



Eastern Area Planning Committee

Date: Wednesday, 22 January 2025
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 joshua.kennedy@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	3 - 10

To confirm the minutes of the meeting held on 18 December 2024.

4. REGISTRATION FOR PUBLIC SPEAKING AND STATEMENTS

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

The deadline for notifying a request to speak is 8.30am on Monday 20 January 2025.

5. P/HOU/2024/05845- 77A ELMHURST ROAD WEST MOORS BH22 0DG 11 - 20

Erect oak framed single garage.

6. P/FUL/2024/00196 DUNROMIN UDDENS DRIVE COLEHILL DORSET BH21 7BJ 21 - 34

Retention of Solar PV panels.

7. 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.

8. EXEMPT BUSINESS

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

There are no exempt items scheduled for this meeting.



EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 18 DECEMBER 2024

Present: Cllrs David Tooke (Chair), Duncan Sowry-House (Vice-Chair), Toni Coombs, Beryl Ezzard, Scott Florek, Spencer Flower, David Morgan and Andy Skeats

Present remotely: Cllr Alex Brenton

Apologies: Cllrs Barry Goringe, Hannah Hobbs-Chell and Bill Trite

Also present: Cllr Shane Bartlett

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

Elizabeth Adams (Development Management Team Leader), Kim Cowell (Development Management Area Manager (East)), Joshua Kennedy (Democratic Services Officer), Emma MacDonald (Planning Officer), Hannah Massey (Lawyer - Regulatory), Jade North (Heathland Mitigation Officer), Megan Rochester (Democratic Services Officer) and Naomi Shinkins (Lead Project Officer)

37. Declarations of Interest

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

38. Minutes

The minutes of the meeting held on 6th November 2024 were confirmed and signed.

39. Registration for public speaking and statements

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

40. P/MPO/2024/02946 Lands East of New Road West Parley Dorset

With the aid of a visual presentation including plans and aerial photographs, the Lead Project Officer identified the site and explained the proposal, which was to swap the delivery of SANG A and B that had previously been given approval.

The planning history of the site was outlined and it was explained that the SANGs made up part of a wider development that had been given approval and due to changes in the construction phase of the development the applicant was requesting to change the order of delivery of the SANGs. Photographs of the

SANG were provided, showing that it was under construction. The changes proposed were explained to members.

The Lead Project Officer explained that consultees, including Natural England and the Dorset Council Heathland Mitigation team, had no objections to the application. There had been a number of objections based on the impact on neighbouring amenity, however it was considered that the screening capabilities of the western SANG were limited and that the construction of the dwellings was controlled by the approved construction management plan.

Public representation was received in objection to the application from Mr Elliott, Cllr Barber on behalf of West Parley Parish Council and Cllr Parry the local Ward Member. They expressed concern that the developer was trying to maximise profit at the expense of delivering the initially agreed scheme and that there had been poor communication between the developer and local residents. They also considered that the parking provision was insufficient for the site and that access to the site would be unsafe while construction was still ongoing on the rest of the development.

Mr Nash spoke in support of the application, as the agent for the application. He noted that there had been changes to the construction of the site, that required the delivery of the SANG's to change and that the applicant had agreed to deliver a larger SANG area than was required for the size of the development. He also noted the changes to the planning obligation allowed for the occupation of the affordable housing on site, which had recently been completed.

The Heathland Mitigation Officer clarified that there was a two-hectare space of grassland, which provided access to the SANG for existing residents and that it had been agreed with the Site Manager to install signage to make it clear that people were able to cross the site, while construction was ongoing nearby. It was also noted that the SANGs would be maintained by the developer until they were transferred to a management body.

In response to members questions, the Lead Project Officer provided the following responses.

- The application was to change the delivery of the SANG, so the applicant was entitled to start construction under the previous approval.
- Outline permission was granted for the site under a different applicant and the current applicant had since taken over the site.
- Both SANGs were secured by a S106 legal agreement, so an application would have to be brought to committee if the applicant no longer wanted to deliver both SANGs.
- The parking, access and layout for the site had been agreed under the outline permission and was not a part of the application under consideration.

Several members expressed concern that the access to the SANG for members of the public may be unsafe, particularly while construction was ongoing elsewhere on the site.

The meeting adjourned to allow officers to construct a suitable form of wording to reflect the concern raised by members. 11:00 – 11:13

It was proposed by Cllr Coombs and seconded by Cllr Sowry-House to Grant as per the officer recommendation with the addition that the SANG management plan also be required to include safe access for the public during construction of the whole development across the 2ha SANG entrance area to the eastern SANG with details delegated to the Head of service in consultation with the Committee chair.

Proposed by Cllr Coombs and seconded by Cllr Sowry-House.

Decision:

A) That permission be granted subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the legal services manager to amend planning conditions as follows and with the addition that the SANG management plan also be required to include safe access for the public during construction of the whole development across the 2ha SANG entrance area to the eastern SANG with details delegated to the Head of service in consultation with the Committee chair:

- Swap the references to SANG A and B on Plan 1.
- Reverse references to SANG A and B in the definitions (where there is a distinction in the wording between the two types of SANG).
- Reverse the Successors in Title paragraphs 7.3.3 and 7.3.4.
- Reverse the definitions in Schedule 6 (including the certificate/practical completion and step-in maintenance contribution references).
- Swap S6 Parts 2 and 3 and reverse the SANG references therein.
- Mechanism inserted to secure the 2ha of temporary grassland is planted across the old SANG A (what will be SANG B).
- Secure delivery of local equipped area for play (LEAP) by July 2025.
- Amend SANG delivery trigger to prior to the occupation of the 49th dwelling.

