhere on Oaks Drive and Cedar Avenue.

6.0 Description of Development

- 6.1 The proposal seeks to sever the garden at 1 Cherry Tree Close and erect a new detached 3 bedroom bungalow at the rear of the site with a detached garage. Partial removal of an existing attached garage will facilitate a driveway from the existing access to serve the new dwelling.

Proposed Site Plan



7.0 Relevant Planning History

Planning history for the application site is provided in the table below:

Application No.	Description	Decision	Date
3/05/1633/FUL (1 Cherry Tree Close)	Extensions at ground and first floor level including increase in ridge height to include dormers and roof lights.	Granted	15/02/2006
3/05/0638/FUL (1 Cherry Tree Close)	Rear extension, raise roof to form additional accommodation in roof space, to include dormer and rooflights, front extension to form double garage	Refused	17/06/2005
03/02/0556/FUL (1 Cherry Tree Close)	Swimming pool enclosure	Granted	18/07/2002
03/99/0716/FUL (1 Cherry Tree Close)	Partly demolish single garage & extend to form new double garage.	Granted	04/10/1999
03/91/1014/FUL (1 Cherry Tree Close)	Rear extension	Granted	06/12/1991

Relevant planning history for neighbouring properties:

Application No.	Description	Decision	Date
3/21/1770/FUL (11 Cherry Tree Close- northeast of site)	Sever land and erect new single storey dwelling with garage. (Amended description)	Granted	23/01/2023
3/19/2495/FUL (Land to rear of 14 & 16 Oaks Drive- southwest of site)	Sever land and erect 2 no 3 bedroom bungalows with detached double garages and parking.	Refused but Appeal Allowed	25/02/2021
3/19/0611/FUL (Land to rear of 10 & 12 Oaks Drive- south of site)	Sever land and erect 2 x 3 bed bungalows and formation of access. (Re-submission after refusal of application 3/18/2963/FUL)	Granted	10/06/2019
3/15/0157/FUL (Land to rear of 9 Cherry Tree Close- north east of site)	Sever plot and construct a detached bungalow with garage, parking and replacement garage	Refused, appeal dismissed	28/01/2016
3/13/0670/FUL (land to rear of 18 Oaks Drive- west of site)	Sever land and erect 1 No 4 bedroom bungalow and garage	Granted	12/11/2013

3/12/0936/FUL (land to the east of 10 Cherry Tree Close)	Sever land and erect 1No. 3 bed bungalow and garage	Granted	05/02/2013
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8.0 List of Constraints

- St Leonards & St Ives - Main Urban Area
- Within 5km of Dorset Heathlands
- Susceptible to ground water emergence flooding
- Radon: Class 1: Less than 1%

9.0 Consultations

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

Consultees

1. **Natural England-** No objection, subject to mitigation (25/04/2024)

Thank you for consulting Natural England on the (draft) Appropriate Assessment (AA) for the application detailed above.

Natural England concur with the Councils AA dated 29/04/2024 in respect of Planning Application: P/FUL/2024/00495. The authority should be mindful of the need to secure any mitigation/avoidance measures which have been identified as being required to avoid harm to the habitat's sites.

In respect of the matters considered in the AA, Natural England has no objection to the authority granting the permission.

Natural England note the submission of a Certificate of Approval dated 22/01/2024 from the DC NET. In this case, providing the NET approved ecology information, and its implementation in full, is secured through a condition as part of the grant of planning permission, Natural England agree with the opinion of the Natural Environment Team of Dorset Council that the planning authority will have met their duties under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and Regulation 9(3) of The Conservation of Habitats & Species Regulations 2017.

2. **Dorset Fire & Rescue Service-** No comments received
3. **Dorset Council – Highways-** No objection, subject to condition (27/03/2024)

The Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety and consequently has NO OBJECTION, subject to the following condition(s):

-Turning/manoeuvring and parking construction

4. **Dorset Council - Trees (East & Purbeck)-** Comments (11/04/2024)

No significant trees affected by proposed.

5. **Dorset Council - Building Control East Team-** Comments (12/03/2024)

The access for the fire brigade does not comply with approved document B1 section B5 access for the fire brigade.

6. **Dorset Council - Dorset Waste Team-** No comments received

7. **St Leonards & St Ives Parish Council-** Objection (09/04/2024)

- Objects in the strongest terms
- Contrived plot resulting in a vast overdevelopment of such a small area of land.
- Application does not preserve the character of the area; it is fundamentally ruining it by increasing the density of housing to an unacceptable level contrary to Christchurch and East Dorset Core Strategy (CED) 2014
- Breach of NPPF and HE2 and HE3 re bulk, scale and mass of the proposed property.
- Garden for the property appears too small and does not provide sufficient amenity space for a proposed dwelling of this size.
- Parking inadequate for the property; no space for visitor parking, will result in visitor vehicles parking on the road, which is extremely narrow. access far too narrow and presents a risk to emergency vehicles should they need access.
- Serious risk of ground water and surface water flooding in this area. Flooding is already being experienced in several areas locally which may be attributable to the constant garden infill housing being permitted.
- The cumulative effect of additional building in gardens is very concerning.
- Urges the planning department to stop permitting this type of development until further data on flooding and its causes is produced and is fully understood.

8. **Ward Member St Leonards and St Ives - Cllr Bryan-** No comments received

9. **Ward Member St Leonards and St Ives - Cllr Goringe-** No comments received

Representations received

Total - Objections	Total - No Objections	Total - Comments
8 Objections	-	1 Support

Summary of representations objecting/raising concerns:

<u>Summary of Objections received (8)</u>	
Principle of Development	<ul style="list-style-type: none"> • Similar proposals have been granted permission in last 4 years, including in Cherry Tree Close, Oaks Drive and Cedar Avenue. • Previous proposals at neighbouring 9 Cherry Tree Close in 2016 were dismissed at appeal.
Design and Character	<ul style="list-style-type: none"> • Properties in this area are characterised by sizeable gardens with large trees. Cherry Tree Close is a cul-de-sac. • Proposed development is out of character with the area. • Overdevelopment. • Not all infill developments are appropriate. • The proposed bungalow, drive and garage take up a significant amount of space within the garden of the existing property. • The new dwelling is too large for the size of the plot.
Impact upon Neighbouring Amenity	<ul style="list-style-type: none"> • Directly impacts upon views from neighbouring properties. • Hedge removal would result in overlooking & privacy impacts. • Proposed dwelling is on higher land than 2 Cherry Tree Close, resulting in privacy and overlooking. • Access road is too close to neighbouring boundaries, in particular 1A Cherry Tree Close, resulting in noise disturbance. • Impacts upon neighbouring amenity from construction works. • Impact upon amenity of future occupiers of existing dwelling and of proposed dwelling.
Impact upon Future Occupiers	<ul style="list-style-type: none"> • Inadequate external amenity space for occupants of new, and existing dwelling.
Impact upon Trees and Landscape	<ul style="list-style-type: none"> • Concern that the intention is to remove the boundary hedge/vegetation and replace with a new 1.8m high fence. • Boundary hedge should not be removed or reduced in height.

Highways and Parking	<ul style="list-style-type: none"> • Driveway should be of a hard surface to limit noise, and not stone, gravel or similar materials. • Driveway access is too narrow and too close to the boundary of 1A Cherry Tree Close. • Turning space inadequate • Highway safety concerns, will increase traffic and on-road parking in Cherry Tree Close. • Cherry Tree Close is too narrow, and tight for vehicles to pass. • The front of the property is already block paved car parking. • Concerns over existing on street parking.
Flooding Risk	<ul style="list-style-type: none"> • Concern of flooding to neighbouring properties from the development and the increase in hard surfacing on site.
Biodiversity	<ul style="list-style-type: none"> • Impact upon biodiversity, including slow worms, sand lizards and adders. • Development would result in a harmful impact to nearby SSSI.
Dorset Heathlands	<ul style="list-style-type: none"> • Cherry Tree Close borders an SSSI.
Housing Supply	<ul style="list-style-type: none"> • The proposed development would not contribute to affordable housing in the area.
Other Matters	<ul style="list-style-type: none"> • Emergency vehicles would not be able to gain access to the proposed new houses via the proposed access. • Motivation of developers. • Questions need- many houses already on the market within the Parish. • Lawfulness of a static caravan on the site questioned.

Summary of representations received in support of the application:

<u>Summary of Comment of Support (1):</u>	
Principle of Development	<ul style="list-style-type: none"> • Similar properties built in nearby rear gardens (Oaks Drive). • A substantially larger new dwelling was granted across the road at 11 Cherry Tree Close.
Design and Character	<ul style="list-style-type: none"> • Proposal results in a reduction to the overall built footprint on the site. • The proposed bungalow would be smaller than other new build bungalows in the area.

Neighbouring Amenity & Parking	<ul style="list-style-type: none">• There is an existing 3 metre wide gap between the garage and the boundary to 1A Cherry Tree Close.
Housing Supply	<ul style="list-style-type: none">• The proposed development will contribute to the housing supply.

10.0 Duties

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

11.0 Relevant Policies

Development Plan

Christchurch and East Dorset Local Plan Part 1, Core Strategy 2014 (CED) and saved policies in the East Dorset Local Plan 2002 (EDLP):

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

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

Made Neighbourhood Plans

None

Material Considerations

Emerging Local Plans:

Paragraph 48 of the National Planning Policy Framework (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 (DCLP)

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

National Planning Policy Framework

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

Other relevant NPPF sections include:

- Section 4 'Decision making': Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 82-84 reflecting the requirement for development in rural areas.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed and beautiful places' indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:

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

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

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment' - In Areas of Outstanding Natural Beauty (National Landscapes) great weight should be given to conserving and enhancing the landscape and scenic beauty (para 182). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 184). Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.

National Planning Practice Guidance (NPPG)

Including 'Use of Planning Conditions'

Supplementary Planning Document (SPD) / Guidance (SPG):

- Dorset Heathlands Planning Framework 2020-2025 SPD
- 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.

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

14.0 Environmental Implications

The proposal will add an additional dwelling within the rear garden space of an existing property; no significant implications have been identified.

The application will be required to meet the Building Regulations

15.0 Planning Assessment

Principle of Development

- 15.1 The Parish Council objects to the application which it considers inappropriate within this area and contrary to planning policies.
- 15.2 The application lies within the main urban area of St Leonards & St Ives. Settlement Policy KS2 of the Local Plan identifies St Leonards and St Ives as a ‘suburban centre’ that will provide for some residential development so in principle the proposed dwelling is acceptable.

Design and Character

- 15.3 The site is located in an area with a relatively low density townscape, characterised by bungalows and chalet dwellings set back from the highway behind front gardens incorporating parking areas. In the original estate layout, dwellings all faced onto the highway, but this has evolved over time with the introduction of backland plots although such development is usually of single storey form and only glimpsed within the street scene. Hedges remain the predominant boundary demarcation which softens the built form.
- 15.4 Policy LN2 ‘Design, Layout and Density of New Housing Development’ requires that density of development should be maximised to a level which is acceptable for the locality. This accords with NPPF chapter 11 ‘Making effective use of land’.
- 15.5 Objections have been raised by the Parish Council and third parties that the density and scale of the proposed development would cause harm to the character of the area. Reference has been made to the appeal decision relating to a proposed backland plot at 9 Cherry Tree Close. In 2016 the Inspector dismissed the appeal against refusal of planning permission on the grounds that it would harm the spacious character of the area and fail to maintain appropriate living conditions for

the parent property. Officers note that since that decision, applications have been approved and an appeal allowed for backland development on land to the south and west of the application site, and in the surrounding roads (Cedar Avenue and Fir Tree Close), so that the character of the area within which the proposal is to be considered has evolved.

- 15.6 The proposed new dwellinghouse is a detached, 3 bedroom, L-shaped bungalow with a hipped roof to be sited to the rear of 1 Cherry Tree Close. A detached single garage building is also proposed. The new plot would be larger than others immediately to its south. Together with the existing property the proposed density of development would be 15dph, which is half the minimum density of 30dph sought by policy LN2. In the context of the very low density (approx. 6.5dph) of existing development in Cherry Tree Close, this would appear uncharacteristic, but it is reflective of the density of development immediately to the south where backland properties have been achieved with limited impacts on residential character.
- 15.7 The existing dwelling at 1 Cherry Tree Close includes first floor accommodation within the roof space served by rooflights, white rendered external walls and a tiled roof. An existing swimming pool enclosure is attached to the rear of the dwelling which is to be demolished. The proposal would use the existing access to 1 Cherry Tree Close and would extend the driveway down past the side of the house following the removal of one of the two integral garages. This would increase hard surfacing on the site, but the parent property and boundary treatment would assist in screening the parking and turning areas from public view.
- 15.8 The proposed dwelling would have a lower form than the parent property with a hipped roof and maximum ridge height of 5.8m. The roof of the dwelling and its garage would be evident from neighbouring properties above the boundary hedging, but tucked away behind the larger parent dwelling and screened by hedging, so the proposal would have no greater impact than other neighbouring developments.
- 15.9 Subject to a condition to prevent extensions above ground floor level, which is necessary and appropriate in the interests of the character of the area, the size of the plot and the appearance of the dwelling will not result in harm to the character of the area. As such, the proposal would comply with local policies HE2 and LN2 of the Christchurch and East Dorset Local Plan, Part 1 – Core Strategy and also policies within section 12 of the National Planning Policy Framework.

Impact upon Amenity

The Amenity of Future Occupiers of the site

- 15.10 Local Plan policy LN1 requires that new housing should be built to meet minimum living standards for internal and external areas, but no bespoke standards have

been identified. The proposed three bedroom dwelling has an internal area of approx. 82m² which is above the minimum national space standards for a 4 person dwelling (74m²).

- 15.11 The Parish Council has suggested that the proposed garden appears too small to provide sufficient amenity space. It is proposed to retain an existing summerhouse on the rear boundary and boundary hedging which encroaches into the amenity space, but a useable lawned area of approximately 30m² would be provided for the new dwelling, while the parent property will retain approximately 36m² garden.
- 15.12 The proposed boundary fence and new garage positioned approx. 5.5m from the rear elevation of the parent property, 1 Cherry Tree Close, would restrict outlook from the ground floor bedroom for future occupiers and there could be some shading in the evenings, but the main living space to the rear would not be negatively affected.

Impact on neighbouring amenity

- 15.13 Policy HE2 requires that the development should be compatible with neighbouring amenity.
- 15.14 Third party objections raise concerns over the impacts upon views from neighbouring properties and potential overlooking as land levels are higher on the site than at 2 Cherry Tree Close to the north. The plans show a difference in floor level of approximately 0.5m between the two existing dwellings. The proposed dwelling would be at a similar height to 1 Cherry Tree Close. Given the varying land levels a condition is required to secure finished floor levels in the interests of neighbouring amenity and the character of the area (no. 3).
- 15.15 The submitted drawings show that the existing hedges within the rear garden of the existing site are to be retained, and that an existing tree is to be removed. To the south side of the new dwelling, no windows are proposed. To the north side of the new dwelling (facing the garden of 2 Cherry Tree Close) two ground floor windows are to serve a bedroom and an ensuite. Should the boundary hedging be damaged during construction then there would be the possibility of overlooking, but as this would be at ground floor level and to the rear of the neighbouring garden it is unlikely that overlooking would be harmful.
- 15.16 Concerns have been raised that the access road is too close to the neighbouring boundary to 1A Cherry Tree Close which could result in noise disturbance. There is a pre-existing access to serve the garages which will be extended westwards. A condition requiring details of the hard surfacing to be used (no. 10). There are no windows in the northern elevation of no. 1A and due to the limited trip rates associated with one additional dwelling neighbours would not be likely to suffer undue noise and disturbance, as a result of vehicle movements.

Distances from proposed dwelling to neighbouring buildings	
<i>(All measures are approximate)</i>	
Existing dwelling at 1 Cherry Tree Close (existing dwelling on the site)	11.4m (to rear elevation of house at 1 Cherry Tree Drive)
Existing dwelling at 1A Cherry Tree Close (to south side of red line boundary)	21.8m (to side house elevation of 1A Cherry Tree Drive)
Existing dwelling at 2 Cherry Tree Close (to north side of red line boundary)	8.3m (to side & rear (corner) elevations of house of 2 Cherry Tree Drive)
Existing dwelling at 10A Oaks Drive (to the south of the red line boundary)	12.7m (to rear elevation of house 10A Oaks Drive)
Existing dwelling at 10B Oaks Drive (to the south of the red line boundary)	14.4m (to rear elevation of house at 10B Oaks Drive)
Existing dwelling at 14A Oaks Drive (to south-west of rear red line boundary)	26.3m (to rear elevation of house at 14A Oaks Drive)
Existing dwelling at 16A Oaks Drive (to south-west of rear red line boundary)	32.2m (to rear elevation of house at 16A Oaks Drive)

15.17 The separation distances between the proposed bungalow and the existing neighbouring buildings are similar to the distances of previously approved backland residential development in the area and surrounding area. Furthermore, there would be no direct views of neighbouring rear windows, as the proposed dwelling is single storey.

15.18 With regards to construction works during development, a condition has been added to limit the hours of construction (no. 6), to mitigate impacts upon neighbouring amenity.

15.19 Therefore, subject to conditions, the proposal is considered to accord with local planning policies LN1 and HE2 of the Christchurch and East Dorset Local Plan, Part 1 – Core Strategy and also policies within section 12 of the National Planning Policy Framework in respect of impact on amenity.

Impact upon Trees and Landscape

15.20 There are no protected trees within the application site or on the site boundaries and the Council's Tree Officer is satisfied that no significant trees would be affected by the proposal.

- 15.21 The third party objections received have raised concerns that there will be a loss of vegetation on the site. The ornamental hedges are shown to be retained on the submitted plans and will contribute to the attractive setting of the new dwelling as well as providing nesting opportunities for birds. Due to the potential for damage to the hedging during construction a condition has been imposed to require replacement hedging if necessary (no. 9).
- 15.22 The proposal is considered to accord with local planning policy HE3 of the Christchurch and East Dorset Local Plan, Part 1 – Core Strategy.

Highways and Parking

- 15.23 The Parish Council and objectors have raised concerns that inadequate parking is identified, in particular that there is no visitor parking space on the plot, resulting in on road parking. They also have concerns that the access is too narrow and presents a risk to emergency vehicles should they need access into the site.
- 15.24 The Council's Building Control Officer has confirmed that the proposed access for the fire brigade does not comply with approved document B1 section B5 access for the fire brigade but there are alternative means of complying with these Building Regulations which are a matter for the developer.
- 15.25 The proposal would provide 2 parking spaces and a third space in the garage for both dwellings. The Dorset Residential Car Parking Guidance sets out that each property requires a minimum of 2 parking spaces, and a further 1 visitor parking space which is achieved by the scheme.
- 15.26 The Council's Highways Officer was consulted on the application and has concluded that the proposed development does not present a material harm to the transport network or to highway safety. The development is acceptable in highway terms subject to the imposition of a turning/manoeuvring and parking construction condition (no. 7).
- 15.27 The proposal is considered to accord with local planning policies KS11 and KS12 of the Christchurch and East Dorset Local Plan, Part 1 – Core Strategy.

Flooding Risk and Drainage

- 15.28 The Dorset Council Level 1 Strategic Flood Risk Assessment (SFRA) has identified that the whole application site is likely to have high groundwater levels, meaning that the site is at risk from groundwater emergence flooding. However, it is noted that there is no known surface water risk to the site and no known ponding or pooling that has occurred; the Council's Flood Risk Management Team do not consider that there is a medium/high risk of flooding that would trigger the sequential test.

