



Eastern Area Planning Committee

Date: Wednesday, 26 February 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** 5 - 8
- To confirm the minutes of the meeting held on 22 January 2025.
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 24 February 2025.
5. **P/FUL/2023/02064 MORDEN MILL AND FARMHOUSE, MORDEN PARK CORNER. BH20 7DJ** 9 - 66
- Enabling residential development of 16 dwellings to facilitate restoration of listed farmhouse and mill building.
6. **P/FUL/2022/05152 15 DILLONS GARDENS LYTCHETT MATRAVERS DORSET BH16 6DW** 67 - 100
- Demolish existing dwelling and erect 6no 4-bedroom detached houses with associated parking and access.
7. **P/FUL/2024/06572 SWEET HAVEN, AGGLESTONE ROAD, STUDLAND, BH19 3BZ** 101 - 128
- Demolition of existing dwelling and construction of replacement dwelling. Replace existing shed to the rear of the pool with a garden store/room.
8. **P/FUL/2024/06886 7 THE AXIUM CENTRE, DORCHESTER ROAD, LYTCHETT MINSTER, BH16 6FE** 129 - 144
- Change of use to veterinary clinic class E with minor alterations to facilitate the change.
9. **P/FUL/2024/06508 BARN NORTH-EAST OF OLD QUARRY CLOSE, WORTH MATRAVERS** 145 - 174
- Partial demolition, external alterations and change of use to create three holiday lets with associated landscaping and parking.
10. **P/FUL/2022/04226 RED OAK COURT, WORGRET ROAD, WAREHAM** 175 - 194
- Extension to Planning Approval for Temporary Relocatable housing scheme comprising 6no. detached 1 bed units and a terrace of

11 no. 1 bed units and 1. no 2-bed unit for overnight carers with associated landscape and parking.

11. **P/FUL/2024/05862 SERVICE ROAD ADJOINING PURBECK PARADE HIGH STREET LYTCHETT MATRAVERS BH16 6BQ** 195 - 206

Remodelling of existing service road, associated pedestrian areas and adjoining planting areas.

12. **P/FUL/2024/07033 FOCUS CENTRE, 107 HIGH STREET, SWANAGE, BH19 2NB** 207 - 226

Erect new store extension, canopy, porch, bin store, new ramp and associated landscaping.

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 x of schedule 12 A to the Local Government Act 1972 (as amended). The public and the press will be asked to leave the meeting whilst the item of business is considered.

There are no exempt items scheduled for this meeting.

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EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 22 JANUARY 2025

Present: Cllrs David Tooke (Chair), Duncan Sowry-House (Vice-Chair), Alex Brenton, Beryl Ezzard, Scott Florek, Barry Goringe, Hannah Hobbs-Chell, David Morgan, Andy Skeats and Bill Trite

Apologies: Cllrs Toni Coombs and Spencer Flower

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

Elizabeth Adams (Development Management Team Leader), Marianne Ashworth, James Brightman (Senior Planning Officer), Kim Cowell (Development Management Area Manager (East)), Philip Crowther (Legal Business Partner - Regulatory), Joshua Kennedy (Democratic Services Officer) and Megan Rochester (Democratic Services Officer)

46. Declarations of Interest

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

47. Minutes

The minutes of the meeting held on 18 December 2024 were confirmed and signed.

48. 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.

49. P/HOU/2024/05845- 77A Elmhurst Road West Moors BH22 0DG

With the aid of a visual presentation including plans and aerial photographs, the Development Management Team Leader identified the site and explained the proposal, which was to erect a single garage to the front of a dwelling. It was explained that West Moors Town Council had made an objection to the application on the grounds of it impacting the character of the area.

Plans of the proposed garage were provided, showing the scale, design and proposed materials. Photographs were also provided of the dwelling, showing

where the garage would be situated and the surrounding area, to give members an impression of the impact the garage would have on the street scene.

Public representation was received from Mr Fatek, the applicant, who stated that the design and construction materials had been carefully considered to ensure the garage would not impose significantly on the character of the area.

Cllr Burke spoke as a representative of West Moors Town Council, in opposition to the application. She explained that the Town Council objected to the erection of the garage, as the addition of garages to the front gardens and driveways of homes in the area would negatively affect the openness that characterised the area.

The Development Management Team Leader provided the following responses to members questions:

- There was existing planting around the property, that would in the future help to obscure the view of the garage and further planting wasn't considered necessary.
- Any alternative development would have still required planning permission, as it wouldn't benefit from permitted development rights.
- There was no Neighbourhood Plan in place for West Moors.
- Officers considered that the layout, scale and design of the garage were in keeping with the associated dwelling.

Members were given the opportunity to debate the merits of the application, during which several members expressed agreement with the recommendation to grant approval, due to the sympathetic design of the garage and the fact that it was set back from the road. Members also expressed sympathy with the position of the Town Council in wishing to protect the character of the area.

Proposed by Cllr Goringe and seconded by Cllr Brenton.

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

50. P/FUL/2024/00196 Dunromin Uddens Drive Colehill Dorset BH21 7BJ

With the aid of a visual presentation including plans and aerial photographs, the Senior Planning Officer identified the site and explained the proposal and relevant planning policies to members. The application was for the retention of an array of solar panels. The Case Officer also provided an update, which clarified the drawing numbers in the plans.