Or

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

41. P/FUL/2024/02833 The Weld Estate Lulworth Cove Main Road West Lulworth Wareham BH20 5RL

The meeting adjourned for a comfort break. 11:17 – 11:21

With the aid of a visual presentation including plans and photographs, the Planning Officer identified the site and explained the proposal, which was for the demolition of an existing shed and construction of a building, to be used as a sauna, along with a woodstore and ladder.

The site was highlighted on a map and it was explained that it fell within the Dorset National Landscape. Photographs of the site were provided, showing the existing building that was proposed to be demolished, as well as the surrounding area. Plans of the proposed development were shown, it consisted of a modular unit to be used as a sauna, with black timber cladding and a log store and ladder access. There were also works included to address the stability of the cliffside.

The key planning issues were summarised and it was explained that officers considered that the proposed development would be an improvement on visual amenity compared to the existing dilapidated shed. There were third party objections to the application on the grounds of impact on visual amenity and light pollution, however officers considered that the conditions were sufficient to mitigate the impacts. The Coastal Risk Management team at Dorset Council were consulted on the application and they considered the proposal acceptable, following amended plans being submitted which amended the position of the sauna and included a retaining wall.

Public representation was received in support of the application from Mr Wilkes, who spoke on behalf of Saltwater Sauna Ltd, who were the operators of the proposed sauna and Mr Mayger, the agent for the application. They noted the important wellbeing benefits that the proposal would have for users and the small scale of the proposal which would have a minimal impact on the Conservation Area.

Cllr Jackson spoke on behalf of West Lulworth Parish Council, in opposition to the application. She was concerned about the visual impact of the proposal and did not believe the site was low risk from coastal erosion, as was stated in the officer's report. She opined that the daily checks by the sauna operator would be insufficient to ensure the safety of users.

The Planning Officer clarified that the initial position of the sauna was considered low to medium risk, however the revised proposal, which had amended the location and included a retaining wall was considered low risk and manageable.

In response to questions from members the Planning Officer provided the following responses:

- The proposal included a small window in the sauna to limit light pollution from the artificial light inside the sauna.
- Temporary permission of three years was proposed to ensure that if there were any changes to the stability of the cliffside or visual amenity of the building then the proposal could be reconsidered in the future.
- There was a condition included to ensure that an inspection from a qualified engineer would take place following any visual change noticed from the daily inspections of the cliff side.

- Officers were not concerned about the visual impact of the building, given its scale and that it was an improvement on the existing shed.
- The existing building had been in place for approximately 30-40 years and was historically used as storage for fishing equipment.
- It was not considered necessary to ensure that the logs used were specifically kiln dried logs, however this was raised in objections to the proposal by members of the public.

Members considered that although the proposal was broadly acceptable, it was necessary to address concerns about the smoke produced by the log burner, the visual impact of the building and the frequency of inspections by a qualified person.

It was proposed by Cllr Sowry-House and seconded by Cllr Morgan to grant permission, with added conditions that stipulated that only dried logs be used, a more sympathetic stain be used on the exterior cladding with details to be submitted to the Planning Authority and an additional stability check by a qualified person to take place following any named storm that impacts the area.

Proposed by Cllr Sowry-House and seconded by Cllr Morgan.

Decision: That the application be granted subject to the conditions set out in the appendix to these minutes.

42. **P/FUL/2023/03855 Kemps Country House, Wareham Road, East Stoke**

With the aid of a visual presentation including plans and aerial photographs, the Eastern Area Team Leader identified the site and explained the proposal and relevant planning policies to members. It was explained that Members had previously resolved to grant permission at the committee meeting in July 2024, however whilst the appropriate assessment was under consideration the Planning Inspectorate confirmed that Dorset Council was now able to demonstrate a five-year housing land supply and therefore the tilted balance that was instrumental in the previous decision no longer applied.

The location of the site was shown, as well as the proposed and existing site plans, floor plans and elevations.

There were concerns raised by neighbours about the loss of visitor parking, however it was considered that although there was a loss of parking, the proposal did meet the guidance on parking provision, when compared with the approved parking scheme for the existing terraced properties.

Mr Howells, the agent for the application spoke in support of the proposal. He noted that the application had previously been approved by the committee and that it was still acceptable in all other terms. The proposal would also offer benefits, in providing new housing, which was much needed in Dorset.

Members expressed that material considerations had changed since giving approval to the application and they now considered the application to be unacceptable.

Proposed by Cllr Sowry-House and seconded by Cllr Coombs.

Decision: That the application be refused for the reason set out in the appendix to these minutes.

43. **P/FUL/2024/05639 St Catherines Roman Catholic First School Cutlers Place Colehill BH21 2HN**

The Eastern Area Team Leader presented the application, which included various works to a currently unoccupied school. The location of the site was shown and the site boundaries highlighted. It was explained that the school closed in 2021 and remained vacant, however the proposal would facilitate the re-use of the school and secure 60 school places and this was given significant weight in line with the NPPF.

Details of the proposal were shown and included the construction of a multi-use games area, all weather walking track, fencing, a dining canopy and hard standing areas to situate a bin store, sub-station and water storage. The proposal also included reconfiguration of the carpark to provide additional spaces, accessible spaces and a pick-up and drop-off area.