- 15.29 The Parish Council and objectors have raised concerns about the potential exacerbation of groundwater and surface water flood risk.
- 15.30 During the course of the application, a Conceptual Surface Water Drainage Scheme was submitted. The applicant's surface water consultant has confirmed that ground water levels are too high to facilitate infiltration and gravity would not facilitate attenuation, so it is proposed to pipe surface water to the Wessex Water Surface Water Sewer with the aid of a pumping system due to the land levels falling to the rear of the site.
- 15.31 Wessex Water have also confirmed by email that they would accept an attenuated surface water discharge rate of 2l/s, which will be a combination of 1 l/s allowance for the new dwelling and 1l/s for the existing property (as maximum discharge rates). In addition, Wessex Water have confirmed that the cover level is to be 21.030 and the invert level is to be 19.8.
- 15.32 Whilst a pumping system is not the method preferred by the Council to take water away from the site into the surface water sewer, it is acknowledged that the land levels across the site do not naturally fall towards the street of Cherry Tree Close to the front of the site.
- 15.33 In order to ensure the Conceptual Surface Water Scheme is acceptable long term, it is reasonable and necessary in this case to impose a condition requiring further details of the pumping system and further details of the proposed maintenance of the pump, prior to the installation of the proposed surface water scheme.
- 15.34 Therefore, subject to condition, the proposed development is considered to accord with local policy ME6 of the Christchurch and East Dorset Local Plan, Part 1 – Core Strategy.

Impact upon Biodiversity

- 15.35 Third party objections received have raised concerns that the proposal would impact upon biodiversity, including slow worms, sand lizards and adders.
- 15.36 The planning application is supported by a Biodiversity Plan (BP) which has been certified by the Council's Natural Environment Team, accompanied by a BP Certificate of Approval.
- 15.37 The approved BP includes biodiversity mitigation and enhancement that is appropriate to be conditioned for the proposed development to secure compliance with local policy ME1 of the Christchurch and East Dorset Local Plan, Part 1 – Core Strategy.

Dorset Heathlands

- 15.38 Third party objections received have raised concerns that the development would result in a harmful impact to the nearby Sites of Special Scientific Interest (SSSI). In addition, one third party representation of objection is of the view that Cherry Tree Close borders a SSSI.
- 15.39 Lions Hill SSSI is located approximately 427m from the rear site boundary and 617m from the Moors River System SSSI, both of which are a distance that is greater than 400m.
- 15.40 Due to the potential for a net increase in residential dwellings to result in significant harm to the conservation objectives of the Dorset Heathlands Habitats Site an Appropriate Assessment (AA) has been carried out by the Local Authority. This concludes that the proposal can rely upon the mitigation measures to prevent adverse effects on site integrity detailed within the Dorset Heathlands Planning Framework SPD. The AA concludes that there will be no adverse effect on the integrity of the designated sites identified above as mitigation contributions will be secured via the Community Infrastructure Levy. Natural England have raised no objection to the conclusions of the Appropriate Assessment.
- 15.41 The proposal is in accordance with local policy ME2 of the Christchurch and East Dorset Local Plan, Part 1 – Core Strategy.

Housing Supply

- 15.42 The proposal is for a market dwelling. The Eastern Area of Dorset is not currently able to demonstrate a 5 year housing land supply, so the tilted balance in paragraph 11 of the National Planning Policy Framework is engaged.
- 15.43 No adverse impacts have been identified that would that significantly and demonstrably outweigh the benefit, albeit modest, of the scheme to housing supply.

Other Matters

Further concerns have been raised which are considered below:

Abundance of houses for sale in the area and developer motivation:

- 15.44 The sale of properties and the motivation of the developer are not material planning considerations.

Lawfulness of static caravan on site:

- 15.45 Caravans, when used for purposes ancillary to the dwelling, do not represent a breach of planning control. The static caravan on the site is not included within the planning application and therefore is not under consideration.

16.0 Conclusion

For the above reasons the application is judged to accord with the development plan as a whole.

It is judged that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the contribution that the scheme affords to local housing supply.

17.0 Recommendation

Grant, subject to the following conditions:

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

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

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

SBA.3817-1-2 A Site Location and Block Plan (Proposed)

SBA.3817-7-1 B Proposed - Alterations to the Existing Dwelling

SBA.3817-7-2 A Proposed - New Dwelling Plans and Elevations

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

3. Prior to commencement of the groundworks for the new dwelling and garage details of the finished floor level(s) of those buildings shall have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be relative to an ordnance datum or such other fixed feature as may be agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual and neighbouring amenity.

4. 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.

5. Prior to commencement of development of the hereby approved dwelling, details of the proposed Pumping System (as set out on drawing 003 revision P2, dated 23/05/2024 'Proposed Drainage Strategy' included in the appendices of the submitted Drainage Strategy document produced by Urban Water) and a Maintenance Statement shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the agreed Pumping System for the surface water drainage system and the Maintenance Statement shall be installed and adhered to in perpetuity.

Reason: To ensure that there is no worsening of flooding from groundwater emergence.

6. During the construction of the hereby approved development (which includes demolition) until completion of works, the hours and days of construction shall be limited to:
Monday - Friday 07:00 to 19:00.
Saturday 08:00 to 16:00.
The hours of construction shall be adhered to throughout construction, and no construction works are to be carried out on Sundays or Bank Holidays.

Reason: To protect the amenity of nearby residents.

7. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number SBA.3817-7-2 A must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent reenactment thereof, the garages shown on the approved plans shall not be incorporated into the living space of the dwellings.

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

8. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan (BP) certified by the Dorset Council Natural Environment Team on 22/01/2024 must be implemented in accordance with any specified timetable and completed in full (including photographic evidence of compliance being submitted to the Local Planning Authority in accordance with section J of the Biodiversity Plan), prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

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

9. Prior to the first occupation of the dwelling any boundary hedging that has been damaged or is dead or dying shall be replaced with native hedge plants. Within the first five years following occupation any boundary hedging that is damaged, dead or dying shall also be replaced with native species.

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

10. Prior to the first occupation of the dwelling, details of hard landscaping, including hard surfacing, shall be submitted to and agreed by the Local Planning Authority. Thereafter, the approved hard landscaping shall be retained.

Reason: In the interests of neighbouring amenity and the character of the area.

11. 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 of the dwellinghouse hereby approved shall be constructed and no first floor windows or rooflights shall be installed, under Classes A, AA, B & C of Schedule 2 Part 1 of the 2015 Order.

Reason: In the interests of the character of the area and to protect the amenity and privacy of the occupiers of adjacent dwellings.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

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

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

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

In this case:

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

2. The applicant(s) is (are) advised that the proposed development is situated in close proximity to the property boundary and "The Party Wall etc. Act 1996" is therefore likely to apply.
3. Please check that any plans approved under the Building Regulations match the plans approved in this planning permission. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.
4. The Dorset and Wiltshire Fire and Rescue Service would recommend that you look to provide at least a 32mm minimum diameter water main which would enable the installation of sprinkler systems within the approved dwelling(s).

The Council considers this to be a key element in reducing the impact of fires. The Council believes there is compelling evidence that sprinklers systems are a cost effective way of not only reducing the number of fire deaths and injuries, but also reducing the economic, social and environmental impact of fires.

5. Informative: This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development, and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties, it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.

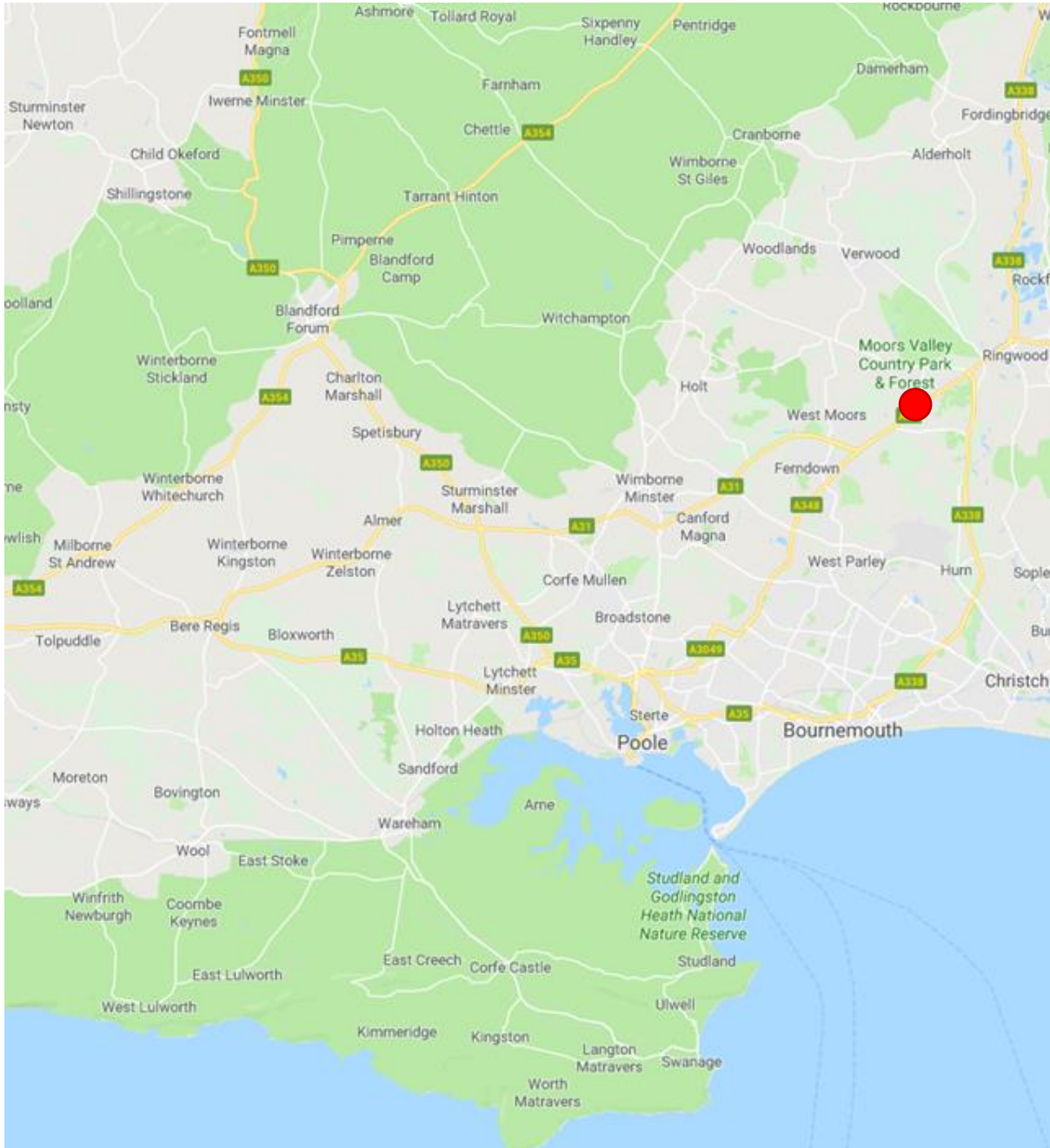
6. In respect of the Surface Water Drainage Strategy condition, any details provided will need to include a discharge rate as agreed by Wessex Water in writing. Furthermore, and Maintenance Statement will need to be detailed and it is advised that the pumping station is a dual pumping system as a minimum.

● Approximate Site Location

Application reference: P/FUL/2024/00495

Description of development: Alterations to existing dwelling, including removal of swimming pool & demolition of garage. Erection of 1 no. new dwelling.

Site address: 1 Cherry Tree Close, St Leonards and St Ives BH24 2QN



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Agenda Item 8

Eastern Area Planning Committee
31st July 2024

Application Number:	P/FUL/2023/03855		
Webpage:	Planning application: P/FUL/2023/03855 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Kemps Country House, Wareham Road, East Stoke		
Proposal:	Sever land and erect a dwelling with associated parking and access		
Applicant name:	MDM Developments Ltd & Char Bo Properties Ltd		
Case Officer:	Cari Wooldridge		
Ward Member(s):	Cllr Wilson		
Publicity expiry date:	14 September 2023	Officer site visit date:	Case officer familiar with site from previous visits and regular passing
Decision due date:	30 September 2024	Ext(s) of time:	30 September 2024
No of Site Notices:	x1 – Telegraph pole to front of site		
SN displayed reasoning:	Visible to all passing on A352 and all neighbours		

1.0 The application has been referred to committee for consideration by the Nominated Officer

2.0 Summary of recommendation:

The committee GRANT planning permission subject to conditions as set out in Section 18 of this report.

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

- Section 38(6) of the Planning and Compensation Act 2004 provides that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.
- Dorset Council does not currently benefit from the provisions of paragraph 226 of the National Planning Policy Framework (NPPF) and therefore must demonstrate a five-year housing land supply. In the Purbeck area the published supply position of

3.73 years means that there is a presumption in favour of sustainable development as set out in paragraph 11 d) of the NPPF.

- Although outside a defined settlement boundary, the location of the development within the village of East Stoke is generally sustainable, and the proposal is acceptable in its scale and design and would not result in significant harm to the intrinsic character and beauty of the countryside.
- The adverse impacts of granting consent within the countryside are not considered to be so significantly and demonstrably harmful as to outweigh the benefits of the additional dwelling towards the area housing land supply.
- The proposal is acceptable in respect of impacts on highway safety, public rights of way, flood risk and drainage, biodiversity, and the Dorset National Landscape (DNL).
- There is considered to be no significant harm to neighbouring residential amenity.
- There will be no adverse effect on the integrity of designated sites (identified within the Appropriate Assessment).
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable - Supply of an additional dwelling in accordance with Policy H2 of the Purbeck Local Plan 2024. Outside of any settlement but the proposed dwelling benefits from the presumption in favour of sustainable development as set out in paragraph 11(d) of the NPPF.
Affordable Housing Provision	Policy requirement for provision not triggered.
Scale, layout, design, impact on character and appearance	Acceptable subject to conditions.
Impact on the Dorset National Landscape (formerly known as AONB)	Acceptable.
Impact on the living conditions of the occupants and neighbouring properties	Acceptable.
Impact on protected trees	Acceptable subject to condition.
Flood risk and drainage	Acceptable subject to condition.

Highway impacts, safety, access, and parking	Acceptable subject to condition.
Biodiversity	Acceptable subject to condition.
Housing Delivery Test	In light of the lack of a 5-year housing land supply and the principle of ‘tilted balance’ of paragraph 11(d) of the NPPF, the adverse impacts of granting the consent for a new dwelling within the countryside are not considered to be so significantly and demonstrably harmful as to outweigh the benefits of the additional dwelling towards the area housing land supply.

5.0 Description of Site

- 5.1 The application site comprises an area of land located to the side (west) of Plot 1 on the Kemps Country House development. The site originally formed part of the curtilage of Plot 1 and has remained undeveloped since construction of the parent property as part of the original development of 6 dwellings.
- 5.2 The site is of a level finish and is enclosed by a 1.8m high close boarded fence on the rear boundary with the parent dwelling and a post and wire fence on the western boundary with the adjoining field. To the rear, the plot adjoins open fields. To the front, the site is set back from the road and has been subject of hard and soft landscaping, including provision of vehicular access (off the A352 to the south), parking, and bin storage in accordance with the former consent for six dwellings which is now complete.
- 5.3 Although located within the village of East Stoke, the settlement hierarchy for the Purbeck area identifies the village as ‘without a settlement boundary’ and the site therefore falls within the countryside. The Dorset National Landscape is located to the south, extending up to the southern edge of the A352. The site – including the adjacent residential development and Kemps Country House - is covered by a Tree Preservation Order and this includes trees on the western boundary of the application site.

6.0 Description of Development

- 6.1 The application proposed the severance of land forming Plot 1 and the erection of a two-storey, two-bedroom house on the western end of the existing terrace of three dwellings. Associated vehicular access, parking, and amenity space is to be provided.

7.0 Relevant Planning History

- 7.1 The application site has a long planning history with the most relevant applications (and appeals) summarised below:

Application number	Proposal	Decision	Comment
313229	Change of use of rectory to a guest house	Granted 1968	Condition limiting use of the guest house facilities to residents only

			later removed 6/1982/0093
6/1983/0076	Outline permission to Form flat in existing hotel and erect dining room extension, erect new buildings to form 2 storey block of six 2 bedroom accommodation units and extension to coach house to form further 2 bedroom unit, form car parking area, construct swimming pool and tennis court, form new vehicular access	Granted 1983	
6/1988/0095	Erect 2-storey block to form six g/floor bedrooms and bathrooms and first floor sauna and games room, form additional car parking	Granted 1988	
6/2009/0268	Erect two storey extension to the outbuilding known as The Coach House within grounds of Kemps Country House and change of use of the outbuilding from a use ancillary to the hotel to a unit of independent residential accommodation	Granted 2009	Permission extended in 2011 (6/2011/0723)
6/2015/0005	Change of use of Kemps Country House to 6 dwellings with associated alteration works, extension to the coach house, parking and landscaping.	Granted 2015	Not implemented
6/2015/0427	Variation of Conditions 5 & 7 of PP 6/2015/0005 (Change of use of Kemps Country House to 6 dwellings with associated alteration works, extension to the coach house, parking and landscaping)	Granted 2015	Allowed phased implementation of 2015 permission but not implemented

6/2016/0718	Outline permission to demolish existing annexe building and erect a terrace of six 3-bedroom dwellings and associated car parking with details of access, layout and scale	Granted 2017	S106 agreement secured £87,672 towards affordable housing. Not implemented
6/2017/0424	Reserved matters for the erection of six 3 bedroomed dwellings	Withdrawn 2017	
6/2018/0382	Full application for six dwellings	Refused 2018	Lack of affordable housing contribution
6/2018/0545	Two storey extension to the hotel	Granted 2018	
6/2019/0090	Demolition of the existing annexe building and erection of two terraces of three 3-bedroom dwellings and associated car parking	Granted 2019	Completed
P/FUL/2021/05599	Erection of 1no. 3 bed house	Refused 2022	Principle Overdevelopment Nutrient neutrality Flood risk
P/HOU/2022/06608	Two storey side extension	Granted April 2023	Extension to dwelling on plot 1

The current application again seeks planning permission to sever the land at the western end of the terrace (Plot 1) and erect a dwelling with associated parking and access.

8.0 List of Constraints

TPO (PDC/TPO 447)

Poole Harbour Nutrient Catchment Area

Dorset Heath Designation Buffer 5km

Legal Agreements S106 – Outline Consent 6/2016/0718 – affordable housing financial contribution. As no development was commenced under this permission, the s106 agreement ceases to have effect and the contribution for affordable housing is no longer applicable.

SGN - Medium pressure gas pipeline 25m or less from Medium Pressure Pipelines (75mbar - 2 bar) - Distance: 7.38

Groundwater – Susceptibility to flooding

Area of Outstanding Natural Beauty (AONB): Dorset - Distance: 8.45 (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)

Natural England Designation - RAMSAR: Dorset Heathlands (UK11021); - Distance: 3854.1

Natural England Designation - RAMSAR: Poole Harbour (UK11054); - Distance: 4190.66

Site of Special Scientific Interest (SSSI) impact risk zone – To enable the identification of potential risk posed by new residential development proposals to nearby SSSIs, SACs, SPAs and Ramsar sites.

Minerals and Waste Safeguarding Area - ID: 31

Minerals and Waste Safeguarding Area - ID: 3081

Minerals and Waste - Waste Consultation Area - Name: EAST STOKE

Mineral and Waste - Ball Clay Consultation Area

Minerals and Waste - Sand and Gravel

Minerals and Waste - Safeguarding Sites - Name: EAST STOKE; - Distance: 230.38

Radon: Class: Class 1: Less than 1%

9.0 Consultations

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

Consultees

1. **Natural England**

No consultation response received to Appropriate Assessment completed by the Council's Environmental Assessment Team on 28th June 2024.

2. **Southern Gas Networks**

Plans provided showing location of SGN assets within proximity of site – medium and low pressure mains, connections, poles.

3. **Dorset Council – Highways Engineer**

No objection subject to condition to secure turning/manoeuvring and parking construction as submitted.

4. **Dorset Council - Trees (East & Purbeck)**

No objection subject to condition requiring implementation of Tree Protection and landscaping condition to replace lost hedges / trees on western site boundary.

5. Dorset Council - Flood Risk/ Drainage Engineer

Verbal comments 28/11/23:

Groundwater flooding susceptibility but no ponding of surface water on the site so flood risk unlikely.

Surface water drainage scheme submitted – surface water will be piped to existing attenuation tank and discharged to water course on other side of road (as per existing dwellings).

Attenuation tank has capacity including for climate change allowance.

No objection. Condition implementation of details.

6. Dorset Council - Building Control

No comments received.