Plans and photographs were provided showing where the panels had been erected, as well as the parameters of the site and the curtilage of the adjacent dwelling. It was explained that the reason the applicant had not positioned the panels within the curtilage of the dwelling, was because they had been advised that the shadows from the property and surrounding trees would impact the effectiveness of the panels.

It was proposed that a hedge would be planted to screen the panels from one side and officers considered that the benefits of the reduction in carbon emissions represented the very special circumstances needed to justify the location of the solar panels. There was also a condition included to ensure the removal of the panels after 30 years.

Public representation was received from Mr Kitching, the agent for the application, who stated that they agreed with the recommendation from the Case Officer to approve the solar panels and that the applicant was happy with all the conditions that had been set out.

The Senior Planning Officer provided the following responses to members questions:

- The impact of the panels on the Green Belt was considered very slight, due to the design, while there were also tangible benefits from reducing carbon emissions.
- It was not known exactly how long the panels had been in place, but it was thought that they had been there for less than four years.
- The application site, including the dwelling were all located in the Green Belt.
- Any additional energy produced by the solar panels would go back into the National Grid and this was considered a benefit to the application.

Members debated the merits of the application, and several members raised concerns that they had with the application, including the length of time that the panels were allowed to be in place and the type of planting specified in the report. After discussion, it was proposed by Cllr Brenton and seconded by Cllr Hobbs-Chell to grant, as per the officer's recommendation with the added condition that the length of time for the panels to be in place, be reduced to 20 years.

It was proposed by Cllr Hobbs-Chell and seconded by Cllr Morgan, that the landscaping condition be amended to stipulate that it should specify mixed native hedging rather than beech hedging.

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

51. Urgent items

There were no urgent items.

52. Exempt Business

There was no exempt business.

Decision List

Duration of meeting: 10.00 - 11.23 am

Chairman

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Officer Report

Application Number:	P/FUL/2023/02064		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Morden Mill and Farmhouse Morden Park Corner BH20 7DJ		
Proposal:	Enabling residential development of 16 dwellings to facilitate restoration of listed farmhouse and mill building		
Applicant name:	Smartin Developments Limited		
Case Officer:	Thomas Whild		
Ward Member(s):	Cllr Brenton, Cllr Robinson and Cllr Starr		
Publicity expiry date:	15 May 2024	Officer site visit date:	29 October 2024

1.0 The application is being referred to the planning committee as the case officer's recommendation is contrary to the views of the parish council and ward members.

2.0 Summary of recommendation:

A) To delegate authority to the Service Manager for Development Management and Enforcement and Development Management Area Manager East to issue planning permission following referral to the Secretary of State for Housing Communities and Local Government and completion of a S106 Planning Obligation.

or

B) Refuse permission for the reasons set out below if the s106 agreement is not completed by 27 August 2025 or such extended time as agreed by the Service Manager for Development Management and Enforcement and/or the Development Management Area Manager East

3.0 Reason recommendation A: as set out in paras 17.1 – 17.5 at end

- The development comprises 'enabling development' which will facilitate a significant heritage benefit in the restoration of heritage assets which are currently in a poor state of repair.
- The benefits which will be delivered by the enabling development are substantial and carry sufficient weight to justify the grant of planning permission which would otherwise be contrary to the development plan by way of its remote and unsustainable rural location.

Officer Report

- The benefits which will be delivered by the ‘enabling development’ are also of sufficient weight to constitute Very Special Circumstances to justify inappropriate development in the Green Belt.
- The proposal would represent a good quality of design and would avoid harmful impacts upon heritage assets, the landscape character, highways, flood risk and biodiversity and would provide for mitigation for impacts upon protected habitats.
- It is considered that the benefits of the scheme clearly outweigh the harm to the Green Belt and any other harm as set out in the officer report.

Reason for recommendation B (as set out in paras 17.1 – 17.5 at end)

- In the absence of a legally binding mechanism to ensure the delivery of the agreed works the heritage assets the benefits of the scheme would not clearly outweigh harm to the Green Belt and any other harm as set out in the officer report.

4.0 Key planning issues

Issue	Conclusion
Principle of development	<p>The site is in a remote location where new housing development is not normally supported and would be contrary to the spatial strategy established in the development plan. The proposal also constitutes inappropriate development in the green belt.</p> <p>The development is proposed as ‘enabling development’ which has been justified through viability testing and which would deliver enhancement of heritage assets.</p>
Impact on heritage assets	<p>While the proposal would sit within the setting of listed buildings on the site it is concluded that, when the benefits that the scheme would provide for are taken into account, there would not be any harm to heritage assets as a result of the proposals.</p>
Design and character	<p>The proposals are acceptable in terms of their design and relationship to the character of the area.</p>