Details of the fencing and landscaping were provided and it was explained that four trees would be lost, however the large pine tree on the site would be retained. There was no objection from Dorset Council's Tree Officer.

Mr Pattie spoke in support of the application, as the agent. He explained that the application was important for the operational development of the school.

In response to a question from one member the Eastern Area Team Leader clarified that Dorset Council did not own the school, but did own the land around the school.

Proposed by Cllr Ezzard and seconded by Cllr Morgan.

Decision: That the application be granted subject to conditions set out in the appendix to these minutes.

44. **Urgent items**

There were no urgent items.

45. **Exempt Business**

There was no exempt business.

Decision List

Duration of meeting: 10.00 am - 12.55 pm

Chairman

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Agenda Item 5

Eastern Area Planning Committee
22 January 2024

Application Number:	P/HOU/2024/05845		
Webpage:	Planning application: P/HOU/2024/05845 - dorsetforyou.com		
Site address:	77A Elmhurst Road West Moors BH22 0DG		
Proposal:	Erect oak framed single garage		
Applicant name:	Mr Martin Fatek		
Case Officer:	Kelly Allingham		
Ward Member(s):	Cllr Skeats, Cllr Shortell		
Publicity expiry date:	17 November 2024	Officer site visit date:	22 November 2024
Decision due date:	20 December 2024	Ext(s) of time:	20 December 2024
No of Site Notices:	1 at the end of the drive on the gate		
SN displayed reasoning:	Visibility for neighbours		

1.0 This application comes before the planning committee at the request of the Committee Chair.

2.0 Summary of recommendation:

GRANT subject to conditions (see section 18)

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

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

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable- lies within the urban area

Scale, design, impact on character and appearance	Acceptable- the site is large enough to accommodate development of this scale without harm to the character of the area
Impact on the living conditions of the occupants and neighbouring properties	Acceptable- no demonstrable harm identified
Highway impacts, safety, access and parking	Acceptable- no harm to highway safety

5.0 Description of Site

Elmhurst Road is an established residential street extending approximately 700m from Pinehurst Road at the south until it meets West Moors Plantation to the north. The application site lies in the northern cul-de-sac, to the west of the highway.

Properties in this part of the street are a mix of bungalows and chalet style dwellings set back from the street behind gardens. These are predominantly used for parking, but also accommodate vegetation including hedging and some trees which, together with the plantation backdrop, contribute to a verdant character, softening the built form and limiting views across front gardens.

No. 77A is a recently constructed dwelling which follows the established building line. Its front garden is predominantly laid with tarmac with a planting area along the southern boundary.

6.0 Description of Development

It is proposed to erect a single bay garage in the front garden of no.77A on the hard surfaced parking area offset from the northern (side) boundary by approximately 0.7m to allow for the small drainage border to remain. The garage will sit forward of the dwelling by approximately 6.5m whilst maintaining an 8m separation distance from the highway.

The garage is to be 3.2m wide and 5.3m deep with a gable pitched roof having eaves 2.1m high and a ridge height of 3.6m. The timber structure is proposed with a blue engineering brick plinth and timber larch cladding to match the front facia of the cladding to the house. A slate blue/black roof tile will also match the dwelling and the roof will incorporate two small rooflights.

7.0 Relevant Planning History

P/FUL/2022/02202 - Decision: GRA - Decision Date: 27/09/2022

Demolition of the existing dwelling, and the erection of 2no. detached chalet bungalows with retained and new vehicular accesses and parking

P/NMA/2023/00425 - Decision: GRA - Decision Date: 27/01/2023

Non material amendment to Approved P/A P/FUL/2022/02202 (Demolition of the existing dwelling, and the erection of 2no. detached chalet bungalows with retained and new vehicular accesses and parking) to reduce the front porch height, remove brick course below ground floor windows and install grey UPVC guttering, fascia boards and soffits

P/NMA/2023/00979 - Decision: GRA - Decision Date: 01/03/2023

Non material amendment to P/FUL/2022/02202 (Demolition of the existing dwelling, and the erection of 2no. detached chalet bungalows with retained and new vehicular accesses and parking) to reposition the approved velux windows from 1.5m above finished floor level to 2m above finished floor level

P/NMA/2023/01299 - Decision: GRA - Decision Date: 15/03/2023

Non material amendment to P/A P/FUL/2022/02202 (Demolition of the existing dwelling, and the erection of 2no. detached chalet bungalows with retained and new vehicular accesses and parking) to reposition the approved velux windows from 1.5m above finished floor level to 2m above finished floor level, and reduce the number of velux windows on the side elevations to plots 1 and 2

8.0 List of Constraints

Within West Moors Settlement Boundary

Within Dorset Heathlands consultation area (5km)

Bournemouth Water Consultation Area

Groundwater – Susceptibility to flooding

Close to site of nature conservation interest (SNCIS): SU00/067 - West Moors Plantation; - Distance: 51.92

Radon: Class: Class 1: Less than 1%

9.0 Consultations

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

Consultees

1. Dorst Council Highways

No objection- The Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety

2. West Moors Town Council

Objection- WMTC strongly oppose the construction of a garage in the front garden. This would cause a detrimental impact and is not in keeping with any other properties in Elmhurst Road. If this were to be approved, then other properties may also wish to construct garages in the front gardens, and this would excessively damage the look and ambience of the street scene.