7. Dorset Council – Minerals and Waste Team

Part of the site where the proposed development is located is not within the Minerals Safeguarding Area.

In this case, the mineral safeguarding requirement is waived, and no objection will be raised to this proposal on mineral safeguarding grounds.

8. East Stoke Parish Council

Overdevelopment of the site

Is there a need for an additional property when the recently built ones have not been sold?

The CIL for the whole site needs to be investigated

Confirmation is required that the proposed property will be on mains drainage

9. Ward Member(s) – Cllr Brooks prior to May 2024 local elections

Object strongly.

The existing houses have not sold despite a reduction in price.

Houses are too small, with very little room for a family to actually live in.

Little or no room in the gardens - a shed, which would be a necessity, would take up a lot of the available space.

There are no garages.

Proposed dwelling seems even smaller and not in keeping.

History of submitting single applications for the avoidance of CIL on this site which I consider to be a material consideration.

Flooding from surface water at the rear when we have severe weather conditions.

Concerns over the shared sewage facility.

Over development of the site.

Representations received

A site notice was displayed to the front of the application site. One third-party neighbour representation was received.

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

Summary of comments of objections:

Trees on boundary covered by TPO. Majority of natural boundary decimated by development. Further development will damage remaining trees.

Site already overdeveloped.

More drainage problems and noise. Risk of noise will increase by side door instead of front.

10.0 Duties

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

10.2 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

The Purbeck Local Plan (2018-2034) Adopted 2024 – Date of adoption 18/07/24

Policy V1: Spatial strategy for sustainable communities

Policy E1: Landscape

Policy E4: Assessing flood risk

Policy E5: Sustainable drainage systems (SuDs)

Policy E7: Conservation of protected sites

Policy E8: Dorset heathlands

Policy E9: Poole Harbour

Policy E10: Biodiversity and geodiversity

Policy E12: Design

Policy H2: The housing land supply

Policy I2: Improving accessibility and transport

Policy I3: Green infrastructure, trees, and hedgerows

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.

The revised NPPF 2023 introduced a reduced housing land supply requirement for local planning authorities that have met certain criteria as set out in paragraph 266 of the NPPF. This relaxes the requirement to demonstrate 5 years' worth of deliverable housing sites for Local Planning authorities that meet certain requirements. Dorset Council does not currently benefit from the provisions of paragraph 226 and therefore must demonstrate a five-year supply. In the Purbeck area the published supply position of 3.73 years means the tilted balance in paragraph 11 of the NPPF is engaged for every application. The delivery of additional housing to meet the shortfall in supply should therefore be given significant weight in planning decisions.

Emerging Neighbourhood Plans

N/A

National Planning Policy Framework

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant

policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

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

Section 5 'Delivering a sufficient supply of homes' 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 indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

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

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

Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 182). Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Other material considerations

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Nitrogen Reduction in Poole Harbour SPD Adopted

Consultation Report - Nitrogen Reduction in Poole Harbour SPD

Consultation Statement - Nitrogen Reduction in Poole Harbour SPD

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

Bournemouth, Poole and Dorset residential car parking study May 2011 – guidance.

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

Dorset Level 1 Strategic Flood Risk Assessment 2024

Purbeck District design guide supplementary planning document adopted January 2014.

Purbeck Housing Land Supply report (April 2023)

The Dorset heathlands planning framework 2020 - 2025 supplementary planning document adopted March 2020.

British Standard 5837:2012 Trees in relation to design, demolition and construction – recommendations.

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

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

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

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

It is considered that the proposed development would not disadvantage persons with protected characteristics.

14.0 Financial benefits

What	Amount / Value
Material Considerations	
N/A	N/A
Non-material Considerations	
Council Tax	£2427.03 (based on average Council Tax Band D)
CIL	To be collected in accordance with SPD contribution requirements

15.0 Environmental Implications

15.1 The proposal is for a single dwelling which will be constructed to current building regulations standards. Suitable drainage will prevent any additional impact on terms of flood risk. Landscaping and biodiversity measures will be secured.

16.0 Planning Assessment

Principle of development

- 16.1 The proposal would supply an additional dwelling in accordance with Policy H2 of the Emerging Purbeck Local Plan. However, the application site is located outside a settlement boundary and in the countryside as defined by Policy V1: Spatial strategy for sustainable communities and the settlement hierarchy of the Purbeck Local Plan. Paragraph 180(b) of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Impact of the proposal on the countryside is therefore a key consideration.
- 16.2 Application 6/2019/0090 for the 6 dwellings erected on the site noted that the replacement dwellings would not harm the intrinsic character and beauty of the countryside at this location as the principle of demolition and replacement was long established. The dwellings were located within an area of land outlined on the Council's Brownfield Register Part 1 (Ref: BR/11/003) and the site was considered to be suitable, available, and achievable for housing development. For these reasons, the proposed dwellings were acceptable in accordance with the Local Plan policy in place at that time - Policy CO of the Purbeck Local Plan 2012.
- 16.3 Officers considered the same issue of impact on the countryside in relation to the formerly refused application for an additional end of terrace dwelling (P/FUL/2021/05599). It was determined that the built form of the approved and implemented dwellings (6/2019/0090) already exceeded the western edge of the former hotel annexe footprint and resulted in additional mass above the 1.5 storey former chalet bungalow accommodation. Officers considered that the addition of a single dwelling on the end of the existing terrace, outside the area of land on the Brownfield Register, could not be considered as a 'replacement building' within the countryside in the same manner as the former application for six dwellings; the new

dwelling did not accord with Policy CO (in place at that time). In addition, at the time of determination of P/FUL/2021/05599, the Purbeck Area had a deliverable housing supply equivalent to 5.15 years, the principle of 'tilted balance' was not triggered, and the proposal was found to be contrary to policy.

- 16.4 The additional dwelling proposed by the current application would again result in a built form within the countryside that would extend beyond the identified brownfield land and would exceed the western edge of the former hotel annexe footprint. It does not fall within any of the criterion of paragraph 84 of the NPPF in respect of the development of isolated homes in the countryside.
- 16.5 Officers have re-considered whether the additional dwelling would form an acceptable and effective use of land given the previously developed land (PDL) classification of the former application site. The NPPF definition of PDL is as follows:
- 'Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure...'***
- 16.6 Whilst the application site is located outside the red line of the brownfield land register listing, it is considered to fall within the curtilage of previously developed land. Nevertheless, it should not be assumed that this means that the site should be developed.
- 16.7 However, the Council is no longer able to demonstrate a 5-year housing supply for the Purbeck Plan area, and therefore the housing policies in the Purbeck Local Plan 2024 are considered to be out of date. In accordance with paragraph 11(d) and footnote 8 of the NPPF, the principle of 'tilted balance' is to be applied to the assessment of this application (see housing delivery test section below). It is necessary for officers to consider whether the proposal would result in harm to any protected areas or assets of particular importance as identified in the NPPF, or whether the adverse impacts of granting planning permission would result in harm that would be significantly outweighed by the benefits of the provision towards the housing supply.

Affordable Housing Provision

- 16.8 The officer report for former application 6/2019/0090 confirmed that the former single planning unit of the site had, through various consents and changes to planning units, been subdivided into separate planning units (of which the former annexe was one) and that this process – which had not been manipulated – produced exemption from affordable housing provision. The application did not meet Planning Practice Guidance requirements in relation to affordable housing provision and none was required as part of the scheme.
- 16.9 Updated Planning Practice Guidance (Planning Obligations - Paragraph: 023 Reference ID: 23b-023-20190901) states:

Planning obligations for affordable housing should only be sought for residential developments that are major developments...

For residential development, major development is defined in the National Planning Policy Framework as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.

In designated rural areas local planning authorities may instead choose to set their own lower threshold in plans and seek affordable housing contributions from developments above that threshold...

- 16.10 Policy H11: Affordable Housing of the Purbeck Local Plan 2024 sets a lower affordable housing threshold for designated rural areas and requires the provision of 20% affordable housing – in the form of a commuted sum - for proposals of 2 – 9 dwellings. The current proposal for a single dwelling does not trigger the new affordable housing requirement.

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

- 16.13 The development site is positioned in the countryside and is surrounded by agricultural land apart from the new development of six dwellings and Kemps Hotel to the east. The six approved dwellings are complete and sold / subject of marketing. The houses are set back from the road (A352) with an informal grass area, parking, and landscaping to the front.
- 16.14 The two existing terrace blocks are very similar in design and appearance. They comprise two gable ended properties and a central pitched roof property with dormer window feature. At ground floor level, projecting windows and porch canopies are recurrent features. The two blocks measure approximately 17.5m by 9.5m with a 1m gap in between and wider spaces to each side. The dwellings have been orientated East - West to face the road. At its highest point, at the top of the gable, the buildings are approximately 9m high. Chimneys are included on the front roof slope and design features replicate those of Kemps Hotel.
- 16.15 Neighbour comments have raised concern over the additional built development including overdevelopment of the site, encroachment on the western boundary, and harm (historic and new) to landscape screening which has historically softened built development on the site. The former refusal for a larger new dwelling (P/FUL/2021/05599) identified that the proposal would cause harm to the spacious rural western edge of the development and would not make a positive contribution or enhancement to the prevailing rural character and appearance of the area.
- 16.16 The new dwelling would form a continuation of the existing western terrace of three dwellings and would not appear incongruous within the street scene. It would be of the same size, height, design, and external appearance as the recently approved extension to Plot 1 (P/HOU/2022/06608) and would relate well to the built character of its setting. An area of side garden is retained between the proposed extension and the western site boundary, retaining a greater width than was proposed as part of the previous refusal for an attached dwelling. The existing open and green character on the western edge of the site is better retained with a reduction in perceived intrusion into the countryside. Overall, the scale, design, and external appearance of the proposal is considered acceptable within its setting.

- 16.17 Materials are to match the existing development and include white render and hanging tiles on the walls, clay effect roof tiles and upvc sash windows as detailed on the submitted plans and within the application form.
- 16.18 The Council's Tree Officer has recommended that a condition is included on the decision requiring a landscaping and planting plan for the western boundary of the site to restore much of the boundary screening that has previously been lost. This will serve to soften the impact of the new and existing development within countryside views, thereby delivering betterment to the countryside character (condition 6).
- 16.19 In summary, officers consider that the combination of the reduced width of the dwelling, the retention of a wider area of garden to the side and betterment to be secured in the form of landscaping and planting conditions, is sufficient to overcome the previous reason for refusal on character grounds. The proposal is considered to accord with Policy E12: Design of the Purbeck Local Plan 2024.

Impact on the Dorset National Landscape (formerly known as AONB)

- 16.20 The land on the opposite side of the A352 is designated as part of the Dorset National Landscape (DNL) (formerly known as AONB). The 'Landscape Character Assessment and Management Guidance for the Dorset AONB' (2008) describes this part of the DNL as 'Frome Valley Pasture'. It notes that the landscape in this area is typified by a flat river flood plain with small wet woodlands, wet winter flooded grass lands, and an extensive pattern of water meadows. The Assessment states that the character of the landscape in this area is strong but also notes that pylons and roads running close to valley floor do cause harm to the condition of the landscape.
- 16.21 The proposed dwelling is located within the curtilage of the existing development and Kemps House with additional soft landscape proposed. As such, officers consider that the proposal would avoid adverse impacts on the landscape character of the DNL to the south, and the proposal accords with Policy E1: Landscape of the Purbeck Local Plan 2024.

Impact on neighbouring and future occupier amenity

- 16.22 The closest neighbouring home to the west (Grange View) is approx. 80 metres away from the proposed dwelling. Comments of objection have been received from the occupants of this property in respect of noise, loss of the natural boundary, overdevelopment, and flood risk.
- 16.23 Existing trees and other vegetation screens views between the two dwellings. A landscaping condition will be applied to the decision to secure betterment in terms of additional planting which will further screen the additional dwelling in views from the west. In terms of noise, the residential use is not considered to result in additional demonstrable harm to the neighbouring amenity above that already established by the existing development of 6 dwellings.
- 16.24 Directly to the east, the new house would adjoin the existing terrace with no harmful impacts on neighbours. Impacts on neighbouring amenity are therefore considered

to be acceptable in accordance with Policy E12: Design of the Purbeck Local Plan 2024.

Amenity for future occupiers

- 16.25 The former Ward Member (Cllr Brooks) raised an objection to the proposal that includes concern over the small size of the proposed dwelling.

The NPPF (paragraph 63) notes that ‘.....*the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.....*’.

- 16.26 The Purbeck Local Plan 2024 is silent on the minimum space standards for properties, but officers consider that the living space provided remains an appropriate consideration in light of the requirements set out at paragraph 135 of the NPPF that developments should ‘*function well...*’ and ‘*create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...*’

- 16.27 The gross internal floor area of the proposed dwelling has been compared with the Nationally described space standards (DCLG guidance ‘Technical housing standards – nationally described space standard’ 2015) for new 2 bedroom dwellings in the table below. Officers have taken account of the impacts on low headroom on the useable gross internal. When the internal floor area provision is considered against the national standards (see table below), the usable floor space falls short.

Number of bed spaces	National minimum internal floor area (m ²)	Proposed total internal floor area (m ²)	Proposed ‘useable’ internal floor area (m ²)	Deficit (m ²)
4	79	69	62	10 – 17
3	70	69	62	1 - 8

- 16.28 As the table shows, the proposed level of internal floorspace provision for a 2-bedroom 3-person dwelling is below but does not fall significantly short of the nationally described space standard. In the absence of a local policy, officers consider that the proposed dwelling - whilst small in size - would provide an adequate standard of accommodation and amenity for future occupiers. The proposal is therefore considered to accord with paragraph 135 of the NPPF and Policy E12: Design of the Purbeck Local Plan 2024.

Impact on protected trees

- 16.29 There are a number of trees located along the western boundary of the site within proximity of the new dwelling. Some of the trees are protected by a Tree Preservation Order. The application is supported by a Tree Survey and Tree Protection Plan which has been considered by the Council’s Tree Officer. The Tree Officer has raised no objection subject to conditions in respect of implementation of the tree protection and a landscaping / planting scheme for replacement tree and hedgerow along the western boundary of the site in the interest of visual amenity. On

this basis, the proposal is considered to accord with Policies E12 and I3 of the Purbeck Local Plan 2024 in respect of tree impacts.

Flood risk and drainage

- 16.30 The Dorset Level 1 Strategic Flood Risk Assessment mapping indicates that the site to be in Flood Risk Zone 1, and in this respect the development would be acceptable. However, the mapping indicates that the site is in an area which is susceptible to groundwater flooding, and parts of the A352 in proximity of the site are at low risk of surface water flooding (1 in 1000-year extent). Officers have considered the available evidence in respect of flood risk from groundwater and have identified that drainage works undertaken in relation to the previous housing development have already reduced the flood risk to a low level so that a sequential test is not required.
- 16.31 The application form advises that surface water drainage will be dealt with by way of a soakaway. However, during the course of the application process, and in response to officer concerns, the applicant has submitted an alternative surface water drainage scheme for consideration. This details that surface water from the new dwelling will be collected by the existing attenuation tank on the site and discharged to a watercourse on the other side of the road (as per the existing dwellings). Should ground water levels rise, the existing attenuation tank has capacity – including for a climate change allowance – to store the additional water before discharge at an attenuated rate to the nearby watercourse. On this basis, the Council's drainage Engineer considers that the proposed scheme is acceptable.
- 16.32 Subject to a condition on the decision requiring full implementation of the submitted scheme, the proposal is considered to accord with Policies E4: Assessing flood risk and E5: Sustainable drainage systems of the Purbeck Local Plan 2024.

Highway impacts, safety, access, and car parking

- 16.33 The new dwelling would be accessed via the existing vehicular access to the site (as approved by 6/2019/0090). The Council's Highways Engineer has considered the arrangements for the additional dwelling and has raised no objection subject to a condition (no occupation until turning / parking provided) and informative note on the decision.
- 16.34 Two additional car parking spaces would be provided to serve the new dwelling and this accords with County Parking guidance.
- 16.35 The proposal is considered to accord with Policy I2 of the Purbeck Local Plan 2024.

Biodiversity impacts

Biodiversity Impacts

- 16.36 Condition 9 (Biodiversity Plan) of approval 6/2019/0090 for the residential development of 6 dwellings required the provision of three bat tubes to be built into the west elevation of the end of terrace dwelling (the parent dwelling). Photographs provided by the agent in respect of the approved householder application confirmed that the bat tubes had been provided on site since November 2022.

- 16.37 An informal response from the Council's Natural Environment Team has advised that if the application is approved, a condition is required on the decision requiring the bat tubes to be checked for use by an ecologist with a bat licence prior to the construction of the dwelling, and for the tubes to be replaced like for like on the western elevation of the new dwelling (condition 3). This will ensure that the requirements of the implemented Biodiversity Plan for the site continue to be met in accordance with Policy E10: Biodiversity and geodiversity of the Purbeck Local Plan 2024.

Appropriate Assessment

- 16.38 The application site lies within 5km but beyond 400m of Dorset Heathland which is designated as a Site of Special Scientific Interest and as a European wildlife site. The site also falls within the Poole Harbour Nutrient Catchment Area. The proposal for a net increase in residential units, in combination with other plans and projects and in the absence of avoidance and mitigation measures, is likely to have a significant effect on the sites.
- 16.39 An Appropriate Assessment has been undertaken in accordance with requirements of the Conservation of Habitats and Species Regulation 2017, Article 6 (3) of the Habitats Directive having due regard to Section 40(1) of the Natural Environment and Rural Communities Act 2006 and the NPPF, which shows that there is no unmitigated harm generated by the proposals to interests of nature importance. Mitigation in relation to impacts on Heathland and Poole Harbour will be secured through the CIL.
- 16.40 The proposed development is considered to comply with Policies E7: Conservation of protected sites, E8: Dorset heathlands, E9: Poole Harbour, and E10: Biodiversity and geodiversity of the Purbeck Local Plan 2024.

Other considerations

- 16.41 The former Ward member (Cllr Brooks) raised an objection to the proposal if the application has been submitted to avoid CIL contributions. The CIL payment for application 6/2019/0090 was fully discharged in October 2021. The current application is also CIL liable as detailed above.
- 16.42 The site lies within an area of minerals safeguarding. The Council's Minerals and Waste Policy team have been consulted on the proposal and have confirmed that there is no objection to the proposed development within the safeguarding area.
- 16.43 SGN (Southern Gas Networks) and SSEN (Scottish and Southern Electricity Networks) consultation responses have provided information in respect of their assets (pipes and cables) that may be affected by the proposal. An informative note is recommended on the decision in this respect.

Housing Delivery Test and 'Tilted Balance' Assessment

- 16.43 The revised NPPF 2023 introduced a reduced housing land supply requirement for local planning authorities that have met certain criteria as set out in paragraph 266 of the NPPF. This relaxes the requirement to demonstrate 5 years' worth of deliverable housing sites for Local Planning authorities that meet certain requirements. Dorset

Council does not currently benefit from the provisions of paragraph 226 and therefore must demonstrate a five-year supply.

16.44 The Purbeck area has a published housing land supply position of 3.73 years. Therefore, in accordance with paragraph 11(d) of the NPPF, it is judged that the Purbeck housing policies are out of date and a presumption in favour of sustainable development applies. In this case, the housing policies are the most important for determining the application, and permission should be granted unless:

i. The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

16.45 In this case, in light of the lack of a 5-year housing land supply and the principle of 'tilted balance', it is considered that the benefit of the dwelling towards the area housing supply is not outweighed by any identified adverse impacts of the proposal. Whilst the proposal does not meet the exceptions of paragraph 84 of the NPPF in respect of the development of isolated homes in the countryside, the adverse impacts of granting the consent on this site within the countryside are not considered to be so significantly and demonstrably harmful as to outweigh the benefits of the additional dwelling towards the area housing land supply.