Officer Report

Landscape and visual impacts	The proposals are supported by a landscape and visual impact assessment which confirms there would be negligible or slight impacts on the landscape only. It is considered that the proposals would not result in harm to the local landscape.
Flood risk and drainage	The proposed houses would not be in an area at risk of flooding. The access to the site does pass through an area at risk of flooding, but an acceptable scheme for flood management has been proposed which will ensure that the development remains safe. The sequential test has been passed.
Highways access and parking	Subject to the imposition of appropriate conditions the proposals will not result in unacceptable highways impacts.
Affordable housing	Based on the viability evidence provided, to justify that the enabling development is the minimum development necessary to restore the heritage assets, it is not considered that affordable housing provision would be appropriate in this instance.
Biodiversity and habitats	The development would not result in unacceptable impacts to protected species and impacts to on-site habitats will be appropriately mitigated. Impacts on European Sites will be mitigated through the purchase of nitrogen credits and through CIL.
Planning balance and Very Special Circumstances	The benefits of securing the restoration of heritage assets are considered to carry substantial weight which justifies a departure from the development plan in this instance. These benefits are also considered to represent Very Special Circumstances that clearly outweigh the harm the harm to the green belt and any other harm.

5.0 Description of Site

- 5.1 The application site comprises an irregularly shaped parcel of land on the northern side of the A35, from which access to the site is taken. The site is located within the open countryside approximately 600m to the west of the Morden Park Corner

Officer Report

crossroads and approximately 850m to the southwest of East Morden. In addition to being within the countryside, the site is within the Southeast Dorset Green Belt.

- 5.2 The site extends to an area of 2.6 hectares, with access from the northern side of the A35. There are three buildings in the southern part of the application site, comprising the Grade II listed mill building, the Grade II listed farmhouse and a stable block which has recently been converted to a pair of dwellings. The mill and farmhouse date to the 18th century and are of red brick construction. The planning and listed building consent for the conversion of the stable block also includes works to the Mill and Farmhouse, although these have not yet been carried out, with those buildings standing in a state of dilapidation.
- 5.3 There is a man-made mill pond located to the western side of the mill which extends out to and beyond the western boundary of the application site. The western boundary of the application site is defined by a recently installed boardwalk across the mill pond. A sluice drains from the northern bank of the mill pond to a stream which flows across the site before rejoining the mill race to the east of the farmhouse and exiting the eastern side of the site, after which the watercourse turns to the south, flowing beneath the A35 and into a lake in the parkland to the south.
- 5.4 The main route through the site passes centrally through the site on a broadly north-south axis. The levels fall away relatively steeply from the level of the road with the mill and farmhouse being set at the lowest point of the site. The access route passes between these buildings and after crossing the mill stream the land levels rise steeply through the central part of the site which is heavily wooded before emerging into an open field where the currently proposed development is to be located.
- 5.5 The field is open pastureland and is defined by significant tree lines on the western and southern boundaries. The northern boundary is more open, being defined by a post and wire fence, with some trees and sparse hedges on the edge of the site. The field rises from the south to its highest point at the northern boundary of the site. There is a pond in the southeastern corner of the field.
- 5.6 The land immediately to the south and east of the site is woodland, comprising a mix of natural woodland (including areas of ancient woodland) and plantation. Land to the north is open farmland while the east is a mix of open farmland, wooded areas and the eastern part of the millpond. Land levels continue to rise to the north before falling away towards East Morden and West Morden.

6.0 Description of Development

- 6.1 The application seeks planning consent for the construction of 16 dwellings. The dwellings comprise a mix of three- and four-bedroom housing in the field at the northern part of the site, together with associated car barns, ancillary structures and landscaping. The development site will be accessed via the existing route through the site from the A35 and past the listed buildings.
- 6.2 The dwellings are arranged around two informal courtyard areas formed within the field, with most of the houses facing onto these courtyards or onto the access drive.

Officer Report

Three of houses in the eastern part of the site would face onto the pond, effectively forming a group with house 1 on the opposite side of the access road.

- 6.3 The houses are designed to reflect the site's rural character and are influenced by the design of the listed buildings and stable block in terms of their overall form and use of materials. The designs comprise a mix of traditional domestic forms, and forms which are reminiscent of converted agricultural buildings. House 2 and house 9 have the appearance of converted barns, while houses 4 and 5 have the appearance of a converted coach house or stable block. There is also a mix of detached, semi-detached and terraced house types. The applicant explains that the site is designed to have the appearance of having grown and developed organically over time and has therefore sought to avoid reliance on more generic house types.
- 6.4 The proposals include three car barns. A small car barn with four parking bays is located on the western side of the access road, after unit 1 and provides parking for that unit and unit 2. The other car barns are larger, providing space for 6 and 8 cars, respectively. These larger car barns are each located on the eastern side of the informal courtyards. The car barns include integral storage areas and are designed with an agrarian character, featuring timber framing, with waney edged cladding to the walls and cropped gables.
- 6.5 Units 14 to 16 also include garden rooms formed as a relatively simple lean-to structure against the rear retaining walls to the gardens of those units. These have a simple brick and timber cladding construction with a pent roof. The change in levels of each of these is such that the rear wall would primarily be comprised of retaining structures and would not appear above the rear boundary walls of those units. An overall summary of the accommodation to be provided is set out in the table below:

Unit	Number of bedrooms	Car parking	Other provision
1 – farmhouse style	4	Spaces within car barn 3	-
2 – barn style	4	Spaces within car barn 3	-
3 – coach house style	4	Spaces within car barn 1 & surface	-
4 – coach house style	4	Spaces within car barn 1 & surface	-
5 – semi-detached farmhouse style	4	Spaces within car barn 1 & surface	-
6 – semi-detached farmhouse style	3	Spaces within car barn 1 & surface	-
7 – farmhouse style, 1.5 storey	4	Spaces within car barn 1 & surface	-
8 – barn style	4	Space within car barn 1 & surface	-
9 – terraced cottage style	4	Space within car barn 2 & surface	-

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10 - terraced cottage style	4	Space within car barn 2 & surface	
11 - terraced cottage style	3	Space within car barn 2 & surface	
12 - terraced cottage style	3	Space within car barn 2 & surface	
13 - terraced cottage style	4	Space within car barn 2 & surface	
14 – waterfront	4	Space within car barn 2 & surface	Garden room
15 – waterfront	4	Space within car barn 2 & surface	Garden room
16 – waterfront	4	Space within car barn 2 & surface	Garden room

6.6 The site includes landscaping which reinforces the existing natural boundaries of the site, through additional planting and the creation of an ecological buffer around the edges of the site. Internally the landscaping remains relatively informal, reflecting the rural character of the site, with surfacing in unbound gravel and setts, and informal tree and shrub planting throughout the site.

6.7 The development is proposed as a form of ‘enabling development’ which is intended to fund the renovation of the listed farmhouse and mill in accordance with previous approvals of planning and listed building consent. The applicant has engaged in pre-application discussions and submitted detailed viability information to justify the necessity for the development and the quantum of development proposed.

7.0 Relevant Planning History

Planning and listed building applications

- 6/2019/0664 -Decision: GRA -Decision Date: 22/05/2020 -Alterations and additions to refurbish farmhouse. Restoration of former Water Mill Building. Conversion of rural outbuilding / stable block to 2 residential units.
- 6/2019/0665 - Decision: GRA - Decision Date: 22/05/2020 - Alterations and additions to refurbish farmhouse. Restoration of former Water Mill Building. Conversion of rural outbuilding / stable block to 2 residential units
- PAP/2020/0057 - Decision: RES - Decision Date: 22/12/2020 - Refurbish Farmhouse and convert mill to residential use

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- Confirmed that the heritage value of the mill is sufficient to justify that the principle of enabling development could be considered acceptable subject to further details and a full assessment including
 - Independent assessment financial viability identifying a conservation deficit
 - Enabling development in a location which minimises impacts on the green belt, meets flood risk exceptions and sequential tests, avoids harm to trees and is acceptable in relation to mineral extraction
 - An exceptional design which would conserve and enhance the heritage assets of the site and help to raise standards of design more generally.
 - A legal agreement to secure the conservation works and future management of the site.
- P/PAP/2021/00381 - Decision: RES - Decision Date: 18/02/2022 - Enabling residential development of approx. 16 dwellings to facilitate restoration of the Listed Farmhouse and Mill
 - Advice included confirmed the extent of the conservation deficit and overall quantum of enabling development required.
 - Advised that any recommendation would be finely balanced but likely possible to support the principle of the development
 - Support given for the overall approach to the design and layout with some concerns raised over detailing.
 - Confirmed need to address technical issues in respect of access, drainage, biodiversity and waste collection.

Tree work applications

- TWA/2018/246- Decision: TN - Decision Date: 16/01/2019 - All willow and alder growing in flat bottom of old mill pond - fell and clear stumps of all trees (trees on edge of pond on higher ground will be retained) - Morden Conservation Area
 - TWA/2021/067-Decision: TN - Decision Date: 29/07/2021 -T1 Ash - Fell. Morden Conservation Area
 - P/TRC/2022/03309 - Decision: TN - Decision Date: 27/06/2022G1 Ash - Fell to ground level.
- P/TCO/2022/05553 - Decision: TN - Decision Date: 22/09/2022 - Felling Licence Consultation - Morden Mill

Officer Report

- P/TRD/2022/06036 - Decision: TG -Decision Date: 04/10/2022Dead English Oak - Fell.

Consultations

- P/TEA/2024/01363 - Decision: NOB- Decision Date: 27/03/2024Regulation 5 notification: To install 1 x 9metre light pole

8.0 List of Constraints

Grade: II Listed Building: MORDEN MILL FARMHOUSE, List Entry: 1171768.0 and MORDEN MILL List Entry: 1120564.0

Morden Conservation Area

Poole Harbour Nutrient Catchment Area

Wessex Water Treatment Works Catchment

Right of Way: Bridleway SE19/24; - Distance: 17.62

DESI - Dorset Council Land (NULL): NULL - Reference LIN001286 - Distance: 0

Ancient Woodland: MORDEN PARK; Ancient & Semi-Natural Woodland (Distance: 339.2), EAST MORDEN WITHY BED; Ancient & Semi-Natural Woodland (Distance: 383.63) and EAST MORDEN WITHY BED; Ancient Replanted Woodland – (Distance: 379.56)

Existing ecological network - Higher Potential ecological network Wildlife Present: S41 - Eurasian Otter; - Distance: 0