No Site Notice was visible.

3. Ward Members

No comments received.

Representations received

No representations were received.

10.0 Duties

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

11.0 Relevant Policies

Development Plan

Adopted Christchurch and East Dorset Local Plan:

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

- | | |
|------|--|
| KS1 | - Presumption in favour of sustainable development |
| HE2 | - Design of new development |
| KS12 | - Parking Provision |
| ME6 | - Flood Management, Mitigation and Defence |

Material Considerations

Emerging Local Plans:

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

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

The draft Dorset Council Local Plan

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

National Planning Policy Framework

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

Other relevant NPPF sections include:

- Section 4. Decision making: Para 39 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 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'

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 proposed garage is not judged to result in any disadvantage to persons with protected characteristics.

14.0 Financial benefits

There are no financial benefits associated with the proposal.

15.0 Environmental Implications

The proposal is a modest structure; associated green house gas emissions would be limited.

16.0 Planning Assessment

- 16.1 The site lies within the urban area where the principle of development is acceptable under policy KS2 and no highway safety concerns have been raised by the Council’s highways team. The main consideration is the impact of the proposal on the character and appearance of the area.

Impact on character and appearance

- 16.2 Local Plan policy HE2 requires that development should be compatible with or improve its surroundings in relation to 11 criteria which include layout, site coverage, scale, height, materials and visual impact. NPPF paragraph 135 identifies that planning decisions should ensure that development adds to the overall quality of the area, is visually attractive and sympathetic to the surrounding built environment.
- 16.3 The Town Council has objected to the introduction of built form in the front garden contending that it will have a detrimental impact. There is concern that a precedent could be set for development which would harm the character of the area.
- 16.4 Officers note that there is currently only one garage sited forward of a property in Elmhurst Road, and this is at no. 20 further south, beyond the context within which no. 77A is experienced. The proposed garage would depart from the current building line provided by dwellings on the western side of Elmhurst Road and will be visible in the street-scene, as front boundary treatment at no. 77A is limited. However, the visual impact will be limited by the design and scale of the garage and use of appropriate materials. In combination these will ensure that it is a subordinate feature which will avoid harmful dominance of the dwelling frontage or a negative impact upon the wider urban landscape.
- 16.5 The single garage is to be set back from the road edge by over 8m and will have a maximum height of 3.6m. The eaves will be a similar height to the boundary fencing

and although reducing the openness of the front garden, the scale is judged sufficiently modest that it will avoid incongruity. Vegetation and boundary treatment within the front gardens along the street will limit the visual impact of the development beyond the immediate vicinity. This presently includes some screening to the north from the neighbouring front boundary vegetation, but even if this was removed the visual impact of the garage would not be demonstrably harmful to the character of the area.

- 16.6 The proposal is for a functional structure with an appropriately considered design which is judged to accord with policy HE2 and NPPF paragraph 135.

Impact on amenity

- 16.7 The modest size of the garage will avoid an overbearing impact or any overlooking. Some additional overshadowing of the neighbouring front garden is anticipated due to its proximity to the front boundary with no. 79 but not to a level detrimental to the amenity of the property that would warrant a refusal. No neighbour objections have been received.

Impact on biodiversity

- 16.8 The proposed garage does not interfere with the previously approved landscaping scheme for the development nor the Biodiversity Mitigation plan requirements.

Impact on flood risk

- 16.9 The application is accompanied by a Flood Risk Assessment demonstrating that the applicant is aware that the Council's Level 1 Strategic Flood Risk Assessment identifies the site is susceptible to high groundwater levels and therefore potentially at risk of flooding. The outbuilding will be sited on an area of porous tarmac, but since it is for garaging/storage purposes the additional risk is limited. Water butts are to be installed at the rear of the garage to reduce issues from run-off. Since this is a minor development, the proposed mitigation is judged acceptable in planning terms when applying a pragmatic approach and when assessed against policy ME6.

Other matters

- 16.10 It is noted the Town Council comment references the lack of site notice at the site. Officers have been provided with photo evidence that the notice was in situ, which appears to have been the case the day after the comments were received. Officers are satisfied that the site notice was appropriately displayed.

17.0 Conclusion

For the above reasons the application is judged to accord with Christchurch and East Dorset Local Plan - Part 1 Core Strategy (CS) 2014 policies, ME6 and HE2 and the National Planning Policy Framework (2024).

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:
Location Plan Location Plan
Block Plan Block Plan
31654 Proposed Garage Elevation and Floor Plans

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

3. The development hereby permitted shall be constructed of and maintained in accordance with the materials detailed below unless any minor variation is agreed in writing by the Local Planning Authority.