17.0 Conclusion

17.1 For the above reasons, the application is judged to accord with the development plan as a whole.

18.0 Recommendation

Grant subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
9034/600 A Location & block plan
9034/601 A Proposed floor plans and Elevations
9034/602 Proposed street scene

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

3. Prior to the commencement of development, the bat tubes on the west elevation of the existing end of terrace dwelling - as provided in accordance with Condition 9 of the approved Biodiversity Plan for consent 6/2019/0090 -

shall be checked for use by a bat licensed ecologist. If bats are not found to be using the tubes, they shall be replaced like for like on the western elevation of the new extension. If bats are found to be using the tubes, the development must not commence until full details of proposed mitigation in the form of a Biodiversity Plan has first been submitted to and agreed in writing by the Local Planning Authority and the works shall be undertaken in accordance with the approved details.

Reason: In the interest of nature conservation and to ensure that the requirements of the approved Biodiversity Plan for the site (6/2019/0090) continue to be met.

4. Before any works commence on the site, the tree protection measures shown on Mark Hinsley Arboricultural Consultants Ltd Drawing 6822: Tree Survey and Tree Protection Plan shall be installed in accordance with the details shown and once erected, photographs of the fencing in situ shall be submitted to and approved by the Local Planning Authority prior to works commencing on this part of the site. The fencing shall remain in place for the duration of the construction works.

Reason: In order to prevent damage during construction to trees that are shown to be retained on the site.

5. The development hereby approved shall proceed only in accordance with the surface water drainage scheme by Such-Sallinger-Peters Consulting Engineers dated 16th November 2023 and submitted on 16th November 2023.

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

6. Prior to any development above damp course level, 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 provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years.

Reason: In the interest of visual amenity.

7. The external materials to be used for the walls and roof shall be similar in colour and texture to the existing building.

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

8. Before the development hereby approved is first occupied or utilised the turning and parking shall be constructed in accordance with the approved plans.

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 in the interest of highway safety.

Informative Notes:

1. The applicant(s) is (are) advised that the proposed development is situated in close proximity to the property boundary and "The Party Wall etc. Act 1996" is therefore likely to apply.
2. Informative: This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.
3. The applicant is advised to refer to Southern Gas Network's (SGN's) and Scottish and Southern Electricity Networks (SSEN's) consultation responses for this planning application, and also to refer to the guidance provided in respect of their assets in proximity of the proposed development.

4. Street Naming and Numbering

The Council is responsible for street naming and numbering within our district. This helps to effectively locate property for example, to deliver post or in the case of access by the emergency services. You need to register the new or changed address by completing a form. You can find out more and download the form from our website www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering

5. 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.

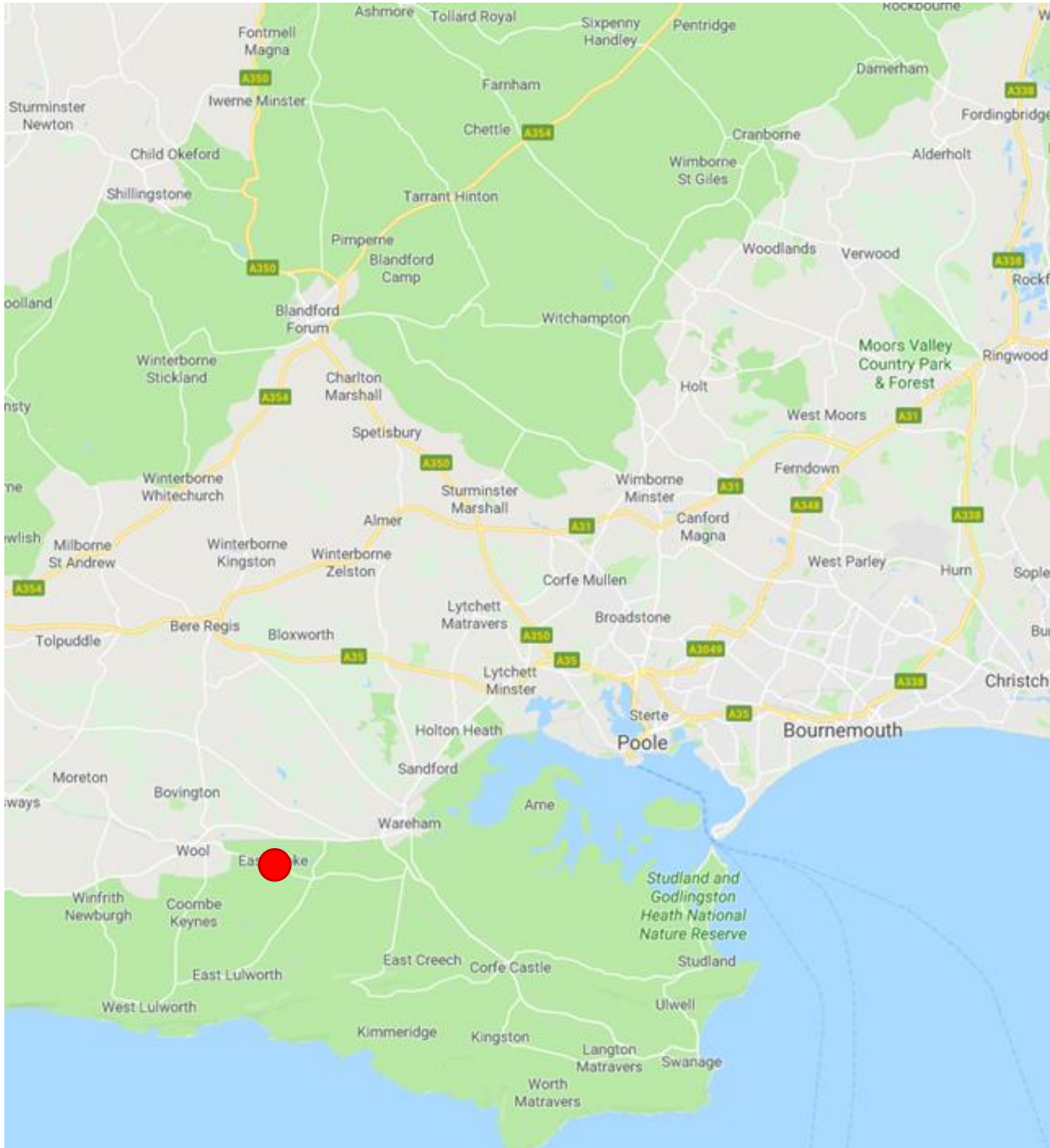
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● Approximate Site Location

Application reference: P/FUL/2023/03855

Description of development: Sever land and erect a dwelling with associated parking and access

Site address: Kemps Country House, Wareham Road, East Stoke



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Agenda Item 9

Eastern Area Planning Committee
31 July 2024

Application Number:	P/FUL/2024/00337		
Webpage:	Planning application: P/FUL/2024/00337 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Mushroom Field, Furzebrook Road, Stoborough		
Proposal:	Create vehicular access		
Applicant name:	Mr Matthew Jones		
Case Officer:	Cari Wooldridge		
Ward Member(s):	Cllr Wilson		
Publicity expiry date:	30 April 2024	Officer site visit date:	13/03/24
Decision due date:	3 June 2024	Ext(s) of time:	3 June 2024
No of Site Notices:	1 – on post to front of site / proposed access – site notices displayed for both original and amended plans		
SN displayed reasoning:	Visible from road and to all neighbours near proposed access		

1.0 The application comes before the Planning Committee for consideration at the request of the nominated officer.

1.0 Summary of recommendation:

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

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

- Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.
- Paragraph 11 of the National Planning Policy Framework (NPPF) sets out that decisions should apply a presumption in favour of sustainable development where it accords with an up-to-date development plan.
- The principle, scale, design, and impact of the development is acceptable and would not result in significant harm to the general character and appearance of the area.

- The proposal is acceptable in respect of impacts on highway safety, public rights of way, flood risk and drainage, biodiversity, and the Dorset National Landscape (DNL).
- There is considered to be no significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable -The application is supported by sufficient justification and evidence to determine that subject to condition, the proposal is acceptable in principle in the countryside.
Impact on the character and appearance of the area including the Dorset National Landscape (DNL) (former Area of Outstanding Natural Beauty (AONB))	Acceptable - The application is supported by sufficient justification and evidence to determine that subject to condition, the proposal is acceptable and would seek to further the purposes of conserving and enhancing the natural beauty of the Dorset National Landscape (formerly known as AONB).
Impact on neighbouring amenity	No demonstrable harm.
Impact on hedgerows and biodiversity	Acceptable subject to condition.
Highway Safety	Acceptable subject to condition.
Flood Risk / Drainage	Acceptable.

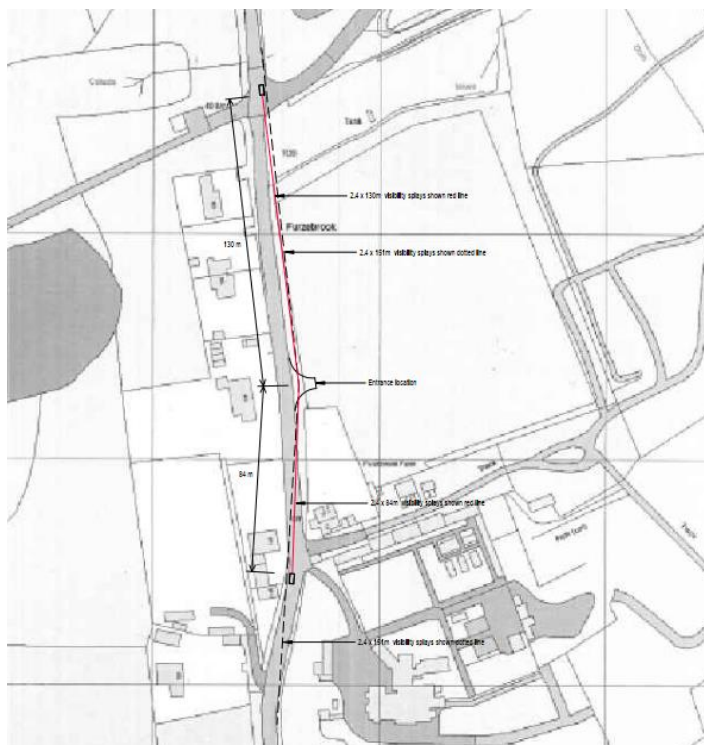
5.0 Description of Site

- 5.1 The application site consists of a relatively level area of land including highway grass verge, a stretch of native hedgerow, and a small area of agricultural field.
- 5.2 The site is located to the east of Furzebrook Road. The residential property of 136 Furzebrook Road lies opposite and the residential properties of 71 and 73 Furzebrook Road and their gardens are to the south.
- 5.3 Furzebrook does not have a settlement boundary and the site is located within the countryside. It is also within the Dorset National Landscape.

6.0 Description of Development

- 6.1 The proposal is to create a new vehicular access to Mushroom Field off Furzebrook Road.

Location of proposed access:



7.0 Relevant Planning History

- 7.1 6/1977/0527 - Erection of an overhead line, on wood poles – Granted 23/11/1977.
- 7.2 P/FUL/2023/05723 - Create new access from Furzebrook Road – Refused 13/12/2023. Reasons for refusal:

'1. By reason of a lack of supporting information and justification, officers are unable to determine that the proposed new access is essential within the countryside location and would not result in significant adverse visual, ecological or traffic movement impacts. The construction of the new access and the associated loss of 6 m of hedgerow would not make a positive contribution to the local landscape character, biodiversity, and the intrinsic character and beauty of the countryside in the rural location. As such, the proposal is contrary to paragraph 174b of the NPPF and Policy CO: Countryside of the Purbeck Local Plan 2012.'

2. Given the lack of submitted justification of the essential or public interest need for the new access, officers are unable to determine that the proposal would not result in harm to the appearance, setting, or character of the National Landscape (AONB) As such, the proposal is contrary to paragraphs 174 (a), 176, and 177 of the NPPF; Policies LHH: Landscape, historic environment and heritage and D: Design of the Purbeck Local Plan 2012; and Policy C1(a) of the Dorset AONB Management Plan 2019 – 2024.

3. On the basis of the submitted information, officers are unable to determine that the proposal would not result in harm in respect of highway safety at the junction with Furzebrook Road and traffic movements associated with the use of the field. As such, the proposal is contrary to paragraphs 110 and 111 of the NPPF and Policy IAT: Improving Accessibility and Transport of the Purbeck Local Plan 2012.'

8.0 List of Constraints

Poole Harbour Nutrient Catchment Area; Poole Harbour

Neighbourhood Area; Name: Church Knowle; Status Designated 23/05/2022

Risk of Surface Water Flooding Extent 1 in 1000 (low risk) - across part of the proposed access

Groundwater – Susceptibility to flooding – entire site access

Dorset National Landscape (formerly known as Area of Outstanding Natural Beauty (AONB)) - statutory protection - Local Planning Authorities should seek to 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)

Site of Special Scientific Interest (SSSI) impact risk zone – To enable the identification of potential risk posed by development proposals to nearby SSSIs, SACs, SPAs and Ramsar sites – not relevant for proposed vehicle access.

Dorset heathlands - 400m heathland buffer

Poole Harbour Catchment Area

Minerals and Waste: Safeguarding Area & all Clay Consultation Area

Radon: Class: Class 1: Less than 1%

ONR Winfrith : Magnox 12km zone & Tradebe Inutec_12km_zone

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

Natural England Designation - RAMSAR: Poole Harbour (UK11054) - Distance: 2688.56 & Dorset Heathlands (UK11021) - Distance: 3158.16

9.0 Consultations

- 9.1 The application was advertised by site notice to the front of the site. A new site notice was displayed providing notification of the receipt of amended plans. All consultee responses can be viewed in full on the website.

Consultees

1. Ramblers Association

No comments received to original or amended plans.

2. Dorset Wildlife Trust

No comments received to original or amended plans.

3. Dorset National Landscape (AONB) Team

Original Plans:

The Council's duties toward the National Landscape have recently been updated.

Given the similarities between this application and P/FUL/2023/05723, the National Landscape Team's observations are largely unaltered.

Management Plan Policy C1.a. states that Development that does not conserve and enhance the AONB will only be supported if it is necessary and in the public interest.

The need for the new access is not clearly evidenced, although the desire for this is now explained in greater detail.

Were a new access deemed to be strictly necessary, impacts would need to be minimised in terms of width and the construction specification.

The proposed 6 m double gated arrangement is wider than commonly required.

The specification for construction of the access is not detailed.

Amended plans:

No comments received.

4. Dorset Council Rights of Way Officer

No objection. Throughout duration of development the full width of the public bridleway must remain open and available to the public, with no materials or vehicles stored on the route.

5. Dorset Council Highways Officer

Original Plans:

Further information required to assess highway and traffic impacts.

Amended Plans:

Applicant has submitted further information and amended visibility splays to support the proposal.

The visibility splays must be achievable within the highway control or applicant's land. It is reasonable for the splay to the south to be taken to the nearest tangent point along the carriageway edge but equally unlikely for vehicles to be overtaking on a bend and speeds will reduce accordingly to the road alignment.

The applicant states that there is no existing or alternative vehicular access from the application site.

The applicants swept path drawing exceeds typical access radius for agricultural use and demonstrates for the use of vehicle/s proposed predicted to be 10 two-way movements per day, with capacity on site for turning in a forward gear.

Site has been visited and proposal fully assessed.

No objection subject to conditions and informative notes.

6. Church Knowle Parish Council

Original Plans:

Concur with the reasons given by Dorset Council for the refusal of P/FUL/2023/05723.

Further observe that the proposal is within 400m of protected heathland.

Amended Plans - Comments received late on 15/05/24:

Object.

Works within 400m of SSSI.

There is an existing entrance to field.

Will involve building over culvert.

Re-submission of application that was refused (P/FUL/2023/05723) – Parish Council concurs with conclusions of the officer's report.

7. Ward Members- Cllr Brooks prior to May 2024 local elections

Original Plans:

Noted the comments from Landscape England about additional evidence submitted.

Trying to balance the requirements of the new guidance with the needs of agriculture and whether it would be in the public interest, I feel the applicant has tried hard to address these.

No objection

Amended Plans:

No objection.

Representations received

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

Summary of comments of objection:

- Furzebrook Road has an unrestricted speed limit, no pavements, no lighting, along with bad drainage, making it dangerous for pedestrians and cyclists.
- More development could create even more traffic.
- Loss of section of hedgerow will impact on declining wildlife.
- There is already access to Mushroom Fields at Furzebrook farm.
- Cumulative impact of lots of development on residents.

- Speculation that the applicant is planning to use field as a car park for a Garden Centre and Tearooms.
- No public benefit.
- Vehicles are already able to access the field as evidenced by SSE maintenance.
- There is no evidence of traffic 'backing-up' at existing entrance.
- Existing access could be widened.
- Will urbanise countryside.
- Access from Furzebrook Farm onto Furzebrook Road is less than ideal but standard farm gate should suffice.
- Verges do not need destroying by implementing hard surface splaying of the entrance, which may adversely impact on the surface water drainage of Furzebrook Road.

10.0 Duties

- 10.1 s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.
- 10.2 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

The Purbeck Local Plan (2018-2034) Adopted 2024 - date of adoption 18/07/24

Policy V1: Spatial strategy for sustainable communities

Policy E1: Landscape

Policy E4: Assessing flood risk

Policy E10: Biodiversity and geodiversity

Policy E12: Design

Policy I2: Improving accessibility and transport

Policy I3: Green infrastructure, trees, and hedgerows

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.

Emerging Neighbourhood Plans

Church Knowle Neighbourhood Plan- In preparation – limited weight applied to decision making.

National Planning Policy Framework

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

Other relevant NPPF sections include:

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

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

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

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

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

Section 15 'Conserving and Enhancing the Natural Environment' - In Areas of Outstanding Natural Beauty (National Landscapes) great weight should be given to conserving and enhancing the landscape and scenic beauty (para 182). Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Other material considerations

Dorset AONB Landscape Character Assessment

Dorset AONB 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.

Purbeck District Design Guide SPD

Purbeck Strategic Flood Risk Assessment 2018

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

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

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

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

13.3 It is considered that the proposed development would not disadvantage persons with protected characteristics.

14.0 Financial benefits

14.1 None.

15.0 Environmental Implications

15.1 The proposal is for a new vehicular access to an agricultural field. Replacement native hedgerow planting will be secured.

16.0 Planning Assessment

Proposal

16.1 As with the former refused application (P/FUL/2023/05723) the current proposal is to create a new vehicular access to serve an area of agricultural land known as 'Mushroom Field' (4.31 acres) which is located to the east of Furzebrook Road. The application site includes the new entrance and areas of highway verge for the proposed visibility splays.

16.2 Opposite and to the south are residential dwellings and Furzebrook Farm. To the north of the field is an 'Imerys' Ball Clay works site exit and a dividing narrow area of woodland. To the east of the field is agricultural land and heathland that appears to form part of the Furzebrook Estate / Blue Pool visitor attraction.

16.3 The original plans proposed:

- New vehicular access 6 m wide allowing for a double timber gate (5 bar) set back 10m from the nearest edge of Furzebrook Road.
- Removal of approx. 6 m of hedgerow along Furzebrook Road with replanting proposed along both side of the new access.
- An inward opening gate set back 10m from the nearest edge of Furzebrook Road with a gravel finish surface proposed up to the highway.
- Visibility splay of 3 m x 40 m along Furzebrook Road.

16.4 In response to Case Officer and Highway Engineer comments, amended plans were submitted during the application process proposing:

- New vehicular access 4.8 m wide allowing for single brace wooden field gate set back 10m from the nearest edge of Furzebrook Road.
- Radius at site entrance of 10 metres to accommodate single unit trucks and tractors etc without encroaching onto opposite of road.
- Amended visibility splay of 2.4 m x 151 m along Furzebrook Road.
- Removal of approx. 6 m of hedgerow along Furzebrook Road with replanting proposed along both side of the new access.

16.5 A full 14-day re-consultation was undertaken on the amended plans from 11th April to 25th April 2024. This included the display of a new site notice to the front of the application site.