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

Dorset Heathlands - 5km Heathland Buffer

Bournemouth Greenbelt

Groundwater – Susceptibility to flooding

Flood Risk Zone 3a - Distance: 0, Zone 3b (indicative), Flood Zone 2

Risk of Surface Water Flooding Extent 1 in 30, 1 in 100 and 1 in 1000 - Distance: 0

Surface water flooding - 1 in 100-year event plus 20% allowance and 40% allowance

Minerals and Waste Safeguarding Area, Ball Clay Consultation Area - Name: 8; (Distance: 6.72) And Sand and Gravel (Distance: 0)

Radon: Class 1: Less than 1% and Class 3: 3 - 5% - Distance: 0

ONR winfrith_magnox_12km_zone and_tradebe_inutec_12km_zone -

9.0 Consultations

Officer Report

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

Consultees

1. DC – Landscape

Initial Comment, 9 June 2023

Holding objection pending the submission of an LVIA; long/cross sections and proposed levels and details of retaining structures; clarification of surface materials; maintenance and management arrangements of common areas; changes to planting; resolution of disabled access and bin storage.

Further comment 5 December 2023

Unable to provide fully detailed response but the LVIA's conclusions appear robust, and its conclusions may be relied upon. The fact that the conservation officer is content with the scheme reduces any concerns over impact on setting of heritage assets. Standard conditions should be imposed with regard to implementation of landscaping.

2. DC - Rights of Way Officer

No objection. Suggest that the right of way should have some improvements made to it with the assistance of the developer.

3. DC - Highways

Initial comments

DEFER for submission of further information. Issues identified:

- Evidence of historical traffic movements within AM and PM peaks needed
- Updated speed survey data needed as submitted data is dated.
- Maximum visibility splays for the speed limit should be provided and should consider vertical alignment.
- A stage 1 road safety audit is required in respect of the junction and impact of any potential queueing for the right hand turn into the development.

Officer Report

- Although not adopted the estate road should have 20mph design speed controls with due regard to inclusive mobility and suitable car parking provision for residents and visitors.

Comments – 5 September 2024

On balance the submitted transport statement and additional technical information is satisfactory and robust and residual cumulative impacts of the development cannot be thought to be 'severe' when consideration is given to paragraphs 114 and 115 of the NPPF. Conditions recommended in respect of:

- Completion of the junction and first 20m of access road
- Construction of the estate road
- Completion of junction works (Grampian Condition)
- Provision and retention of visibility splays
- Precise details of electric gates to be submitted
- Setting back of gates
- Gate access management plan
- Construction traffic management plan

4. DC - Minerals & Waste Policy

The mineral safeguarding requirement is waived and no objection is raised to the proposal.

5. DC - Conservation Officers

No objection, subject to conditions to mitigate the visibility of the development from the access road and to limit visibility of the sewage treatment plant.

The impact of the proposals on the setting of the listed buildings would be minor and would not result in overall harm to heritage assts.

6. DC - Flood Risk Management

Initial Comments – 3 May 2023

The flood risk to the development area is low but there is a high probability of flooding to the access road servicing the proposed development.

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The submitted FRA does not assess the risk of flooding to the access road and safe access and escape routes have not been demonstrated – this cannot be conditioned and further information is required in respect of flood depths velocities and hazard categories for a range of return periods and all applicable sources of flooding.

Comments – 14 November 2023

Notes that the Environment Agency has raised concerns in respect of flood risk to the access road, and that the EA's flood extents are greater than surface water flood extents so LLFA considers that it is prudent to allow the EA to lead on the assessment of flood risk to the access road. Therefore recommended that the application is referred back to the EA for comment.

Comments 15 December 2023

Noted that the EA has removed its previous holding objection. However holding objection pending the resolution of issues in respect of the design and suitability of the access drive.

Comments 31 January 2024

The submitted information since the assessment on 15 December do not address flood or surface water drainage and therefore holding objection remains.

Comments 28 February 2024

Further amendments and modelling have demonstrated that with mitigation works the access road is not liable to flooding for all events up to 1 in 100. There will be some flooding for the 1 in 100 year event when climate change is taken into consideration, but inundation would have a low probability and a short period, with potential for a flood warning and evacuation plan to be provided. The proposal is therefore acceptable, subject to conditions.

7. Kaolin and Ball Clay Association

No comments received

8. P - Morden Parish Council

Object, raising the following issues:

- Effect on listed buildings, considerable impact on the landscape and the green belt

Officer Report

- Significant change to the rural character and creation of a 'closed-off' development which is reliant upon car usage.
- Highway safety
- Flood risk
- Proposal would not meet the housing needs of the village
- Impacts on wildlife, protected sites and biodiversity.

9. DC - Building Control Purbeck Team

Careful consideration of requirements of part B5 required. All other building control matters to be dealt with at time of application.

10. DC - Trees (East & Purbeck)

Recommend that clarity is sought in respect of the treatment of the ecological buffer. Otherwise no objection subject to conditions requiring a pre-commencement site meeting with the tree officer and the implementation of tree protection works as detailed.

11. Dorset Wildlife Trust

No comments received

12. Ramblers Association

No comments received

13. Wessex Water

Notes that the surface water drainage is to a local land drainage system in accordance with the SUDS hierarchy – defers to the LLFA to agree the surface water strategy.