Brick Plinth:- Wienerberger blue engineering bricks
Tiles:- Etex Thrutone - blue/black in colour
Larch Cladding

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

Informative Notes:

1. Informative: National Planning Policy Framework Statement

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

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

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

In this case:

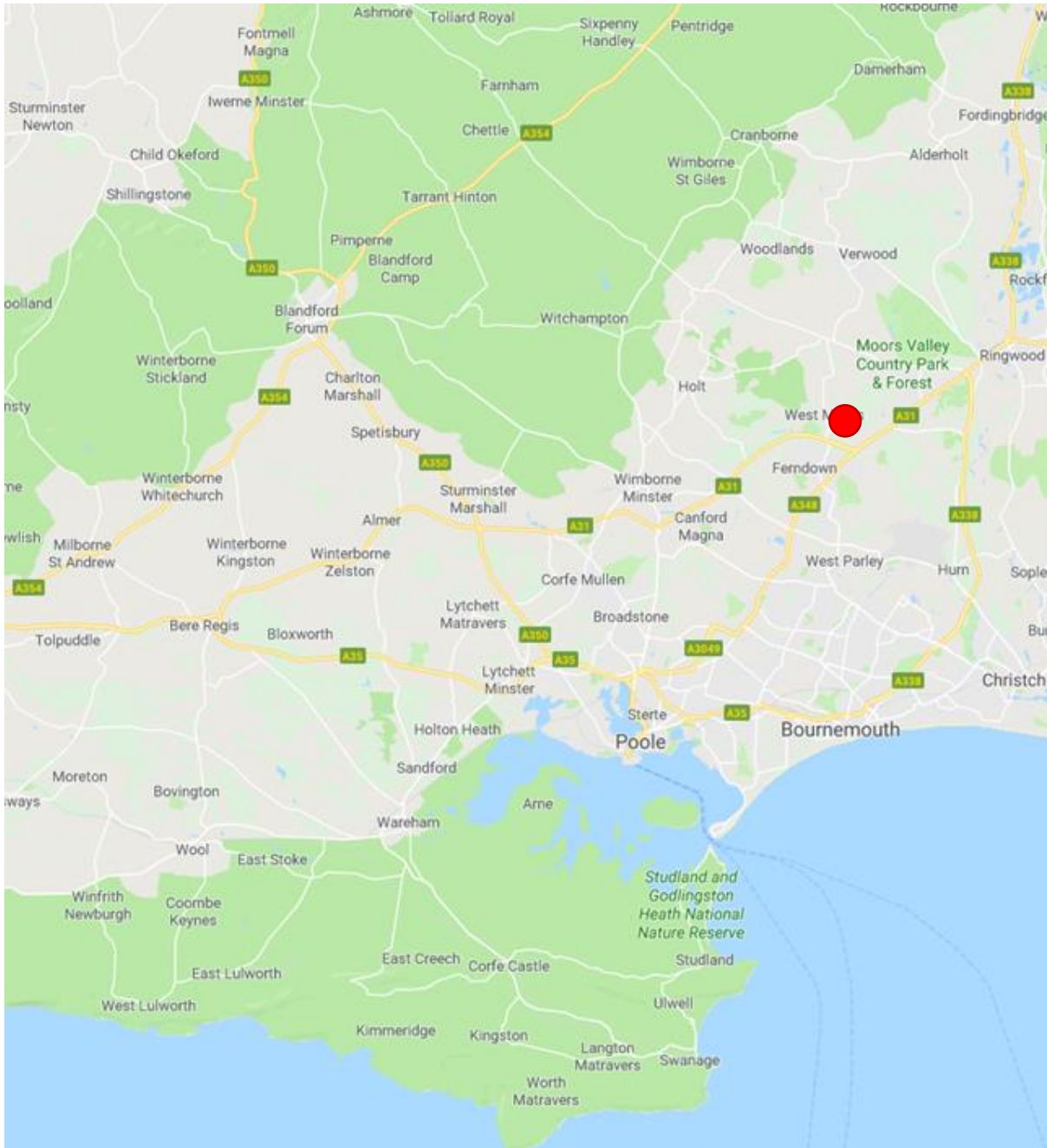
- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

● Approximate Site Location

Application reference: P/HOU/2024/05845

Erect oak framed single garage

Site address: 77A Elmhurst Road, West Moors, BH22 0DG



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Agenda Item 6

Eastern Area Planning Committee
22 January 2025

Application Number:	P/FUL/2024/00196		
Webpage:	Planning application: P/FUL/2024/00196 - dorsetforyou.com		
Site address:	Dunromin Uddens Drive Colehill Dorset BH21 7BJ		
Proposal:	Retention of Solar PV panels		
Applicant name:	Mr and Mrs Cooper		
Case Officer:	James Brightman		
Ward Member(s):	Cllr Lugg and Cllr Parkes		
Publicity expiry date:	12 April 2024	Officer site visit date:	12 January 2024
Decision due date:	23 August 2024	Ext(s) of time:	23 August 2024
No of Site Notices:	1 at site entrance		
SN displayed reasoning:	To ensure nearby residents were aware of the application		

1.0 This application comes before the Eastern Area Planning Committee at the request of the Chair of the Committee.

2.0 Summary of recommendation:

GRANT subject to conditions

3.0 Reason for the recommendation: as set out in paragraph 17.0 at the end of this report.

- The proposal is acceptable in its design and general visual impact
- The proposal is acceptable in respect of Green Belt policy; although it is inappropriate development, it has a limited impact on openness and the benefit from the generation of energy by renewable means represents a very special circumstance which outweighs the harm from the proposal from inappropriateness and loss of openness.
- There is no harmful impact from flood risk
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable – functional requirement for rural location.
Scale, design, impact on rural character and appearance & the landscape	Acceptable - The visual impact of the PV panels on the landscape is limited and not considered to be harmful and the proposal complies with Core Strategy Policy HE3: Landscape Quality
Impact on the Green Belt	Acceptable – The PV panels have a limited impact on Green Belt openness and although inappropriate development in the Green Belt by definition, the environmental benefits from the proposal’s generation of electricity from a renewable energy source represents the very special circumstances to outweigh the harm to the Green Belt.
Flood risk	Acceptable – The submitted Flood Risk Assessment has demonstrated the proposal has no impact on flood risk.