Application justification

- 16.6 The former application was refused on three grounds (detailed in history section above), two of which included a lack of supporting information and justification to determine that the proposal was acceptable within the countryside and Dorset National Landscape. The current application must therefore be supported by adequate information and justification to demonstrate that:
- (i) the proposed access is essential within the countryside location and would not result in significant adverse visual, ecological or traffic movement impacts.
 - (ii) the construction of the proposed access and the associated loss of 6 m of hedgerow would make a positive contribution to the local landscape character, biodiversity, and the intrinsic character and beauty of the countryside in the rural location.
 - (iii) the proposed access is essential or in the public interest, and would not result in harm to the appearance, setting, or character of the Dorset National Landscape (formerly known as AONB).
- 16.7 In addition, the application needed to demonstrate that the proposed access would not result in harm in respect of highway safety at the junction with Furzebrook Road and traffic movements associated with the use of the field.
- 16.8 The submitted Design and Access Statement (D & AS) (dated 15th January 2024) and additional supporting information submitted in March 2024 advises that
- There is no formal access to Mushroom Field through Furzebrook Farm due to division of the Furzebrook Estate in 2019.
 - Vehicles approaching the field must turn off the highway into a narrow-shared entrance (3m wide at Furzebrook Farm to the south) forcing vehicles to ‘swanneck’ onto the opposite carriageway.
 - The shared entrance offers poor visibility due to the location on a bend and walls either side. Shared use of the track forces heavier vehicles to wait.
 - The only current access to the field is narrow, between old kennels and cold stores. There is limited visibility. There is an old Victorian sewage system beneath the access- there are concerns that this will cause damage so vehicles park on the track and access is limited to by foot only.
 - Livestock cannot be moved onto / off the field without being walked along the carriageway
 - Lack of access to the field by vehicles and machinery renders the field unproductive. An existing sewer system that crosses the field cannot be maintained.
 - Photos provided to identify position of existing access space, sewer, low level powerlines. Aerial photo indicating that the existing access and ‘access space’ is within ownership of applicant:
- 16.12 The supporting information including a response to objections advises that:
- The proposed access will be safer than existing

- The proposal access will avoid further damage to and eventual collapse of existing sewage system beneath the existing access
- Replacement hedge screening will be of a native species and height to have immediate effect.
- A wider access would be preferable for transporting livestock but any access, even if narrower, would be beneficial
- Complaints re street lighting, pavements etc outside applicant control.
- SSE access caused damage and compensation has been received.

Principle of development

- 16.15 The new access is located outside a settlement boundary and in the countryside as detailed in Policy V1: Spatial Strategy for Sustainable Communities and the settlement hierarchy of the Purbeck Local Plan 2024 (PLP 2024). In accordance with Paragraph 180(b) of the NPPF, planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
- 16.16 The applicant has submitted justification and supporting information for the new access within the countryside and has revised the plans to reduce the width from a double gated 6m access to a single 4.8 m gated access. The supporting information confirms that the use of the access will be associated with the existing agricultural use of the land for the movement of livestock, tractors feed etc. Associated traffic movements would vary from none to up to 10 per day as would be expected for an agricultural field. On this basis the provision of the new access is considered to meet an essential agricultural need in the countryside and is not considered to result in any additional harm to character and beauty of the countryside from traffic movements.
- 16.17 The applicant advises that access to the field is already gained through an 'access space' to the north of the former Furzebrook Farm buildings. This has been indicated on submitted photographs (above) and assessed by the case officer. The access space is narrow and constrained by existing structures to each side and low-level electricity wires. A drain cover is located centrally in the 'access space' and it is understood that this serves the existing Victorian sewers. Officers acknowledge that this access is not ideal for larger vehicles that would normally be associated with the agricultural use of land such as tractors, large trailers and animal transportation.
- 16.18 The route to the 'access space' from Furzebrook Road is also narrow (approx. 3m) and restricted by boundary walling to each side and limited visibility to the south due to a bend in the road. Visibility to the north is better but it is acknowledged that this access is also not ideal for larger agricultural vehicles.
- 16.19 For these reasons, officers consider that sufficient justification and evidence has been provided by the applicant to demonstrate the agricultural need for a new access to the Field off Furzebrook Road in the countryside.
- 16.20 The construction of the new access and associated loss of 6 m of hedgerow is to be compensated by the planting of 6m of hedgerow to each side of the new access (north and south). The applicant has confirmed that the landscape planting will be native and of a height to ensure immediate screening. This is considered to provide

an acceptable level of landscape and biodiversity mitigation and can also be secured by way of condition on the decision (no. 9).

- 16.21 In summary, officers consider that the application is supported by sufficient justification, evidence, and mitigation to determine that the proposal is acceptable in principle and would not cause harm to the intrinsic character and beauty of the countryside setting in accordance with paragraph 180 of the NPPF.

Impact on the character and appearance of the area including the Dorset National Landscape (DNL) (former Area of Outstanding Natural Beauty (AONB))

- 16.22 The application site is located in the countryside and Dorset National Landscape (formerly AONB). 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).

- 16.23 Purbeck Local Plan Policy E1: Landscape requires proposals to conserve and enhance the natural beauty of the area; be of an appropriate appearance, scale, height, layout, and design; and be appropriate in other effects on landscape character and visual quality. Development that significantly adversely affects the character, or visual quality, of the local landscape or seascape, in the protected area will not be permitted. 16.24 The Dorset National Landscape Team was consulted on the original plans and drew attention to Policy C1(a) of the Dorset AONB Management Plan which states that:

‘Development that does not conserve and enhance the AONB will only be supported if it is necessary and in the public interest.’

- 16.25 As noted in the ‘principle of development’ section above, officers consider that the essential need for the new access in the countryside has now been satisfactorily evidenced by the applicant. In addition, the amended plans submitted during the application process have reduced the width of the vehicular access to that which would be considered necessary for the agricultural use of the field served. Compensatory hedgerow planting to each side of the access will be conditioned to be native and of a height where it will provide an immediate screen in the wider landscape. The single gate now proposed is much more acceptable in width and similar to many others serving agricultural fields in the countryside. The gravel finish of the access will be reduced in extent due to the revisions and a condition can be included on the decision requiring details of the finish to be submitted for approval to ensure acceptability within the DNL. On this basis, it is now considered that the proposed development is necessary for the agricultural use of the field and forms appropriate development that conserves and enhances the DNL without significant adverse effects on its character and visual quality.

- 16.26 However, the AONB Management Plan policy also requires that the development is in the ‘public interest’ and 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).

- 16.27 To further the purposes of conserving and enhancing the natural beauty of the DNL it is considered that a condition should secure additional landscape screening in the form of native hedgerow planting across the former ‘access space’ (condition 9).

- 16.28 In terms of the public interest, the closure of the existing access space and the creation of the new access on the straight stretch of Furzebrook Road will reduce

perceived highway safety concerns of agricultural vehicles accessing the site on the bend at the former Furzebrook Farm buildings and other concerns regarding harm to the historic sewers which lie below this 'access space'.

- 16.29 As such, the proposal is now considered to comply with paragraphs 174 (a) and (b), 176, and 177 of the NPPF; Policy E1 of the Purbeck Local Plan 2024, and Policy C1(a) of the Dorset AONB Management Plan 2019 – 2024.

Impact on neighbouring amenity

- 16.30 The proposed access is located opposite residential dwellings. Objections have been raised by occupiers on a number of issues and these are addressed in other sections including the potential impact of the proposed development in terms of additional traffic movements and road safety.
- 16.31 In terms of impact on neighbouring amenity, officers consider that the proposed access would not result in demonstrable harm in respect of loss of privacy or other neighbouring amenity (disturbance, unacceptable light pollution etc). Whilst there would be a change to the outlook from 136 Furzebrook Road (opposite), the right to a view is not a material planning consideration and impacts are considered to be acceptable in accordance with Policy E12: Design of the Purbeck Local Plan 2024.

Impact on hedgerows and biodiversity

- 16.32 The new access would result in the removal of an area of hedgerow extending to 6m in length with compensatory hedgerow planting proposed. A biodiversity checklist has been submitted with the application which confirms that a Preliminary Ecological Appraisal is not required. However, it is noted that works should avoid the bird nesting season, or a pre-works nesting bird check will be required. Since this is covered by other legislation, a wildlife informative note can be included on the decision to this effect (no. 3).
- 16.33 In terms of the hedgerow loss, the submitted planning statement advises that replacement hedgerow planting is proposed along the north and south boundaries of the access way as indicated on the submitted plans. The applicant has confirmed his agreement to this being of a native species and height for immediate screening effect to avoid harm to the DNL. This can be secured by way of a condition on the decision. Additional planting along the existing 'access space' to no longer be used and close off has also been requested by the case officer to further landscape screening within the DNL. This can also be secured by condition (no. 8). On this basis, the proposal is considered to accord with policy E10: Biodiversity and geodiversity of the Purbeck Local Plan 2024.

Highway safety

- 16.34 Neighbour objections to the proposal have raised concerns over increased traffic in the summer, whether there would also be a separate exit from the field on the nearby bend, and safety to other road users given lack of pavement. They have also requested that DC Highways ensures that the underground surface water drainage pipes are not damaged by the proposed works.
- 16.35 The above sections consider the closure of the existing 'access space' and additional landscape screening to provide enhancement within the DNL. In respect of the

condition and / or maintenance of the existing drainage pipes across the field, this is a matter for the utility provider and does not fall within the remit of this application.

- 16.36 Consultation has taken place with the Council's Highway Engineer who requested amended access visibility splays and further traffic movement information during the application process. The applicant provided the information requested and the amended plans were subject of a full 14 day re-consultation with the Engineer which included a site visit.
- 16.37 In their re-consultation response, the Highway Engineer advised that Furzebrook Road is a C classified road, predominately carriageway with verges. The visibility splays required for the access must be achievable within the highway control or applicant's land. It is reasonable for the splay to the south to be taken to the nearest tangent point along the carriageway edge, but equally unlikely for vehicles to be overtaking on a bend and speeds will reduce accordingly to the road alignment. The Engineer notes that the applicant's swept path drawing exceeds that of a typical agricultural access radius but nevertheless demonstrates suitability for the use of the vehicle/s predicted - to be 10 two-way movements per day - with capacity on site for turning in a forward gear. On this basis the Engineer raises no objection to the proposed access subject to conditions and informative notes on the decision.
- 16.38 The Engineer does however note that the applicant states that there is no existing or alternative vehicular access from the application site. The case officer notes that a vehicle could access the field through the existing 'access space' to the north of the former Furzebrook Farm buildings - albeit this access is restricted in width and constrained by the historic sewers below. Neighbour comments suggest that SSE vehicles obtained access to the field through this space for recent maintenance work. The applicant advises that normally access to this field is only obtained on foot with all vehicles parked in the adjacent access track to the south.
- 16.39 A condition on the decision will require the permanent closure of this 'access space' thereby ensuring that vehicle access to the field is via a single access only in order that the proposal is acceptable in respect of highway safety and traffic movements (condition 8). As such, the proposal complies with Policy I2 of the Purbeck Local Plan 2024.
- 16.40 The Engineer has requested that details of turning and parking provision are provided by way of condition. Officers do not consider that this condition is necessary or reasonable given the agricultural use of the field to which the access will be provided.

Flood Risk / Drainage

- 16.41 The proposed access is located in an area by the Council's Strategic Flood Risk Assessment as being vulnerable to surface water flooding at the 1 in 1000-year period (low risk) and is also on the edge of an area susceptible to ground water flooding. The proposed access was discussed with the Council's Drainage Engineer as part of the former application process who advised that given the application is for access works only, and a permeable gravel finish is proposed, no objection is raised to the proposal. As such, it is considered to accord with Policy E4 of the Purbeck Local Plan 2024.

Other considerations

- 16.42 **Other uses of Mushroom Field** – Neighbours have raised concern over potential non-agricultural uses of the field should consent be granted for the new access. The current application is only able to consider the merits of the new access and cannot condition the use of the field which is outside the red line of the application site. However, it is noted that a change of use application or prior approval would be required for any non-agricultural use of the field unless this is on a temporary basis (in compliance with other permitted development restrictions and subject to any necessary Habitat Regulations consents). Should the neighbours identify any unlawful use of the field, this can be reported to the Council's Planning Enforcement Team for investigation.
- 16.43 **Church Knowle Parish Council Objection** – Church Knowle Parish Council (PC) raised an objection to the original plans submitted as part of the current application on grounds that the reasons for refusal of the former application remain applicable. In addition, the PC noted that the proposal is located within 400m of protected heathland. The case officer confirms that the access is within the 400m heathland buffer however no likelihood of harm to the integrity of the Heathland from the development is anticipated.
- 16.44 Late comments of objection were received from the PC on 15th May 24 in response to the amended plans and additional information submitted during the application process and subject of re-consultation in March 2024. In addition to the above, the comments noted that there is an existing access to the field and that the works will involve building over a culvert. The Council's Drainage Engineer has been consulted on the potential building over a culvert and has confirmed that the Council's records do not identify a culvert, water course or drainage ditch near the proposed access.

17.0 Conclusion

- 17.1 For the above reasons, the development proposed is considered to comply with policies V1, E1, E4, E10, E12, I2 and I3 of the Purbeck Local Plan 2024 and paragraph 180(b) of the NPPF. The proposal is considered to form sustainable development for the purposes of NPPF paragraph 11. There are no material considerations which indicate that permission should be refused. Approval is recommended subject to conditions.

18.0 Recommendation

GRANT subject to the following conditions and informative notes:

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:
J.09.2023-01 A Location Plan
J.09.2023-03 A Site Plan - Visibility Splay – Received 10/04/24
J.09.2023-04 A Site Plan - New Entrance – Received 10/04/24
Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to first use on the access, details (including colour photographs) of the gravel surfacing shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the details as have been agreed.
Reason: To ensure a satisfactory visual appearance of the development.
4. Before the development hereby approved is first utilised, the first 10m of the vehicular access, measured from the nearside edge of the carriageway, including the visibility splays, shall have been laid out, constructed, and surfaced, to a specification which shall have been submitted to, and agreed in writing by, the Local Planning Authority.
Reason: In the interest of highway safety.
5. Any entrance gates must be setback a minimum distance of 10 metres from the edge of the carriageway and hung so that the gates can only open inwards.
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.
6. Before the development hereby approved is first utilised, the visibility splay areas as shown on the approved plans must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 interest of highway safety.
7. Before the development is first utilised, the first 5.00 metres of any access, access crossing and drive must be constructed to a gradient not exceeding 1 in 12.
Reason: To ensure that the public highway can be entered safely.
8. Before the development hereby approved is first utilised, the existing 'access space' located to the north of the former Furzebrook Farm buildings as identified by a blue arrow on the annotated photograph submitted on 25th March 2024 must be permanently closed. Prior to closure, a plan indicating the location of the access space, the extent of enclosure, and full details of the method of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the enclosure shall be retained and maintained in accordance with the approved details.
Reason: To ensure a single access to Mushroom Field in the interests of highway safety.
9. Before the development hereby approved is first utilised, full details of the hedgerow replacement planting along the new vehicular access and new hedgerow planting along the closed 'access space' shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the planting species, height, number / density, and the proposed timetable for planting. Thereafter, the hedgerow planting shall be carried out in accordance

with the approved details and times. Any plants that within a period of five years after planting are removed, die, or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced as soon as it is reasonably practical with others of species, size and number as originally approved.

Reason: In order to preserve and enhance the visual amenity of the Dorset National Landscape and to ensure that the right hedgerow species is planted in the right place.

Informative Notes:

1. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at atdorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.
2. Informative: 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 County Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at Dorset Direct (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.
3. A contravention of the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2017 (as amended) and the Protection of Badgers Act 1992 may constitute a criminal offence to particular plants and animals. The grant of this consent does not override any requirements to notify Natural England or to comply with the legislation. All buildings and especially roof spaces can support bat roosts which may be damaged or disturbed by demolition, building works or timber treatment. Please note that all bats and their roosts are fully protected under law. It is a requirement of the legislation to notify Natural England of any operation which may affect bats or their roosts, even when the bats are apparently absent. The grant of this planning permission does not override any relevant statutory species protection provision contained within such legislation. For further advice on a particular species please contact Natural England or the Dorset Council Natural Environment Team: Tel: 01305 224931; Email: net@dorsetcouncil.gov.uk
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.

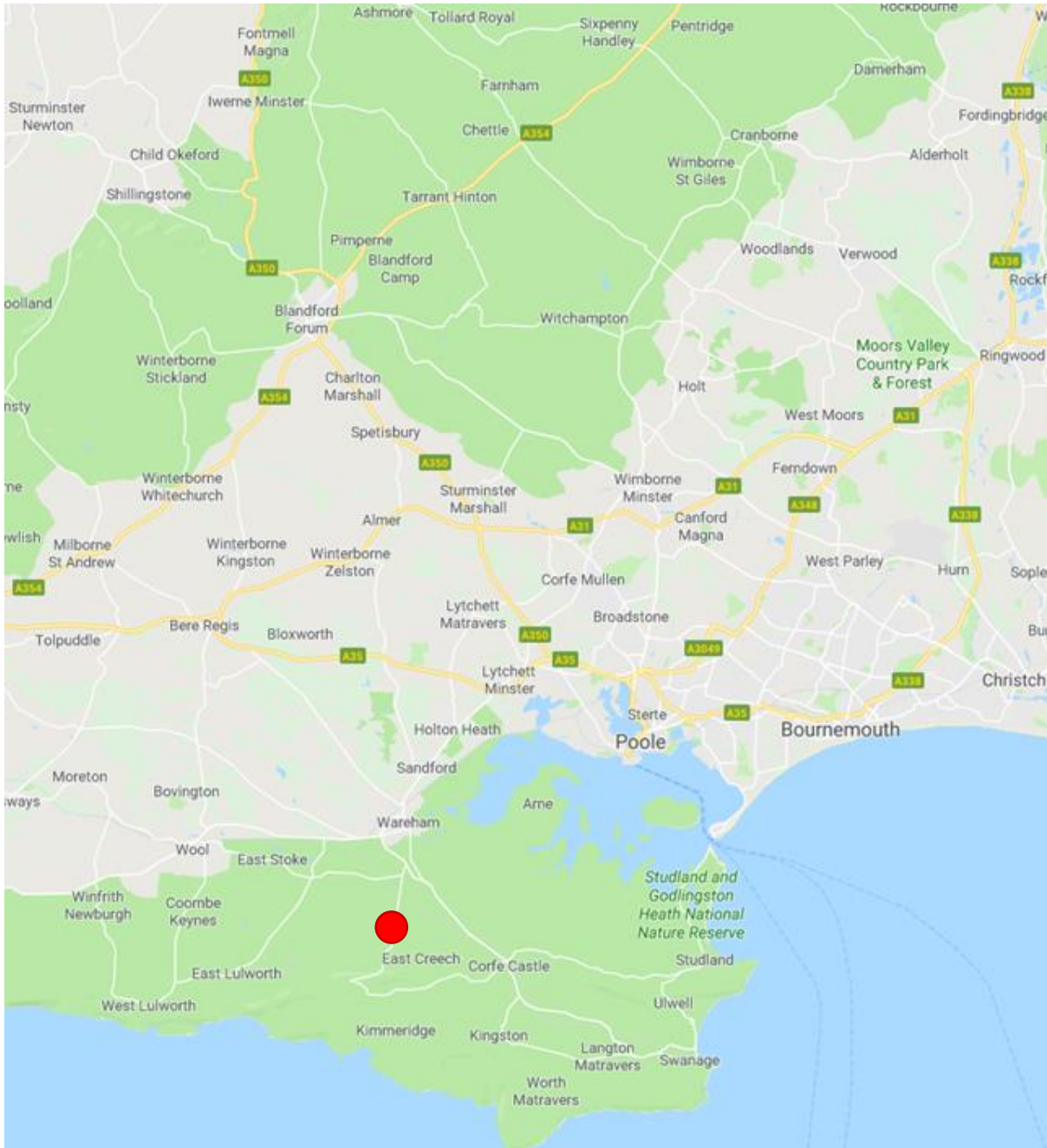
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● Approximate Site Location

Application reference: P/FUL/2024/00337

Description of development: Create vehicular access

Site address: Mushroom Field, Furzebrook Road, Stoborough



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Application Number:	P/VOC/2024/00411		
Webpage:	Planning application: P/VOC/2024/00411 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	33 Corfe View Road Corfe Mullen BH21 3LY		
Proposal:	Application to Vary Condition 2 of Approved P/A P/HOU/2022/04740 (Bungalow Conversion - extensions to form 2 storey dwelling) to amend plans.		
Applicant name:	Mr & Mrs Mills		
Case Officer:	Claire Hicks		
Ward Member(s):	Cllr Florek and Cllr Sowry-House		
Publicity expiry date:	14 April 2024	Officer site visit date:	24 June 2024
Decision due date:	21 June 2024	Ext(s) of time:	21 June 2024
No of Site Notices:	3		
SN displayed reasoning:	A site notice was displayed near to the front boundary of the site and between number 35. Another site notice was displayed near to the front boundary of number 31, and another site notice was displayed at Hillcrest Road which backs onto the site.		