Confirms that there are no foul sewers available for connection in the local vicinity of the site. The private package treatment works will require the approval of the Environment Agency.

The nearest public water main supply is to the northwest in Whitefield, or northeast in East Morden. Individual dwellings will require their own customer meter and connection to the water main. The developer is advised to contact Wessex Water as early as possible to investigate options for the water supply

Officer Report

which may require a new water main extended within nearest public highways.

14. Natural England

No objection following receipt of updated Appropriate Assessment. Condition recommended requiring that water usage is limited to 110l per person per day as set out in the completed nutrient calculator.

15. Nuclear Restoration Services (NRS)

No comments received.

16. Lytchett Matravers and Upton Ward Councillor (Cllr Brenton)

Object – the business case is flawed, 16 properties for sale will produce far more capital than is needed. This is in Green Belt and is not a sustainable location. It is isolated from any village so all facilities will be accessed by car.

17. Lytchett Matravers and Upton Ward (Cllr Starr)

Object. I would have thought that 16 houses is an excessive number to provide the funds required to restore the mill. I am also against the creation of an isolated housing estate devoid of any service and in no way sustainable. Particularly in the green belt.

18. W - Lytchett Matravers and Upton Ward (Cllr Pipe)

No response received.

19. Dorset Police Architectural Liaison Officer

No response received.

20. Environment Agency

Comments 23 June 2023

Object – the FRA does not comply with the requirements for site specific flood risk assessments as set out in the PPG and should consider flood hazards, emergency flood planning and climate change. Reliance on national generalised mapping is not sufficient in this instance.

Additionally the proposals will need to pass the sequential and exceptions tests.

Comments 1 December 2023

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Objection withdrawn, subject to the imposition of a condition requiring a construction environmental management plan.

The response notes that the EA has not been party to discussions with regard to hydraulic modelling but it is assumed that the LLFA has reviewed and accepted the model and on that basis would have confidence in the results provided.

21. Historic England

It appears that while the proposals would rescue the listed buildings from decay they would also cause a degree of harm to their tranquil, isolated setting, and a minor adverse impact on the rural character and appearance of the conservation area. It is for the Council to determine whether the adverse impact is a price worth paying and be completely convinced that the quantum of development is the minimum necessary to provide for the future of the listed buildings.

22. DC - Archaeology - Steve Wallis

No response received.

23. DC - Environmental Assessment

Confirmation that nutrient budget is acceptable and Appropriate Assessment completed.

24. DC – Waste team

Confirmed that waste collection points will be required within 10m of the defined turning area.

Representations received

- 9.2 The representations received include comments in objection to the proposals from two parish councillors and the Dorset Council for the Protection of Rural England (CPRE).

Summary of comments of objections:

- The proposal would be contrary to green belt policy
- Although the buildings of value should be preserved, this should not be at all costs.

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- The possibility of grant funding has not been fully explored
- Concern that the amount of development proposed exceeds the scale required for the enabling development of the historic buildings.
- There is no mention of how the new buildings will contribute to the mitigation of climate change.
- Disturbance to the watercourse which runs through the site, through sediments and nutrients.
- Flood risk
 - The only access is through the flood risk area.
 - The sewage treatment plant would be vulnerable to flooding.
- Highways impacts
 - Access directly on to the A35
 - High speeds and geometry of the road leading to hazard
 - Impacts on capacity of surrounding roads
- Car parking appears insufficient given that it relies upon garages which are likely to be used for storage, and taking into account the size of the dwellings proposed.
- Visibility of the site from nearby rights of way.
- Harm to biodiversity
 - Loss of bat foraging sites including rare species
 - Impacts on the river known to be home to native reptiles and otters
- The location is unsustainable and wholly reliant upon car travel.
- The development does not provide any smaller (2 bedroom) or affordable housing.
- Unavailability of viability information.
- The amount and size of the housing is not reflective of the surrounding hamlet.

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Summary of comments of support:

No comments have been received in support of the proposals.

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 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for a development which affects a listed building or its setting, there is a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

11.0 Relevant Policies

Development Plan

Purbeck Local Plan 2018-2034, Adopted 2024. The following policies are considered to be of relevance to the proposals:

- V1 – Spatial strategy for sustainable communities
- V2 – Green belt
- E1 – Landscape
- E2 – Historic environment
- E4 – Assessing flood risk
- E5 – Sustainable drainage systems
- E7 – Conservation of protected sites
- E8 – Dorset heathlands
- E9 – Poole Harbour
- E10 – Biodiversity and geodiversity
- E12 – Design
- H9 – Housing mix
- H10 – Accessible and adaptable homes
- H11 – Affordable housing
- I2 – Improving accessibility and transport
- I3 – Green infrastructure, trees and hedgerows

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:

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- 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. Footnote 7 of the framework states that these include policies relating to habitats sites and SSSIs, green belt, local green space, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.

Other relevant NPPF sections include:

Section 5 – delivering a sufficient supply of homes. Paragraphs 82 – 84 set out policies for rural housing. Paragraph 83 states that housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 84 states that isolated homes in the countryside should be avoided except in specific circumstances.