5.0 Description of Site

- 5.1 The application site is in the Green Belt outside the curtilage of the dwelling at Dunromin and is to the west of the access track at Uddens Drive. The site is in the countryside and functional floodplain of the watercourse known as Uddens Water which flows to the north and in an area at high risk from surface water flooding. The site is not in a Site of Special Scientific Interest (SSSI).
- 5.2 The land on which the PV panels are sited is relatively level, grassed and not cultivated. Mature trees grow close by to the north and east.
- 5.3 The immediate area has a rural character with detached dwellings sited with generous distances between them.

6.0 Description of Development

- 6.1 It is proposed to retain the 25m long array of south-facing photovoltaic panels (22 x 410 watt panels) that have been installed on land to the south west of the dwelling known as Dunromin. The overall height of the panels is 1.46m. A beech hedge is proposed to be planted to the south of the panels.

7.0 Relevant Planning History

03/02/1082/FUL - Decision: GRA - Decision Date: 25/09/2002: Sand Exercise Area (Retrospective).

03/99/1165/FUL - Decision: GRA - Decision Date: 15/06/2000: Four Stables With Base & Hay store (No Base). As amended by plans rec'd 02 June 00

P/CLE/2022/00230 - Decision: GRA - Decision Date: 04/08/2023: The existing use of a building (Stables, bunkhouse, utility & caravan) and associated land as a single

residential unit, including all existing ancillary outbuildings, walls, piers, gates and fences, together with the installation of a package treatment plant and drainage ditch/culvert as shown on Clive Miller Planning Site Plan ref: 1477-002.

P/HOU/2023/06948 - Decision: REF - Decision Date: 25/03/2024: Proposed alterations and extensions to dwelling and extension to domestic outbuilding

P/HOU/2024/02924 - Decision: GRA - Decision Date: 06/11/2024: Proposed alterations to dwelling.

8.0 List of Constraints

Greenbelt: Bournemouth Greenbelt;

Flood Zone 3

Flood Zone 2

Dorset Heathlands - 400m heathland buffer, Description: Holt & West Moors Heaths

Right of Way: Footpath E42/28; - Distance: 4.5m

Right of Way: Footpath E45/16; - Distance: 32.94m

Risk of Surface Water Flooding Extent 1 in 30

Risk of Surface Water Flooding Extent 1 in 100

Risk of Surface Water Flooding Extent 1 in 1000

Higher Potential ecological network

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

Minerals and Waste Safeguarding Area - ID: 5345;

Minerals and Waste - Sand and Gravel

Radon: Class: Class 1: Less than 1%

9.0 Consultations

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

Consultees

1. Environment Agency (EA) – No objection

- In respect of the submitted flood risk assessment (FRA) prepared by Enviren (Ref: 2300326-FRA, Issue 1.2, dated 04/07/2024), the row of solar panels is designed to withstand submergence to a flood depth of 1.5m and it is in the interests of the applicant to ensure that they are satisfied with the risks to their proposal.
- The scheme is minor in size and there would be free flood flow through the steel framework beneath the panels (the lowest edges of the panels

themselves appear set at least 500-600mm above ground level).

- Any impact on flood risk would likely be minimal and very localised to the site itself.

2. Ferndown Town Council - Object

- The proposals present a potential damage to the openness of the Green Belt and are within a SSSI
- Flood risk

3. Ferndown North Ward Member (Cllr Lugg at the time of consultation) - Comment

- If the solar panels are on green belt land, officers should satisfy themselves that the Council's policy on structures in the green belt is adhered to

Representations received

Total - Objection	Total - No Objection	Total - Comments
4	0	0

Summary of comments of objections:

- Inappropriate development in the greenbelt which would impact greenbelt openness
- Hedge to screen the PV panels impacts green belt openness
- Proposal represents a solar farm business rather than a domestic installation as installation is excessively large to serve the dwelling at the site and electricity would be exported
- A flood risk assessment is needed as the site is in the floodplain

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 2014:

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

KS1 - Presumption in favour of sustainable development

KS2- Settlement hierarchy

KS3 - Green Belt

HE2 - Design of new development

HE3 - Landscape Quality

ME1- Safeguarding biodiversity and geodiversity

ME5 - Sources of renewable energy

ME6- Flood Management, Mitigation and Defence

Material Considerations

Emerging Local Plans:

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

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

The draft Dorset Council Local Plan

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

Emerging Neighbourhood Plans

None relevant.

National Planning Policy Framework 2024

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where there are no relevant development plan policies, 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 13: Protecting Green Belt Land – in particular paragraphs 142-143; 153-155 & 160.
- Section 14: meeting the challenge of climate change, flooding and coastal change - in particular paragraphs 170-181

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 (PSED)

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 raises no PSED issues.

14.0 Financial benefits

None

15.0 Environmental Implications

The generation of electricity from a renewable source is an environmental benefit as it reduces the reliance on fossil fuels to generate power.