1.0 This planning application is before the planning committee for consideration at the request of the Nominated Officer.

2.0 Summary of recommendation: Grant, subject to conditions

3.0 Reason for the recommendation: as set out in section 16.

The principle of development has been established. The proposal would reduce the size of the rear windows and the proposed external grey cladding would further soften the appearance of the building. The proposal is judged a suitable alternative to that which was already approved as being in accordance with Policy HE2 (design of new development) of the Local Plan, and NPPF (2023) Section 12 (achieving well designed places).

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of the development has already been established; only the impact of the amended design (by amending condition 2) can be considered.
Scale, design, impact on character and appearance	Acceptable: The darker grey cladding of the first floor would reflect the darker roof colour of other nearby properties, appropriately integrating with the urban landscape.
Impact on the living conditions of the occupants and neighbouring properties	Acceptable: Proposed amendments to windows and doors would reduce neighbour perception of overlooking.
Other issues	The scale and form of the development has already been granted (P/HOU/2022/04740 and P/NMA/2023/03768). This Variation of Conditions application proposes minor material amendments to the previously approved windows, doors and external materials.

5.0 Description of Site

Corfe View Road is a residential street of mixed character. Detached single storey and chalet dwellings predominate, with some two storey properties. Property designs are varied with apex or hipped roofs and a variety of materials.

No. 33 is one of five dwellings south of Corfe View Road served by a private access drive. The dwelling sits behind the main street frontage so is evident between neighbouring properties but makes a limited contribution to the street scene.

The dwelling sits in a 0.06ha rectangular plot with the south-west corner area 'shaved off' to provide access and turning. The dwelling is positioned on the highest land and levels drop away to the west.

No. 31a to the northwest of the application site utilises the site's topography to achieve two and a half storeys. Numbers 31 and 29 Corfe View Road to the north and northeast are bungalows. To the east number 25 Corfe View Road is a two-storey house on a backland plot. Number 35 to the south of the site is a one and a half storey dwelling while properties to the west, nos. 94, 92 and 90 Hillside Road are dwellings built lower down into the slope of the hill.

6.0 Description of Development

Planning permission P/HOU/2022/04740 (as amended by P/NMA/2023/03768) was granted for 'extensions to the bungalow' at number 33 Corfe View Road to form a two storey flat roofed dwelling in April last year. The extensions are under construction.

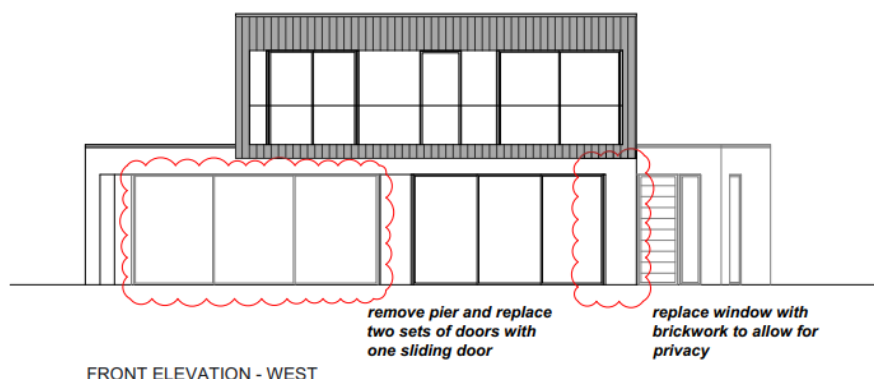
The application seeks to vary the previously approved scheme by way of a material minor amendment; to alter windows, doors and external materials, by varying Condition 2 of the 2022 consent (Condition 2 lists the approved plans).

The application is partially retrospective as some of the proposed windows have already been installed.

The changes proposed, and to be regularised are:

WESTERN ELEVATION

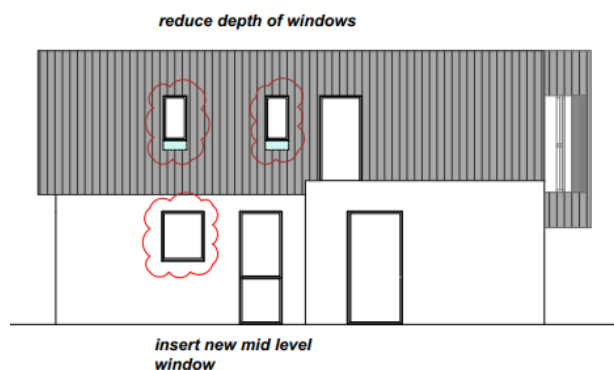
- In the western elevation, the two sets of doors in the ground floor living room are to be replaced with one sliding door.



FRONT ELEVATION - WEST

- At the outside corner (south and western elevation) of the ground floor dining room, the window would be replaced with brick work.

SOUTHERN ELEVATION



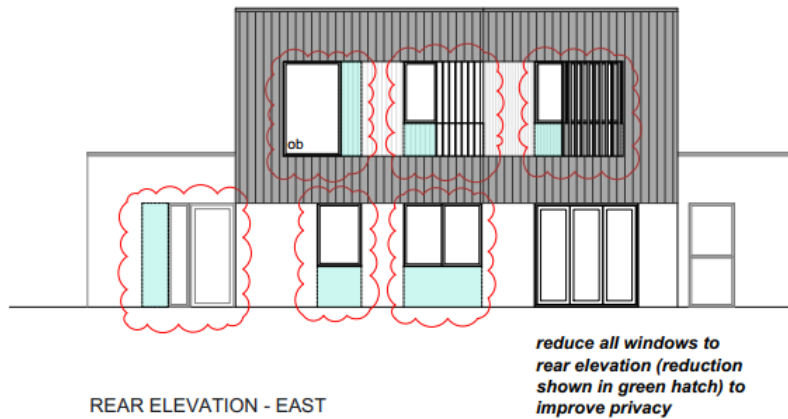
FLANK ELEVATION - SOUTH

- A new ground floor high level window on the southern elevation would be inserted in the kitchen/dining room.
- The depth of the first floor windows on the south (flank) elevation serving the master bedroom are to be reduced.

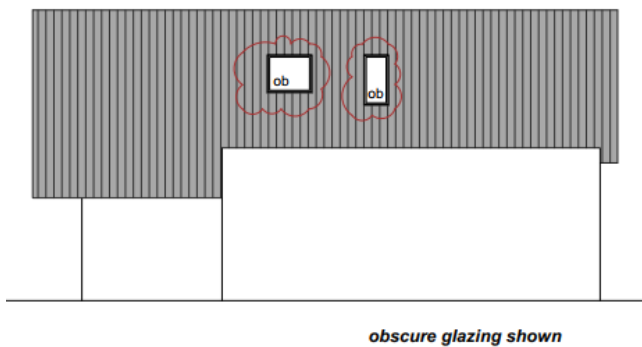
EASTERN ELEVATION

- The window serving the ground floor utility room on the eastern elevation would be repositioned adjacent to the door to allow for more internal useable space.

- The window sizes are to be reduced (from the approved area shown green below).



NORTHERN ELEVATION



FLANK ELEVATION - NORTH

- Minor change in shape to the obscure glazed window on the first-floor northern elevation.

CHANGES TO EXTERNAL MATERIALS:

- Replace the approved first-floor white render with vertically hung 'CladCo' Wall Cladding in charcoal.
- Continued use (as approved) Forma Natural Oak strip cladding to underside of balcony, and terrace soffit.



replace the existing white render at first floor level with Vertically hung CladCo Wall Cladding in Charcoal to reduce impact on neighbouring property.

Use Forma Natural Oak strip cladding to underside of balcony, terrace soffit and areas as marked on drawings

7.0 Relevant Planning History

P/NMA/2023/03768 - 33 Corfe View Road, Corfe Mullen, BH21 3LY - Non material amendment to approved P/A P/HOU/2022/04740 (Bungalow Conversion- extensions to form 2 storey dwelling (as amended by plans received 22.2.2023) to make building slightly smaller to reduce carbon foot print in relation to materials and provide a simplified building method – Granted on 26/07/2023.

P/HOU/2022/04740 - 33 Corfe View Road, Corfe Mullen, Dorset, BH21 3LY - Bungalow Conversion - extensions to form 2 storey dwelling (as amended by plans received 22.2.2023) – Granted on 11/04/2023.

8.0 List of Constraints

- Within Settlement Boundary; Corfe Mullen
- Neighbourhood Plan Area - Corfe Mullen; Status Designated 03/03/2021 - in preparation
- Public Right of Way: Footpath E37/14 - Distance: 14.37m.
- Within Dorset Heathlands 400m (Upton Heath) and 5km Heathland Buffer
- Natural England Designation - RAMSAR: Dorset Heathlands (UK11021) - Distance: 4814.96m.
- Natural England Designation - RAMSAR: Poole Harbour (UK11054) - Distance: 3635.17m.
- Site of Special Scientific Interest (SSSI) impact risk zone - Distance: 0m.
- Environment Agency - Groundwater Source Protection Zone - Distance: 0m.
- Radon: Class: Class 1: Less than 1% - Distance: 0m.

9.0 Consultations

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

Consultees

1. Corfe Mullen Town Council (received on 16/02/2024):

- Application fails to comply with NPPF para 127 in that the variation is out of character and unsympathetic to its surroundings.
- Application contrary to Policy HE2 of the Local Plan and National Design Guide in that it is incompatible with its surroundings in respect of its visual impact.
- The development results in a visually dominant building that is overbearing and results in loss of natural light which has a detrimental impact to the amenity currently enjoyed by neighbouring properties.
- Amendments to the front and rear elevations in terms of window sizes, use of vertically hung charcoal grey wall cladding and use of natural oak cladding to

underside of balcony terrace soffit would not improve privacy and reduce visual impact on neighbouring properties.

- Amendments to windows stated in the variation are already in place.
- Work on site should cease awaiting Ombudsman decision.

Officer note: The Local Government Ombudsman has chosen not to investigate the third party complaint.

- Request the application is considered in light of the above comments by the Planning Committee if the Officers comments are at variance to the above.

2. Corfe Mullen - Ward Members:

Cllrs Duncan Sowry-House, and Cllr Scott Florek

- 33 Corfe View Road has a complex recent history and has been of much local discontent.
- I understand the Officer report and I am grateful for the data included within it.
- However, in respect of transparency, access and engagement I would prefer this came before committee where residents will be welcome to make in-person representations.

Representations Received

Total - Objections	Total - No Objections	Total - Comments
2	0	0

Summary of Neighbour Objections:

- Public planning notice was only put up 14/02/24 after town council meeting so not all residents had option to object at the planning meeting the evening before.
- Having grey cladding will not improve the look of the building and its overbearing impact for neighbouring properties.
- Having grey cladding will darken the skyline for affected neighbours.
- As a result of the substantially increased height of the development, its bulk and visually poor design, charcoal cladding will not reduce impact on neighbouring properties which are either brick or rendered and painted pale colours. The development is incompatible with the surrounding area and does not blend in.
- New building is above the peak of the original bungalow.
- Windows seem to be already in situ so this should be a retrospective planning application.
- East elevation windows to the first floor have already been fitted without window baffles, resulting in loss of privacy.

10.0 Duties

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

11.0 Relevant Policies

Development Plan - Adopted Christchurch and East Dorset Local Plan – Part 1, Core Strategy (CED) 2014 and saved policies from the East Dorset Local Plan 2002 (EDLP)

- KS1 - Presumption in favour of sustainable development
- KS12 - Parking Provision
- HE2 - Design of new development
- ME1 - Safeguarding biodiversity and geodiversity
- ME2 - Dorset Heathlands

Material Considerations

Emerging Development Plans:

Paragraph 48 of the National Planning Policy Framework (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.

Emerging Neighbourhood Plans

- Corfe Mullen Neighbourhood Plan- In preparation – limited weight applied to decision making.

National Planning Policy Framework (NPPF)

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

Other relevant NPPF sections include:

- Section 4 'Decision making': Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental

conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- Section 12 'Achieving well designed and beautiful places' indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:
 - The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.
 - Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 15 'Conserving and Enhancing the Natural Environment' - Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Other material considerations

- Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document
- 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.

No harm to persons with protected characteristics has been identified from the proposal to vary the plans condition of the extant planning permission.

14.0 Financial benefits

- N/A

15.0 Environmental Implications

The development will extend an existing dwelling, improving its environmental qualities in line with current building regulation requirements. There will be no material change in environmental implications compared to the extant planning permission.

16.0 Planning Assessment

Principle of Development

A minor material amendment to application P/HOU/2022/04740 is sought to vary the approved plans (condition no. 2). The principle of extensions to the dwelling have already been granted and there have been no material changes to planning policy that would affect this position.

The principle of development is therefore not under consideration as part of this application

Impact on the Character of the Area

The proposal to amend windows, and doors does not alter the form of the approved extensions to the dwelling. Consideration of this application is restricted to an assessment of whether the changes to the fenestration and proposed external materials at first floor level are acceptable.

Local Plan policy HE2 requires that development should be compatible with or improve the surroundings in relation to 11 criteria which include visual impact and materials.

The earlier planning permission for extensions to the dwelling detail a white render finish. The application seeks to alter the first floor exterior material; from render, to a vertically hung, composite grey cladding.

Corfe Mullen Town Council objects to the application. It considers that the reduction in window sizes and use of the proposed external materials would not make the design more aesthetically pleasing and consider that the proposal is out of character and unsympathetic to its surroundings, contrary to design policy HE2.

Third party representations received also object to the proposed external materials, concerned that the grey cladding darken the skyline.

It is recognised that materials used on development in the vicinity comprises mainly of rendered in pale colours, or of brick with tiled roofs. The proposed scheme departs from this norm but the introduction of a dark grey finish at first floor references the darker colour of roof tiles on properties in the vicinity. Dwellings within Corfe View Road are finished with a variety of different materials with relatively muted colours.

To date composite cladding is only evident on dormer windows in the streetscene, but grey finishes are evident on properties elsewhere within the vicinity. The use of cladding on the first floor as proposed is judged an appropriate alternative to the approved white render. There will be limited impact on the public domain as the site is set back from the road frontage. The first floor of the dwelling is evident in views from neighbouring properties but the darker colour cladding is proposed as it will be more recessive than the approved white render, reducing the visual impact, particularly of the western flank wall of the development.

Within the mixed townscape site context, the proposed visual impact of the extensions with alternative fenestration and cladding is judged to accord with Policy HE2 (design of new development) of the Local Plan, and NPPF (2023) section 12 (achieving well designed places).

Impact on Neighbouring Amenity

Neighbours and the town council have raised concerns about loss of privacy.

The proposed plans show that the windows in the northern, eastern, southern and western elevations (as described above), would be reduced in size, and would be in the same position as previously approved under the P/HOU/2022/04740 permission; the exceptions are the ground floor window being moved closer to the door in the utility room on the eastern elevation, and a new mid-level window inserted in the southern elevation, serving the dining/kitchen room.

The proposed development under this variation of conditions application retains the baffles on the rear elevation windows which are intended to mitigate overlooking of the neighbouring garden. A condition is necessary (no. 3) to ensure that the baffles on the first-floor windows in the rear elevation are fitted prior to first occupation of the extended property and subsequently retained, to safeguard the amenity and privacy of neighbours.

Concern has been raised by a third party that the proposed charcoal colour cladding would be oppressive for neighbours. Number 33 Corfe View Road lies to the rear of nos. 31 and 31A Corfe View Road and the development is prominent in views from their rear windows, but it is judged that the darker colour cladding would be visually recessive and would not materially affect the impact on neighbouring amenity.

As this variation of conditions application is limited to amendments to windows, and a change in the external materials, no other changes to the impact on neighbouring amenity are anticipated.

The proposed reduction in window sizes is judged to benefit neighbouring amenity compared with the approved scheme and the proposed cladding would not result in harm so the proposal accords with Local Plan design policy HE2.

Other Matters

Objections relating to the scale of the development are not relevant to this application, as the proposed dwelling does not vary from that approved under the

P/HOU/2022/04740 application. This Variation of Conditions application is only related to windows and doors and change in external materials.

A third party commented that the first site notices were not put up until after the Town Council meeting. Town and Parish Councils are consulted at the earliest possible opportunity to ensure they are aware of development in areas administered by them. The public are consulted by way of a site notice posted at or near the site. Officers facilitate extensions of time for comments from the relevant Parish or Town Council when requested, should the statutory time frame for determination allow for this. In this case re-consultation on the application took place following an amendment to the description affording further opportunity for comment.

17.0 Conclusion

For the above reasons and subject to conditions, the application is judged to accord with Local Plan design policy HE2 and the policies of the National Planning Policy Framework (December 2023).

18.0 Recommendation - Grant, subject to conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
DD04 Proposed Site Plan
DD05A Proposed Site Layout
TDB-157-DD06 C Proposed Ground Floor Layout
TDB-157-DD07 D Proposed First Floor Layout
TDB-157-DD08 E Proposed Elevations Sheet 1
TDB-157-DD09 E Proposed Elevations Sheet 2

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

2. The first floor extension hereby permitted shall be clad with vertically hung 'CladCo' Wall Cladding in charcoal. Forma Natural Oak strip cladding shall be applied to the underside of balcony, and terrace soffit. Any replacement cladding shall be similar in colour and texture to the details hereby approved.

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

3. Prior to first occupation of the first floor of the dwelling, baffles shown on the approved plans shall be fitted to the first-floor windows in the rear (eastern) elevation and shall be retained as such thereafter.

Reason: To safeguard the amenity and privacy of the occupiers of adjoining residential property.

4. 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 brought into use, the first floor side facing windows (north and south elevations) shall be permanently glazed with obscured glass of a minimum industry standard 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 windows shall be retained as such thereafter.

Reason: To protect amenity and privacy.

5. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan or Landscape Ecological Management Plan certified by the Dorset Council Natural Environment Team on 22 September 2022 must be implemented in accordance with any specified timetable and completed in full (including photographic evidence of compliance being submitted to the Local Planning Authority in accordance with section J of the Biodiversity Plan) prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

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

Informatives

1. Informative: National Planning Policy Framework Statement

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

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

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

In this case:

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

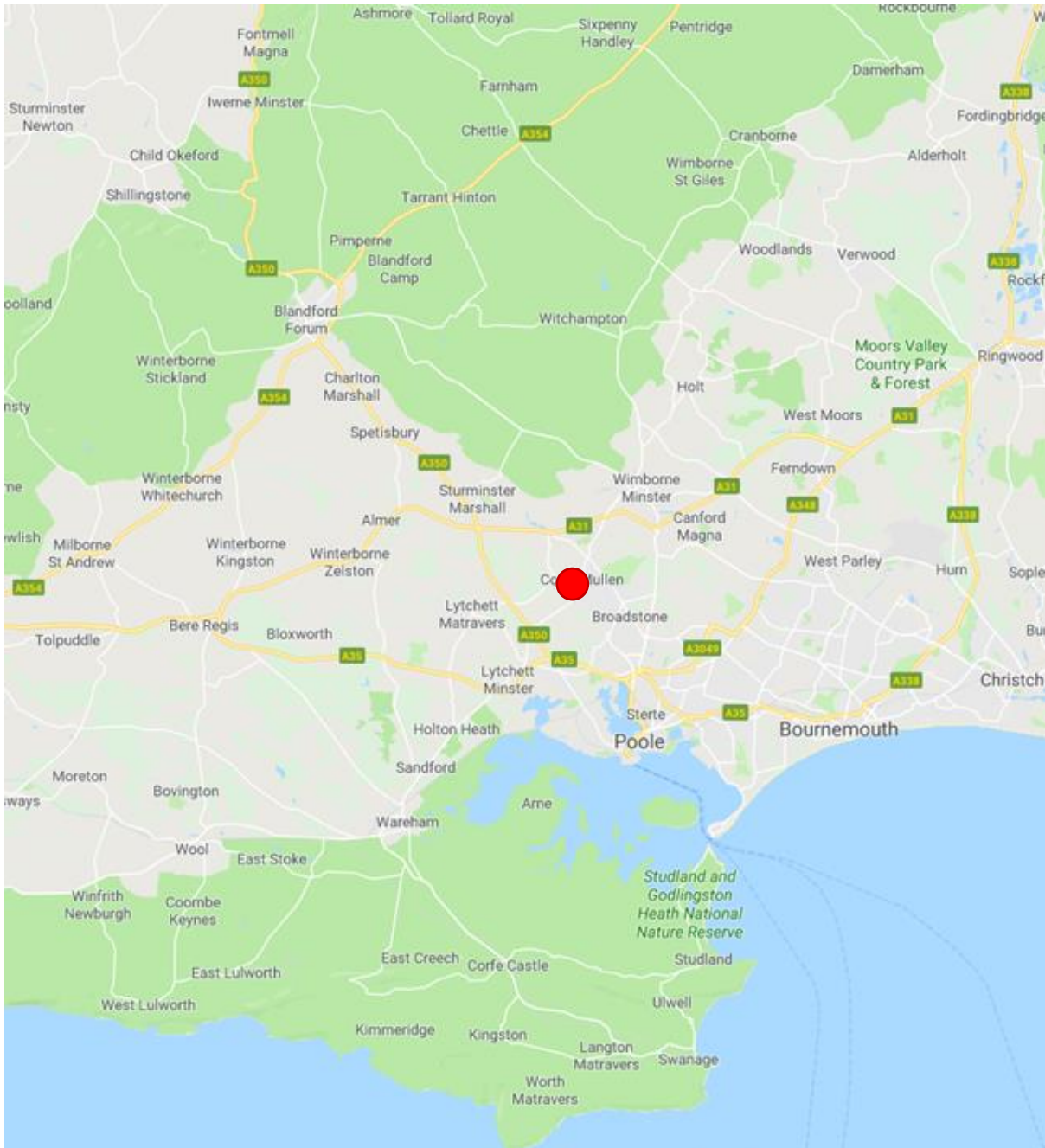
2. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.

● Approximate Site Location

Application reference: P/VOC/2024/00411

Description of development: Application to Vary Condition 2 of Approved P/A P/HOU/2022/04740 (Bungalow Conversion - extensions to form 2 storey dwelling) to amend plans

Site address: 33 Corfe View Road Corfe Mullen BH21 3LY



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Application Number:	P/HOU/2024/01422		
Webpage:	Planning application: P/HOU/2024/01422 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Alexander House 33 Stoborough Meadow Wareham BH20 5HP		
Proposal:	Grey cladding above the dado line, replacement of UPVCsoffits and facias on porch with same cladding, new aluminium white double glazed windows.		
Applicant name:	Mr Robson		
Case Officer:	Emma Macdonald		
Ward Member(s):	Cllr Ezzard, Cllr Holloway		
Publicity expiry date:	17 April 2024	Officer site visit date:	Officer familiar with site from providing pre-application advice
Decision due date:	1 August 2024	Ext(s) of time:	1 August 2024
No of Site Notices:	1		
SN displayed reasoning:	To the front of the application site – this is considered sufficient to ensure that neighbours are aware.		

1.0 The application comes before committee for decision at the request of the nominated officer.

2.0 Summary of recommendation:

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

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

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The proposal is acceptable in its design and general visual impact including impact on the Dorset National Landscape (formerly AONB).
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable- The application is within the Stoborough Settlement Boundary where there is no objection in principle to altering existing properties.
Impact on the character of the area and Dorset National Landscape (Formerly AONB)	<p>Acceptable- The proposed cladding will not harm the character of the area and is considered acceptable subject to a condition to secure material and colour details.</p> <p>The replacement of the exiting UPVC soffits and facials on the porch with the same Cedral cladding materials and the replacement of the UPVC windows with white aluminium double glazed windows is not judged harmful.</p> <p>Given the nature and scale of the proposal, there are not considered to be any wider impacts on the Dorset National Landscape.</p>
Impact on neighbouring amenity	Acceptable- The nature and scale of the proposed alterations means that there will be no significant impact on the amenity of occupiers of neighbouring properties.

5.0 Description of Site

- 5.1 The application site, known as Alexander House, is located at 33 Stoborough Meadow within an existing residential area to the east of the B3075, Corfe Road. The site is also located within the Dorset National Landscape, a designation that sweeps over the area of Stoborough.
- 5.2 The detached, two storey, pitched roof dwelling lies to the west of a good sized, level, corner plot. There is a small garden to the front surrounded by a low wall, with iron fence above and shrubs. The curved frontage runs around the western and southern boundary, increasing in height towards the rear of the dwelling. Double gates provide access to the rear garden, parking and double garage located within a block in the northeast corner of the plot, detached from the dwelling.
- 5.3 Stoborough Medow is an established residential area comprising a mix of residential properties including detached, semi-detached and terraced properties, built between 1995 and 2000. Many dwellings in the vicinity have frontages that are set right onto the pavement, whereas others have low wall frontages. There is a wide variety of styles and designs of property including render, brick, and tiled roofs within the estate. There are also a number of examples of thatching, including the neighbouring dwelling to the north (recently damaged by fire).

6.0 Description of Development

- 6.1 Planning permission is sought for the erection of grey cladding above the dado line, replacement of UPVC soffits and fascia's on the porch with the same cladding and new aluminium white double-glazed windows.

EXISTING



PROPOSED



- 6.2 This application follows pre-application advice (P/PAP/2023/00650) in regard to the installation of grey cladding, new aluminium windows and the installation of solar PV panels at the dwelling. Officers considered the proposals to be acceptable in principle, but highlighted the importance of the use of high-quality materials in this sensitive area.

7.0 Relevant Planning History

Permission Ref.	Proposal	Decision & Date
6/1994/0245	Erection of 59 dwellings including garages, creation of landscaped playing fields, public open space, associated highway and temporary access works.	Granted 26/06/1995
Relevant conditions: Condition 5:		

<p>Notwithstanding the provisions of schedule 1, Part 1 and 2 of the General Development Order 1988 or any subsequent amendments no enlargement, improvement or other alterations to the buildings hereby approved (including the use of garaging and parking courts for any other purposes), the erection of curtilage buildings, the formation of hardstandings, the erection, construction, improvement or alteration of walls, fences or other boundary features or the formation, laying out and construction of any means of access, shall take place without the express consent of the Local Planning Authority.</p> <p>Condition 7:</p> <p>The external materials and their colour shall be as shown on the deposited plan, no alterations shall be made to these materials or colour without the express consent in writing of the Local Planning Authority.</p> <p>To ensure that the external appearance of the building(s) is satisfactory having regard to its particular locality.</p>		
6/2003/0694	Retain satellite dish	Granted 22/09/2003
6/2009/0456	Replace existing kitchen window with French doors and replace iron gates with wooden gates.	Granted 01/10/2009
P/HOU/2022/00882	Erect ground floor rear extension and insert window	Granted 25/03/2022
P/PAP/2022/00244	Insert four dormer windows and three rooflights to form loft conversion	Response given 27/05/2022
P/HOU/2022/03518	Loft conversion with dormer windows and roof lights	Granted 02/08/2022

8.0 List of Constraints

Within Stoborough Settlement boundary

Within Dorset National Landscape (formally AONB)

Poole Harbour Nutrient Catchment Area

Dorset heathlands - 400m heathland buffer, Description: Stoborough & Creech Heaths

Nutrient Catchment Area

Right of Way: Footpath SE5/11; - Distance: 40.58

Poole Harbour Recreation Zone

Groundwater – Susceptibility to flooding

Natural England Designation - RAMSAR: Dorset Heathlands (UK11021); - Distance: 2977.95

Natural England Designation - RAMSAR: Poole Harbour (UK11054); - Distance: 484.59

Site of Special Scientific Interest (SSSI) impact risk zone

Mineral and Waste - Ball Clay Consultation Area

Radon: Class: Class 1: Less than 1%

Dorset National Landscape (Area 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

1. Ramblers Association

No comments received

2. Dorset Council - Rights of way Officer

No comments received

3. Arne Parish Council – objection received 19/04/2024

- The Parish Council noted the 20+ local neighbours' responses expressing an objection to this proposal.
- The proposed introduction of cladding is out of keeping with the original excellent design philosophy of the Stoborough Meadow as a whole.
- The proposed change to this very prominent property will seriously damage the traditional "Dorset Village" style of Stoborough Meadow as a coherent whole.

2. Ward Councillor – Wareham - Cllr Ezzard – comments received 22/04/2024

This award-winning, unique estate, was designed and built as a forerunner /pilot scheme of the Poundbury Estate, so any modifications to the finish of walls and windows will not be in keeping with, and spoil the whole street scene as Alexander House is the focal point when entering the estate. The cladding proposed will stand out like a sore thumb, and so degrade the excellent overall look of the House and street. It will also set a precedent for other houses on this picturesque hamlet to be modified.

Representations received

Total - Objections	Total - No Objections	Total - Comments
21	0	0

Summary of representations:

- Proposed cladding would detract from the original architectural design of the development and be totally out of place in a particularly prominent position.
- All Permitted Development Rights are removed in order to prevent unnecessary departures from the original concept.
- The columns either side of the front entrance with the balcony above, present an outstanding feature, yet naturally blend in with the rest of the premises.
- The materials used on the exterior are also replicated on many other properties on the development.
- The proposal is unnecessary overdevelopment, using materials not in keeping with the design of properties in the vicinity.
- Cladding is devoid of any local character or charm.
- Allowing cladding would set a precedent for further cladding on the estate.
- Impact on the AONB
- Objection to aluminium windows.
- Impact/disruption from building works

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)

11.0 Relevant Policies

Development Plan

The Purbeck Local Plan (2018-2034) Adopted 2024 – Date of adoption 18/07/24

Policy V1: Spatial strategy for sustainable communities

Policy E1: Landscape

Policy E10: Biodiversity and Geodiversity

Policy E12: Design- which expects proposals for all development to demonstrate high quality design which, amongst other things, positively integrates with their surroundings

Arne Neighbourhood Plan made (adopted) 22 June 2021

Policy 2: Local Character - requires new development to respond to its context and the established character of the area. Development proposals should use materials and appropriate detailing which reflect the local distinctiveness and rural character of the area.

Material Considerations

Emerging Local Plans:

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

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

The Dorset Council Local Plan

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

National Planning Policy Framework

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

Other relevant NPPF sections include:

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

every level should seek to approve applications for sustainable development where possible.

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

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

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

- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 182). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 184). Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Other material considerations

Purbeck District Design Guide adopted 14 January 201

Box 10. Building materials

1. Consider building with local materials, observing traditional patterns of distribution and use.
2. Consider the environmental sustainability of the building materials used in your project.
3. Refer to the Council's detailed design guidance *Managing and Using Traditional Building Materials in Purbeck*.

Box 11. Windows and doors

1. Ensure that the main entrance of a building is easy to identify and access.
2. Match door and window details to architectural style.
3. Ensure a sense of consistency and order in the way that you arrange and proportion window and door openings.
4. Consider sympathetic and sustainable selection of materials.
5. Ensure you have taken means of escape into account.

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

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

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

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

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

There may be some impact on persons with protected characteristics living in the locality during the construction period, however given the scale of the proposed works impacts will be limited.

14.0 Financial benefits

None

15.0 Environmental Implications

Replacement windows will need to accord with current Building Control requirements.

16.0 Planning Assessment

Background

- 16.1 This application follows pre-application advice (P/PAP/2023/00650) provided in relation to works to this dwelling. The pre-application advice was in regard to the installation of grey cladding, new aluminium windows and the installation of solar PV panels. Officers considered the proposals to be acceptable in principle, however officers highlighted the importance of the use of high-quality materials in this sensitive area.
- 16.2 Planning permission is sought for the erection of grey cladding above the dado line, replacement of UPVC soffits and fascia's on the porch with the same cladding and new aluminium white double-glazed windows.

Principle of development

- 16.3 The proposed development is situated within the settlement boundary of Stoborough, where alterations to dwellings are acceptable in principle, subject to all other material considerations and consideration of representations received.
- 16.4 Planning permission for this estate was granted in 1994 (6/1994/0245) and included a condition removing all permitted development rights related to alterations, enlargements or other alterations. The purpose of this condition was to ensure that the external appearance of the buildings is satisfactory, having regard to its particular locality. This is considered further below.

Impact on the character of the area and the Dorset National Landscape

- 16.5 The immediate area is characterised by a mix of residential properties, including detached, semi-detached and terraced properties. In terms of design, there is a wide variety of styles of property, however most comprise, render, brick, and tiled roofs. There are also a number of examples of thatching.
- 16.6 Alexander House, 33 Stoborough Meadow the subject of this application, is positioned within the Stoborough Meadow development. Although it is in a prominent location within the development, it is not prominent from Corfe Road; the property is set well within the development and can only be glimpsed from the main road. It is partially screened from views by a mature tree located to the southwest of the application site and softened by vegetation within the site boundary.



- 16.7 Grey Cedral weatherboard cladding is proposed to be installed above the dado line on all elevations. Objections to the use of cladding have been received from Arne Parish Council, the Ward Member and neighbours. It is noted that some of the objections received, refer to plastic or UPVC cladding but the cladding proposed is Cedral cladding which is made of cement and tends to be of to be good quality and more durable than plastic or UPVC materials.

- 16.8 Officers have considered the concerns raised with regards to the cladding being out of keeping for the area. The character of the development has evolved since its construction and although the vernacular generally comprises brick and render frontages, there are many examples of the incorporation of other details such as plastic windows and solar panels. There are also examples, within the development, of cladding, albeit these are small scale sections, such as porch canopies. There are also examples of thatching and stone walling which adds to the mix of materials. All these variations and changes have had an impact on the character of the area from how it was originally planned.
- 16.9 Although the proposed cladding is a departure from the existing form, the material proposed is considered good quality and the restrained chosen colour is sympathetic to the existing colour pallet of the area. In addition, the use of horizontal boarding and use of dual materials proposed (render and cladding) retains the horizontal aesthetic seen on other dwellings in the vicinity. There are examples of dwellings constructed of half brick/half render on the approach to the application site and elsewhere dwellings with 1/3 brick/render and other dwellings with horizontal brickwork features.
- 16.10 The dwelling has some interesting features, such as the chimney and the semicircular features on the front elevation. Officers requested further details of how the cladding would abut these features. Cross sections have been provided and officers are content that the cladding will be able to be fixed satisfactorily to the dwelling.
- 16.11 Overall, officers consider that given the mix of styles and aesthetic finishes within the development it would be difficult to argue that the proposed cladding will be an incongruous addition that would result in demonstrable harm the character of the area sufficient to warrant refusal of the application. It is however, reasonable to condition that Cedral cladding is used and that details of the proposed cladding are agreed before use to ensure that the material and colour are acceptable (condition 3).
- 16.12 The existing UPVC soffits and fascias on the porch are also proposed to be replaced with the same Cedral cladding materials. Visually, officers consider that this will be an improvement on the existing materials.
- 16.13 The existing white UPVC windows are proposed to be replaced with white aluminium double glazed windows. The use of aluminium windows is not considered to have a detrimental impact on the street scene and the use of white reflects most of the windows in the vicinity including the existing windows at the application site.

- 16.14 The Dorset National Landscape (formally AONB) sweeps across Stoborough. Given the location of the application site within the Stoborough Meadow development, there are not considered to be any wider impacts on the Dorset National Landscape.
- 16.15 A number of comments were made suggesting the site is within a Conservation Area but Stoborough Meadows lies to the south of the Stoborough Conservation Area and the proposal would not affect its setting.
- 16.16 Overall, the proposed materials are considered to appropriately integrate with the property's surroundings in accordance with Policy E12 'Design' of the Purbeck Local Plan 2024 and Policy 2 of the Arne Neighbourhood Plan.

Impact on neighbouring amenity

- 16.17 33 Stoborough Meadow is located on a corner plot with garden to the front and rear. Officers do not consider that the proposed alterations will have a significant impact on the amenity of occupiers of neighbouring properties.
- 16.18 Concern has been raised by neighbours regarding the disruption that would be caused from the building works proposed. Although it is acknowledged that the works will give rise to some additional movements, given the nature and scale of the proposed works, officers do not consider that short term impacts will be unacceptable.
- 16.19 The proposal is therefore considered to be in accordance with Policy E12 'Design' of the emerging Purbeck Local Plan in terms of impact on local amenity.

Other issues

- 16.20 No harm to biodiversity is anticipated from the proposals but there is an opportunity to secure enhancement via a requirement for a bat or bird box to be erected on the newly clad property (condition 4) to accord with NPPF para 186(d).

17.0 Conclusion

Officers consider that, subject to conditions the proposal accords with the Development Plan as a whole.

18.0 Recommendation

Grant, subject to the following conditions:

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

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

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

Location Plan The location plan

RPW/234/01/01 A Block plan, elevations & floor plan

RPW/234/01/02 33 Stoborough Meadow - Planning Cladding Details.pdf

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

3. Prior to use on site, details (including colour photographs) of the Cedral cladding shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

4. At least one bat and/or bird box shall be erected prior to first occupation or use of the development hereby approved.

Reason: To enhance or protect biodiversity.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

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

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

- offering a pre-application advice service, and
- as appropriate updating 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.
- The applicant was provided with pre-application advice.