Section 9 – promoting sustainable transport. Paragraph 115 requires that applications for development should ensure that appropriate opportunities for sustainable transport modes can be taken up; safe and suitable access to the site can be achieved for all users; the design of streets parking areas and other areas reflects current national guidance. Paragraph 116 states development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or there would be severe residual cumulative impacts.

Section 12 – Achieving well designed and beautiful places. Paragraph 131 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve and that

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good design is a key aspect of sustainable development. Paragraph 135 goes on to set specific criteria against which development proposals should be assessed.

Section 13 – Protecting Green Belt land. Paragraph 142 states the great importance that the Government attaches to green belts and paragraph 143 sets out the five purposes of green belts which are:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 153 sets out that inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances. Paragraph 153 goes on to state that substantial weight should be given to any harm to the green belt, and that very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. Paragraph 154 sets out that new buildings should be regarded as inappropriate development except in certain defined circumstances.

Section 14 – Meeting the challenge of climate change, flooding and coastal change. Paragraph 170 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where this cannot be done, development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraphs 172 and 173 require a sequential approach to the location of development. Paragraph 174 states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Where the Sequential Test can be passed, paragraphs 177 and 178 require the application of the exception test, informed by a site-specific flood risk assessment. Paragraph 182 requires the incorporation of sustainable drainage systems in major developments.

Section 15 – Conserving and enhancing the natural environment. Paragraph 193 states development should not be allowed if there would be significant harm to biodiversity. Paragraph 195 goes on to state that the presumption in favour of sustainable development does not apply where the project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that the integrity of the site would not be adversely affected.

Section 16 – Conserving and enhancing the historic environment. Paragraph 212 requires great weight to be given to the conservation of designated heritage assets, irrespective of the degree of potential harm, with paragraph 213 confirming that any harm to or loss of significance should require clear and convincing justification.

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Paragraph 209 states that where there is evidence of deliberate neglect of or damage to a heritage asset, the deteriorated state of the asset should not be taken into account in any decision.

Paragraph 214 states that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies, but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

Other material considerations

Purbeck District Design Guide SPD

Morden Conservation Area Appraisal, January 2018.

Dorset Heathlands Planning Framework

Poole Harbour Recreation 2019-2024 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.

Historic England Good Practice Advice in Planning: 4 – Enabling Development and Heritage Assets.

Dorset Council Annual Position Statement – 5 Year Housing land supply – October 2024. The statement has been agreed with the planning inspectorate and confirms that the Council can demonstrate a housing land supply of 5.02 years.

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.

12.1 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: -

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- 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. The proposals include measures to provide access to the dwellings through the use of level thresholds and stepless routes to a proportion of the units.

14.0 Financial benefits

What	Amount / value
Material Considerations	
Job creation during construction	Not quantified
Off-site biodiversity enhancements	£9,366.36
Non Material Considerations	
CIL Contributions	Approx. £112,000 plus indexation

15.0 Environmental Implications

15.1 The proposal would result in additional CO₂ emissions from occupants of the dwellings. To a certain extent such emissions are an unavoidable impact associated with the provision of new housing. The new houses would be constructed to modern building regulations which include requirements seeking to control energy usage, minimise the effects of overheating and provide charging facilities for electric vehicles.

15.2 Due to the site’s remote location and lack of public transport accessibility to the site, the proposals would be wholly reliant upon access by private motor vehicles. Trips to and from the site would contribute to additional CO₂ emissions.

16. Planning Assessment

16.1 Principle of development

Location of the site

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16.1.1 The site is in the countryside outside of any settlement boundary. The proposals would result in an isolated development which is not related to any neighbouring service centres. Therefore, the proposal would conflict with the spatial strategy for sustainable communities set out in policy V1 and the relevant supporting text. The site’s isolated location is considered to be inherently unsustainable and the development would also therefore result in conflict with section 2 of the NPPF, which seeks to achieve sustainable development, and with paragraphs 83 and 84 of the framework which seek to promote sustainable development in rural areas by locating new housing where it will enhance or maintain the vitality of rural communities and by avoiding the development of isolated homes in the countryside. The conflict with the development plan with regards to the site’s location and the spatial strategy are afforded **significant weight against the scheme** in the planning balance.

16.1.2 In October 2024, Dorset Council published its annual position statement for housing land supply, which has been confirmed with the planning inspectorate and which confirms that a 5 year supply of deliverable housing sites can be demonstrated. The most recent housing delivery test results have also confirmed that the Council has achieved housing delivery of 105% of the housing requirement over the previous three years. Therefore the ‘tilted balance’ set out in paragraph 11 of the framework is not engaged and relevant policies may be afforded their full weight in decision making.

16.1.3 Although, as the Council can demonstrate a 5-year housing land supply, the tilted balance does not apply, the proposals would still contribute positively to the overall supply of housing within Dorset. This is a benefit of the scheme which is afforded **moderate weight**.

Green Belt impacts

16.1.4 In addition to the site’s rural location the site also falls within the Southeast Dorset Green Belt. While policy V2 of the local plan has confirmed amendments to the boundary of the green belt, these affect specific site allocations in Lytchett Matravers and Upton in support of the Local Plan’s strategy for housing delivery. The green belt remains unaltered elsewhere. Policy V2 does not seek to provide additional restrictions or criteria for the assessment of development proposals in the green belt and therefore the proposals fall to be considered against the criteria of the NPPF.