16.0 Planning Assessment

Principle of development

- 16.1 Paragraph 161 of the NPPF advises that '*The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure*'. Local Plan policy ME5 encourages the sustainable generation of energy from renewable sources where adverse social, environmental and visual impacts have been minimised to an acceptable level. The site lies within the countryside where policy KS2 identifies that development is only allowed where it is functionally required to be in the rural area.
- 16.2 Concerns have been raised by objectors that the scheme is too large, so is of commercial rather than residential nature. The proposed solar array will serve a lawful rural dwelling which is of modest size. The 22 solar panel array would usually produce the energy requirements associated with a 4 bedroom dwelling so the array is larger than is likely to be necessary for the holding, however any excess will contribute to local renewable energy generation, providing some public benefit, so on balance the principle of the development is acceptable, provided the proposal complies with Green Belt policy and the design is appropriate; these issues are discussed below.

Scale, design, impact on rural character and appearance & the landscape

- 16.3 The site where the photovoltaic (PV) panels have been placed is on relatively flat land. The PV panels are not tall structures being approx. 1.4m high. Mature trees grow to the north and east and the planting of a beech hedgerow can be secured by condition (no. 2). As the hedgerow will be close to the existing field boundary it will not appear uncharacteristic. The visual impact of the PV panels on the landscape is limited and not considered to be harmful. As such the proposal complies with Core Strategy Policy HE3: Landscape Quality.

Impact on the Green Belt

Appropriateness in the Green Belt

- 16.4 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 16.5 When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (para 153).

- 16.6 The 2024 NPPF sets out a list of exceptions to inappropriate development in paragraphs 154 to 156 and the proposal does not fit into any of these categories. Although the PV installation is an engineering operation it is not appropriate development under NPPF paragraph 154 h) ii. as it fails to preserve Green Belt openness and is therefore inappropriate development.
- 16.7 The proposal is to retain a renewable energy project and NPPF paragraph 160 confirms that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development and that in such cases developers will need to demonstrate very special circumstances if projects are to proceed.

‘..Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources’.

In this regard, paragraph 168 of the NPPF advises that when determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions. This contribution to cutting greenhouse gas emissions is a public benefit which is afforded weight in the planning assessment.

Impacts on openness and the purposes of the Green Belt

- 16.8 The PV panels have a limited visual impact on openness given their modest height and area and are not readily apparent from public viewpoints outside the site. The PV installation has a spatial impact on Green Belt openness and encroaches into the countryside but both impacts are limited given the modest height and length of the installation. The proposed hedge to the south should assist in limiting the visual impact of the development from this direction. Concerns have been raised by objectors that the hedge itself will reduce openness but Green Belt ‘openness’ relates to the absence of built form so planting would not have a negative impact.
- 16.9 Taking into consideration the location of the development and modest scale of the proposal, it is considered that any impacts on landscaping are attributed limited weight against the development in the planning balance

Flood risk

- 16.10 As the site is in fluvial Flood Zone 3 (high risk – zone 3a and 3b indicative) a Flood Risk Assessment has been required to be able to ascertain the flooding implications for the proposal.
- 16.11 Following a Holding Objection by the Environment Agency (EA), a Flood Risk Assessment prepared by Enviren (Ref: 2300326-FRA, Issue 1.2, dated 04/07/2024) has been submitted and the EA no longer object, noting that the row of solar panels is designed to withstand submergence to a flood depth of 1.5m. They advise that it is in the interests of the applicant to ensure that they are satisfied with the risks to their proposal.
- 16.12 Officers note that the whole of the applicant’s land holding lies within Flood Zone 3 so

there is no sequentially preferable location for the solar panels to serve the holding. The EA advise that the scheme is minor in size and there would be free flood flow through the steel framework beneath the panels and any impact on flood risk would likely be minimal and very localised to the site itself. On this basis, it is considered that Core Strategy Policy ME6: Flood Management, Mitigation & Defense has been satisfied, as flood risk would not increase as a result of the development.

Public benefits

- 16.13 The proposal's contribution to reducing greenhouse gases is a public benefit as set out at 3.2.10 of the Dorset Council's Planning for Climate Change Interim Guidance and Position Statement dated December 2023.

Planning balance

- 16.14 The proposal accords with renewable energy policy ME5, but it is an engineering operation that represent inappropriate development in the Green Belt and results in modest harm to openness and encroachment into the countryside. It is therefore for the decision-maker to form a planning judgment as to whether the harm to the Green Belt, by reason of inappropriateness, and any other harm is clearly outweighed by countervailing factors such as to justify the grant of permission for inappropriate development.
- 16.15 In order for the proposal to be supported, very special circumstances need to be demonstrated that overcome the harm to the Green Belt from the inappropriateness of the development and any other harm which includes modest harm to openness and countryside encroachment. Such very special circumstances can include the wider environmental benefits associated with increased production of energy from renewable sources.
- 16.16 The Council's 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 states that climate change will be given significant weight as a material consideration in the balance when determining planning applications (in line with the legislative and national policy context) and in considering the planning balance, regard will be had to Dorset Council's declaration of a climate emergency. It is also necessary to take account of the temporary nature of the solar array which would be anticipated to have a lifespan of approximately 30 years. A condition can be imposed to require the removal of the solar array once no longer being used for energy production in the interests of Green Belt openness and the rural character of the area (no. 3).
- 16.17 The supporting planning statement advises that the panels are 410 watt and together will generate a peak supply of 9 kW to the Dunromin dwelling and holding. It is estimated that this could reduce carbon emissions by almost 3 tonnes per annum compared to fossil fuel energy production. This factor is afforded significant weight given the Council's declared Climate Emergency.
- 16.18 In this case the development has a limited visual impact on the countryside. The environmental benefits of renewable energy provision are afforded substantial weight in the planning balance.