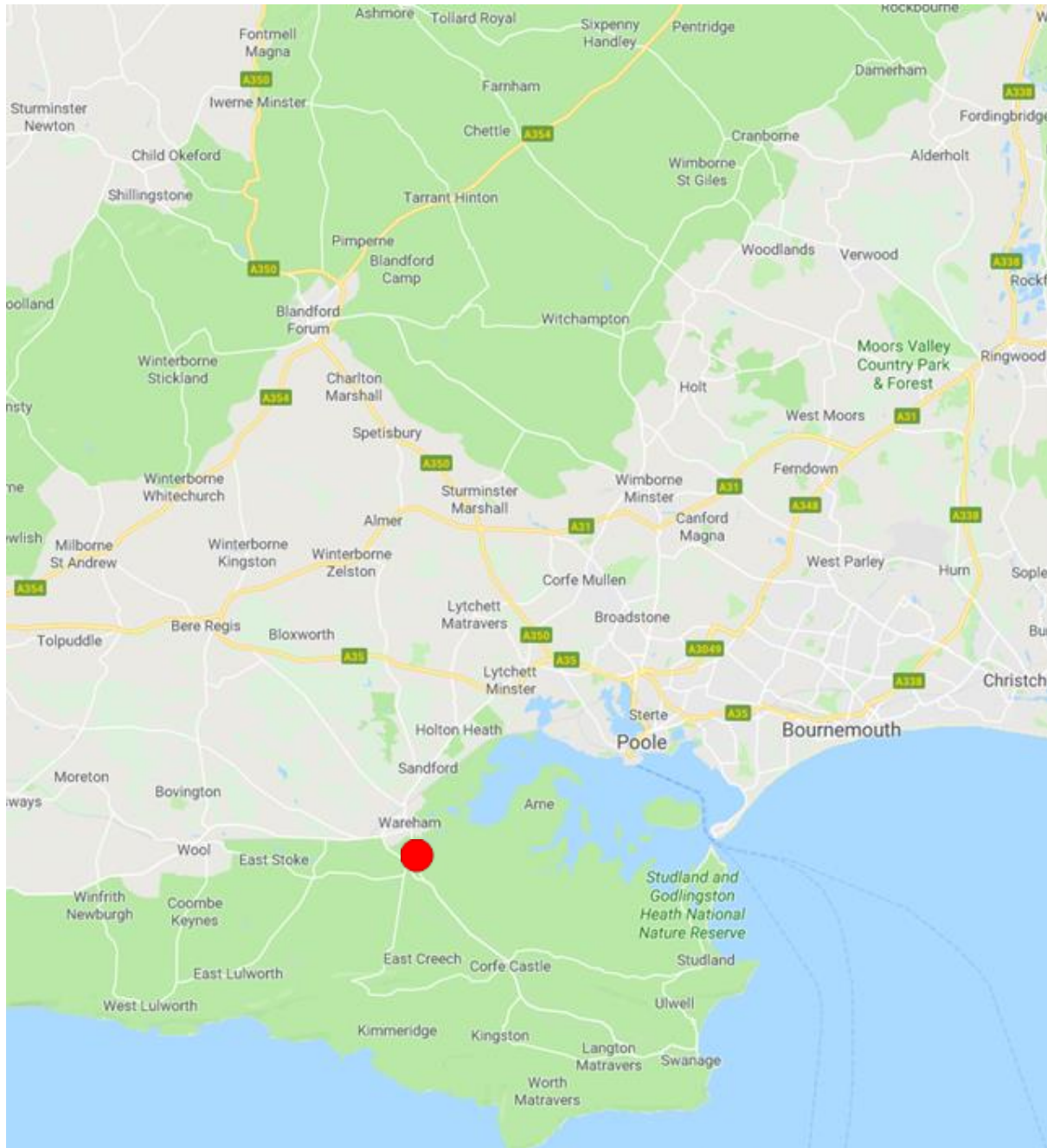
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● Approximate Site Location

Application reference: P/HOU/2024/01422

Description of development: Grey cladding above the dado line, replacement of UPVc soffits and fascias on porch with same cladding, new aluminium white double glazed windows

Site address: Alexander House, 33 Stoborough Meadow Wareham BH20 5HP



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Application Number:	P/FUL/2024/01190		
Webpage:	Planning application: P/FUL/2024/01190 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	St Ives County First School Sandy Lane St Leonards And St Ives Dorset BH24 2LE.		
Proposal:	Proposed annexe to create additional classrooms.		
Applicant name:	Ms Laura Crossley		
Case Officer:	Claire Hicks.		
Ward Member(s):	Cllr. Bryan, and Cllr. Goringe		
Publicity expiry date:	18 June 2024	Officer site visit date:	Photos provided
Decision due date:	26 June 2024	Ext(s) of time:	31 July 2024
No of Site Notices:	3		
SN displayed reasoning:	Two site notices were displayed along the front boundary of the school, another site notice was displayed between 19a and 21 St Ives Park.		

1.0 The application is before committee for consideration as it is on Dorset Council owned land.

2.0 Summary of recommendation: GRANT subject to conditions

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

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The location is considered to be sustainable, and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

4.0 Key Planning Issues

Issue	Conclusion
Principle of development	Acceptable -The site is within the urban area where the principle of development is considered acceptable, subject to any material planning considerations.
Scale, design, impact on character and appearance	Acceptable -The proposed development is located to the rear of the site and will not feature in the street scene.
Impact on the living conditions of the occupants and neighbouring properties	Acceptable - The proposed development is single storey and benefits from boundary screening. The proposal would not be overbearing or result in loss of light or additional noise disturbance to neighbouring properties.
Flood risk and drainage	Acceptable subject to condition (Condition 4)
Impact on trees	Acceptable - No significant trees affected by the proposed development.
Biodiversity	Acceptable subject to condition for biodiversity enhancement measures (Condition 5)

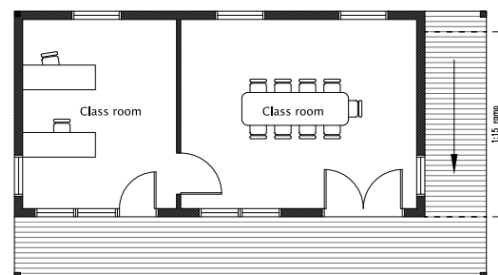
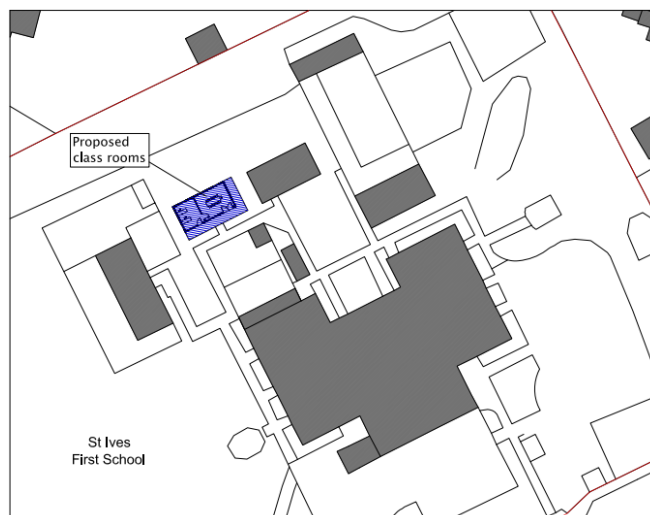
5.0 Description of Site

- The existing County first school, which comprises of the main school building, out buildings and play areas is located to the north-west of Sandy Lane, St Leonards.
- There is a similar classroom outbuilding approximately 2.8m north-east of the proposed development.
- The site covers approximately 1.63ha in area and is rectangular in shape and relatively level.
- There are Tree Preservation Orders on some trees within the site, and adjacent to the north-western and south-western boundaries of the site.
- Trees are sited along the north-western (rear) school boundary which also acts as the rear garden boundary for properties on St Ives Park.
- The school site fronts onto Sandy Lane (south-eastern boundary). To the south-west the site borders properties in Hesketh Close and to the north-east there are dwellings in Strode Gardens.

6.0 Description of Development

The proposed is to erect a detached single storey ‘annexe’ building to provide two additional classrooms. The proposed development would be sited approximately 16m from the main school building, and approximately 2.8m to the west of an existing classroom ‘annexe’. The approximate height of the proposed development is 2.8m, and the area of the proposed development is 299m².

The proposed material for the walls is Red Grandis cladding. The windows and doors are to be anthracite. The proposed roof would be a single ply membrane. The proposed building would be a timber frame building, not a pre-fabricated building.



Floor plan



South East - front elevation

7.0 Relevant Planning History

3/20/0499/FUL - St Ives County First School, Sandy Lane, St Leonards And St Ives, Ringwood, BH24 2LE - Erection of a multi-use games area (MUGA) comprising synthetic surface, 3m high perimeter ball stop netting and 8 x 8m lighting columns (as amended) - Granted on 06/01/2021.

3/14/0020/CPO - St Ives County First School, Sandy Lane, St Ives, Ringwood, Hants, BH24 2LE - New Free Standing Classroom in School Grounds – Granted on 05/03/2014.

3/14/0020/CPO_1 - St Ives First School, Sandy Lane, St Ives, Ringwood, Hampshire, BH24 2LE - New free standing classroom in school grounds - Granted on 05/03/2014.

3/10/0983/FUL - St Ives County Pre School, Sandy Lane, St Ives, Ringwood, Hants, BH24 2LE - Erect Awning to Rear Elevation – Granted on 22/12/2010.

8.0 List of Constraints

- Tree Preservation Orders - (EDDC/SL/25), (EDDC/SL/13), (EDDC/SL/288)
- Within Settlement Boundary; St Leonards general policies apply
- Ashley Drive Special Character Area – is sited to the north (rear) boundary of the site.
- Bournemouth Water Consultation Area - Distance: 0m.

- Environment Agency - Risk of Surface Water Flooding - Extent 1 in 30
- Environment Agency - Risk of Surface Water Flooding - Extent 1 in 100

- Environment Agency - Risk of Surface Water Flooding - 1 in 1000
- Environment Agency - Groundwater – Susceptibility to flooding

- Dorset Council Land Site of Special Scientific Interest (SSSI) impact risk zone
- Dorset Heathlands - 5km Heathland Buffer
- Radon: Class: Class 1: Less than 1%.

9.0 Consultations

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

Consultees

1. **Dorset Council (DC) - Highways** (comments received on 29/05/2024):
The Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety and consequently has no objection.

2. **Dorset Council- Flood Risk Management Engineer** – (comments received on 18/06/2024):
DC FRM concerned about the high groundwater levels.

DC Flood Risk Management verbal comments – re-consult 02/07/2024:
DC FRM Engineer agreed the amended flood risk assessment (received on 02/07/2024) subject to condition.

3. **Dorset Council - Trees (East & Purbeck)** (received on 18/06/2024):
No Objection. No significant trees affected by proposed.

4. **Dorset Council - Public Health Dorset** – No comments received.

5. **Dorset Council - Asset & Property** – No comments were received.

6. **Dorset Council - Environmental Health-** (comments received on 19/07/2024)
Noise from children at school will unlikely amount to a statutory nuisance although it could impact on the amenity of residents in the nearest residential properties.

7. **St Leonards & St Ives PC (comments received on 28/06/2024)** – No Objection.

8. **St Leonards and St Ives Ward Member** – Cllr Bryan - No comments were received.

9. **St Leonards and St Ives Ward Member** – Cllr Goringe – No comments were received.

Representations Received

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

Summary of comments from neighbours:

Third party comments:

- No objection in principle, but concern re impact on trees/screening and noise
- Query consultation process, “unaware of application plan until the notice was posted on to a nearby telegraph, no time to make our views known.”
Officer note: a further week for additional comments was provided
- Request for further details of siting, details of sound insulation, plans to remove trees and confirmation no trees are to be cut back or removed.

10.0 Duties

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

11.0 Relevant Policies

Development Plan

Adopted Christchurch and East Dorset Local Plan:

- KS1 - Presumption in favour of sustainable development
- HE2 - Design of new development
- ME1 - Safeguarding biodiversity and geodiversity
- ME6 - Flood Management, Mitigation and Defence

Saved policies of East Dorset Local Plan 2002

DES2 - Criteria for development to avoid unacceptable impacts from types of pollution

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 (NPPF)

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

Other relevant NPPF sections include:

- Section 4 'Decision making': Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 11 'Making effective use of land'.
- Section 12 'Achieving well designed and beautiful places' indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:
 - The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.
 - Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'.
- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty (National Landscapes) great weight should be given to conserving and enhancing the landscape and scenic beauty (para 182). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 184). Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Planning policy Guidance (PPG)

Including 'Noise'

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.

Amended plans were received on 03/07/2024 which shows a ramp for disabled access.

14.0 Financial benefits

N/A

15.0 Environmental Implications

The development will be associated with some carbon emissions. A condition will be added to ensure enhancement measures as detailed in the Preliminary Ecological Appraisal, by KJF Consultancy Ltd, dated 26 April 2024, are implemented before being first brought into use.

16.0 Planning Assessment

Principle of Development

- 16.1 The site is within the urban area where the principle of development as here proposed is considered acceptable, subject to any material planning considerations.

Impact on the Character of the Area

- 16.2 The school site is within a residential area, surrounded by a mixture of detached two storey dwellings, bungalows and chalet bungalows. Trees contribute to a verdant backdrop when viewed from Sandy Lane.
- 16.3 The proposed development will be located to the rear of the school site and will not be visible from the public domain.
- 16.4 The proposal seeks to site a single storey timber frame classroom building on land to the rear of the main school complex. The land is between other classroom buildings and is separate from the school field but is currently laid to grass.
- 16.5 The proposed building is modest in scale and design and will have Red Grandis cladding, giving it a natural appearance, which contrasts with the red brick of the main building but is similar to the existing adjacent classroom outbuilding.
- 16.6 The proposed development is considered to be appropriate for the context of the site and would not adversely affect the street scene and character of the area. The proposed development would comply with Policy HE2 (Design of New Development) of the Local Plan, and NPPF (2023) Section 12 (Achieving Well Designed Places).

Impact on Neighbouring Amenity

- 16.7 The proposed building would be sited approximately 20m from the north (rear) school boundary. The closest dwelling to the proposed development, 21 St Ives Park, is approximately 42m away to the northwest.
- 16.8 The proposed development would be single storey and benefits from the screening provided by boundary treatments (i.e. trees and hedges). Given the limited scale of the building relative to the adjacent residential properties the proposal would not result in any physical overbearing or loss of light to the neighbouring properties.
- 16.9 Third party representation queried whether trees and hedges would be cut down which would visually impact on their view and would reduce screening. The Council's tree officer was consulted of the application and raises no objection to the proposed development as no significant trees are affected by proposed. The agent confirmed in an email (received 02/07/2024) that no tree or hedge works are proposed.
- 16.10 Third party concerns have also been raised regarding noise levels. Given the modest scale of the classroom accommodation proposed, its location close to existing school buildings and the distance from the site boundary, noise levels from the proposed development are unlikely to demonstrably contribute to increased disturbance for neighbours. For these reasons a condition to secure sound insulation is not considered necessary.
- 16.11 The proposed development would comply with Policy HE2 (design of new development) of the Local Plan, saved policy DES2 of the Local Plan and NPPF (2023) Section 12 (achieving well designed places).

Impact on Flood Risk

- 16.12 The site lies in an area where the Strategic Flood Risk Assessment (SFRA) identifies potential ground water risk due to likely high groundwater levels and there is also a risk of surface water flooding on the site, but the sequential test is not considered necessary as the proposal is judged exempt, being sufficiently well related to the existing school building to represent a non-residential extension with a footprint of less than 250m².
- 16.13 An amended Flood Risk Assessment was received from the agent on 02/07/2024, which concludes the following:
“Floor levels of the annexe to be no lower than that of the main school building. Appropriate flood resilience and resistance measures will be required. The use of Sustainable Urban Drainage Systems will form part of the surface water drainage provision for this proposal, hence will not increase flood risk elsewhere.”
- 16.14 The Council’s Flood Risk Management Engineer, agreed with the amended details subject to a condition requiring that the development be completed in accordance with the amended Flood Risk Assessment dated July 2024 (Condition 4) to accord with policy ME6 (Flood Management, Mitigation, and Defence) of the Local Plan, and NPPF (2023) Section 14 (Meeting the challenge of climate change, flooding and coastal change).

Impact on Trees

- 16.15 No significant trees affected by proposed development.

Impact on Biodiversity

- 16.16 A condition is recommended to ensure enhancement measures (including a roosting option for bats, a bat box on a tree on site, a bee house on a tree on site a bird nest box on a tree on site, and a hedgehog nest box) detailed in the Preliminary Ecological Appraisal, by KJF Consultancy Ltd, dated 26 April 2024, are implemented before being first brought into use.

17.0 Conclusion

The proposal would not have a detrimental impact on the character of the area or on the amenities of the occupiers of adjacent properties.

For the above reasons and subject to conditions, the application is judged to accord with Core Strategy Policies KS1 (Presumption in favour of sustainable development), HE2 (Design of New Development), ME1 (Safeguarding biodiversity and geodiversity), and ME6 (Flood Management, Mitigation and Defence), and the policies of the National Planning Policy Framework (2023).

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:
 - 24-936-002 C – Amended Location and Site Plan
 - 24-936-001 B - Amended Proposed Floor Plan and Elevations

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

3. The external materials to be used for the walls and roof shall be those stated in the application form, namely:
 - Walls: Red Grandis cladding
 - Roof: Single ply membrane finish
 - Windows: Anthracite windows and doors.

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

4. Prior to occupation the development shall be completed in accordance with the proposed works detailed in the Amended Flood Risk Assessment dated July 2024 (received on 02/07/2024), and details of the following:
 - Finalised attenuation sizing based on the designed drained area using FEH22 rainfall data, +45% CC and a 100yr return period
 - Buoyancy/flotation calculations
 - Layout plan showing SuDS features and point of connection with WW asset, any connecting pipe runs and any other drainage details that are not otherwise controlled under H:3 of the Building Regs
 - Timetable for implementation
 - Maintenance scheduleand shall be maintained as such thereafter.

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

5. The development hereby approved shall not be first brought into use unless and until the enhancement measures as detailed in the Preliminary Ecological Appraisal, by KJF Consultancy Ltd, dated 26 April 2024, have been completed in full. Thereafter the enhancement measures shall be permanently maintained and retained in accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of nature conservation.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

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

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

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

In this case:

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

2. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.

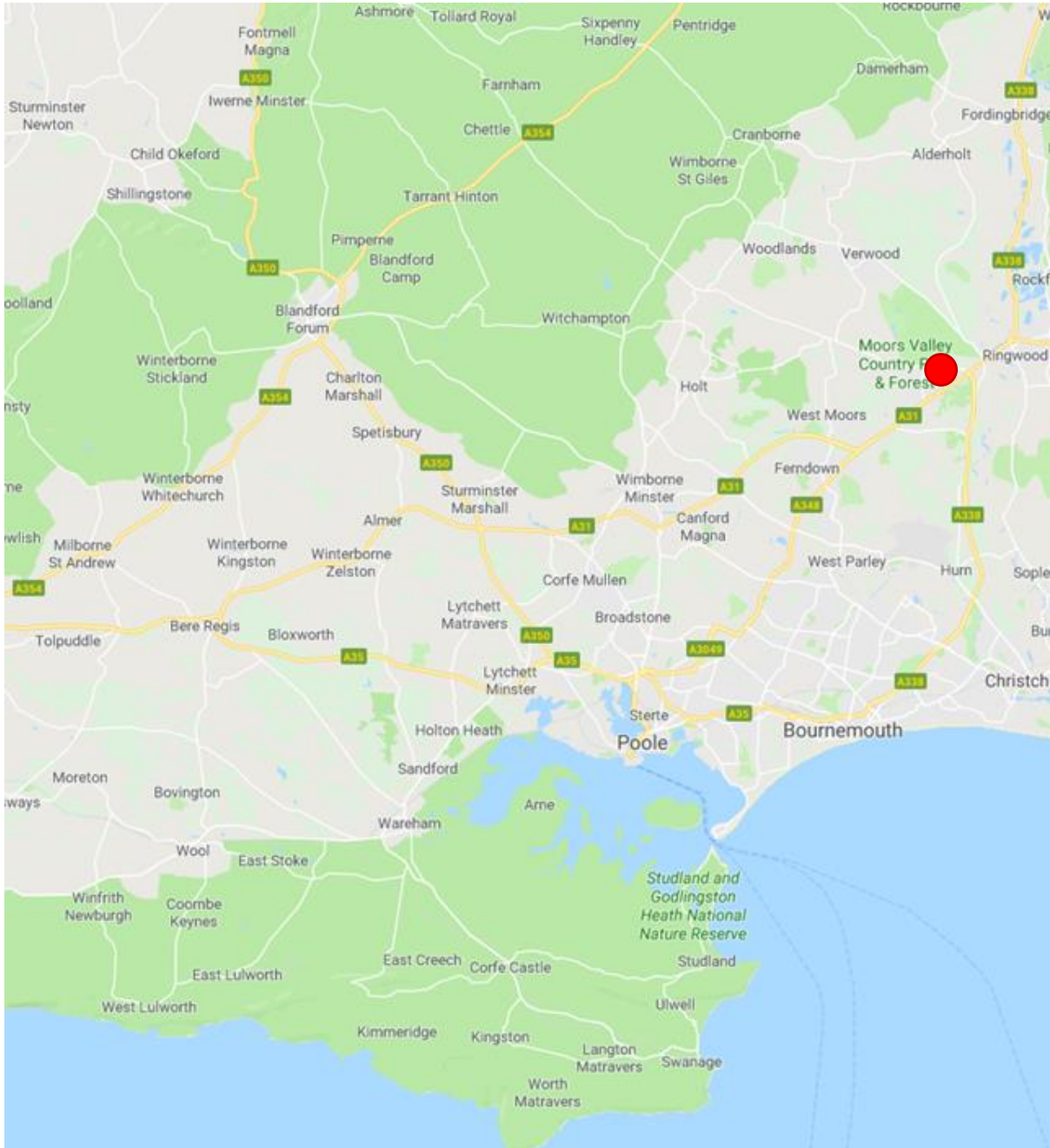
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● Approximate Site Location

Application reference: P/FUL/2024/01190

Description of development: Proposed annexe to create additional classrooms

Site address: St Ives County First School, Sandy Lane, St Leonards And St Ives,
Dorset, BH24 2LE



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