17.0 Conclusion

17.1 Although the proposal is inappropriate development in the Green Belt, given its limited impact on openness and no significant impact on the countryside nor on flood risk, it is considered the benefits of the proposal's renewable energy production towards the global drive to increase energy production from renewable sources (and reduce the use of fossil fuels) represent the very special circumstances necessary to outweigh the harm from inappropriateness and any other harm.

18.0 Recommendation

Grant Planning Permission, subject to the following conditions:

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

Paul Day Architectural Designs Ltd Drawing 7439 - 01 Rev C dated 31/01/2024

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

2. Within 3 months of the date of this permission a beech hedge shall be planted in the position shown with a grey rectangle on the approved Proposed Partial Site Plan 1:500. Any plants found damaged, dead or dying in the first 5 years shall be replaced and the whole scheme thereafter retained.

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

3. This permission is limited to a period expiring 30 years from the date of this planning permission by which time the solar panels hereby permitted shall have been removed and the land reinstated to grassland.

Reason: To reserve to the Local Planning Authority control over the long-term use of the land in the interests of Green Belt openness.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

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

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

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

In this case:

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

2. Biodiversity Net Gain

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

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

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

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

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the application for planning permission was made before 12 February 2024 and is exempt.

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

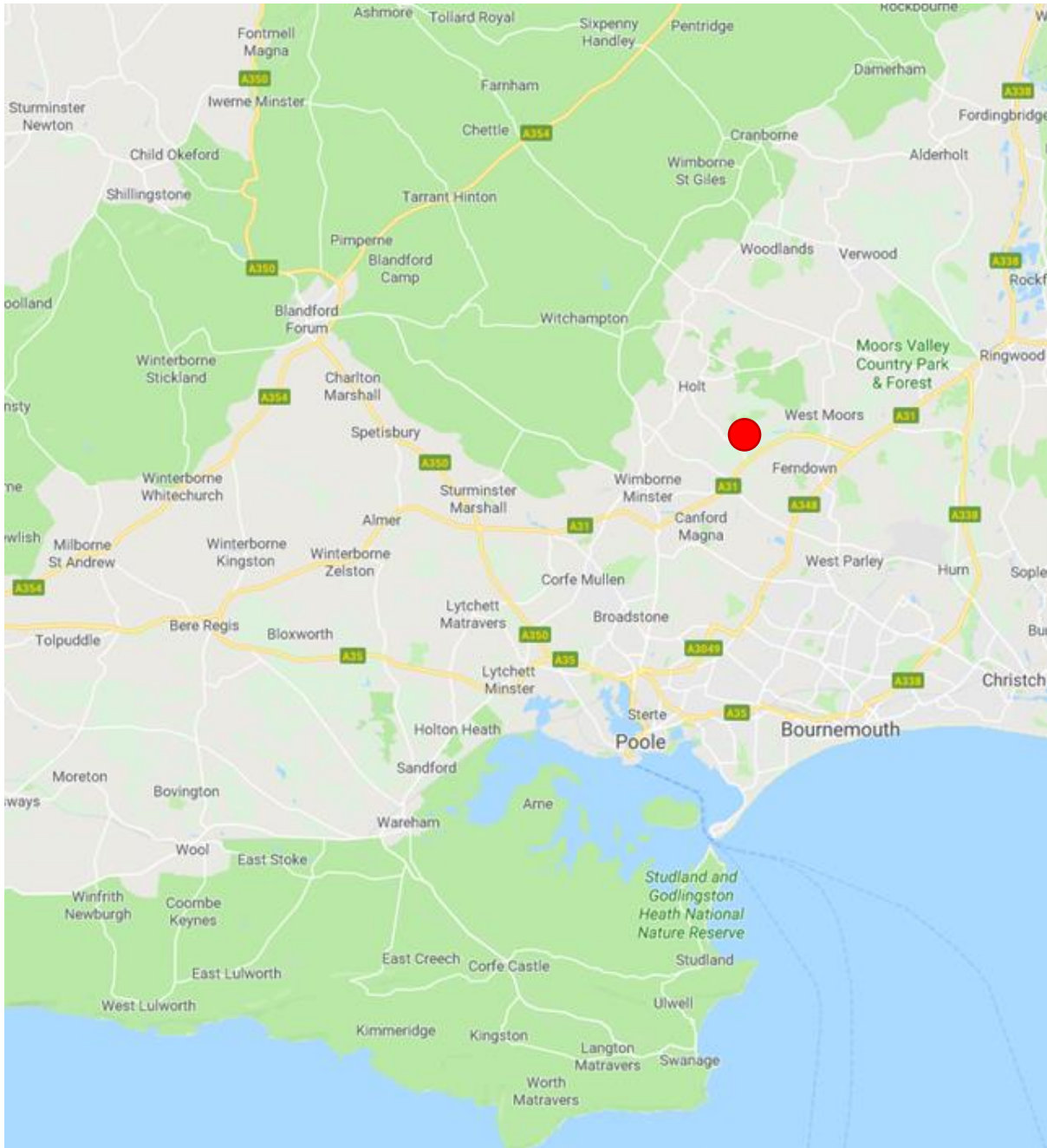
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● Approximate Site Location

Application reference: P/FUL/2024/00196

Retention of Solar PV panels

Site address: Dunromin Uddens Drive Colehill Dorset BH21 7BJ



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