16.1.5 Paragraph 154 states that development in the green belt is inappropriate except in certain circumstances. Those exceptions, and the relevance of the scheme to them are set out in the table below.

Exception	Comment
a) buildings for agriculture and forestry	The proposal is not for agriculture or forestry
	Criterion not met

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<p>b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it</p>	<p>The proposal is not for outdoor sport or recreation, burial grounds cemeteries or allotments.</p> <p>Criterion not met</p>
<p>c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building</p>	<p>The proposal is not for the extension or alteration of an existing building.</p> <p>Criterion not met</p>
<p>d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces</p>	<p>The proposal is not for a replacement building.</p> <p>Criterion not met</p>
<p>e) limited infilling in villages</p>	<p>The proposal is remote from any village and does not therefore constitute limited infilling.</p> <p>Criterion not met</p>
<p>f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)</p>	<p>The proposal would not provide affordable housing.</p> <p>Criterion not met</p>
<p>g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.</p>	<p>The part of the site to be developed does not constitute previously developed land.</p> <p>Criterion not met.</p>
<p>h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are: i. Mineral extraction ii. Engineering operations</p>	<p>The proposal is not for any of the forms of development listed.</p> <p>Criterion not met.</p>

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<ul style="list-style-type: none">iii. Local transport infrastructure which can demonstrate a requirement for a Green Belt location;iv. The re-use of buildings provided that the buildings are of permanent and substantial construction;v. Material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); andvi. Development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.	
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16.1.6 The proposal does not fulfil any of the exceptional criteria set out in paragraph 154 of the framework. Paragraph 155 of the framework goes on to state that the development of homes should not be regarded as inappropriate where:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b. There is a demonstrable unmet need for the type of development proposed
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the framework; and
- d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 of the framework.

16.1.7 All of these criteria must be satisfied for development proposals not to be regarded as inappropriate. Grey Belt is defined in Annex 2 of the NPPF as land in the Green Belt comprising previously developed land and/or any other land that does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. In this case the part of the application site on which the proposed development would sit is not previously developed land and does contribute to the purposes of including land within the green belt. In respect of the second criterion, footnote 56 means a demonstrable unmet need for the development means a lack of five year housing land supply. The October 2024 annual position statement confirms that a 5 year housing land supply can be demonstrated. This criterion is therefore not met.

16.1.8 In respect of the third criterion, the proposal is not considered to be sustainably located, being isolated from any neighbouring settlements in a location which does not offer a genuine choice of transport modes, instead being reliant on

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private motor vehicles for access. In respect of the final criterion the 'Golden Rules' require the provision of affordable housing either in accordance with development plan policies or at a level 15 percentage points above the existing affordable housing requirement (capped at 50%); necessary improvements to local or national infrastructure, provision of new or improvements to existing green spaces. Owing to the nature of the proposals as enabling development, a contribution towards affordable housing provision is not proposed. The golden rules would not therefore be met.

- 16.1.9 It is therefore concluded that the proposals are in appropriate development in the green belt and would therefore by definition be harmful to it. This does not however mean that the proposal would be harmful to all of the purposes that are served by the green belt, and which are set out at paragraph 143 of the National Planning Policy Framework. As part of the evidence base for the Purbeck Local Plan (PLP) a Green Belt assessment concluded that all land within the Local Plan area currently designated as Green Belt performs at least some of the functions.
- 16.1.10 The PLP Green Belt assessment for this site included a larger parcel of land on the north side of the A35 (parcel 33). It concluded that the parcel makes a medium contribution to both of the openness and permanence of the green belt. With regard to the remaining purposes, the review concluded as follows.
- **Preventing sprawl** – no contribution as the land parcel is not positioned adjacent to the large built-up area and does not act as a check on the spread of the conurbation
 - **Preventing towns from merging** – no contribution given the parcel's position relative to settlements
 - **Safeguarding the countryside from development** – Medium contribution. Despite homes distributed through the parcel along roads, the pastureland, arable fields and woodland contribute towards the intrinsic character of the countryside
 - **Preserving the setting and special character of historic towns** – no contribution – the site does not form part of the setting of Wareham.
- 16.1.11 Taking the above assessment into consideration it can be concluded that the harm to the green belt as a result of the development is to the core characteristic of its openness and to the purpose of protecting the countryside from development, through the introduction of new development into an area where there currently is none. Harm to the openness of the Green Belt may be considered in both spatial and visual terms. Factors such as the visual impact of the proposals, the volume and degree of activity likely to be generated are relevant considerations.
- 16.1.12 In this instance the harm arising is considered to be principally spatial in its nature, arising from the presence of the development and activities associated with it. While there is some development at the southern end of the site, and in recent

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years works have been carried out to upgrade and formalise the site access, there would be an intensification of use as a result of the development. The proposals would also introduce built development in the undeveloped northern part of the site. The openness of the Green Belt is characterised by the absence of development and its permanence. This openness would therefore be lost by the introduction of the development.

- 16.2.13 The impact on openness in visual terms is considered to be less significant. Landscape and visual impacts are considered in detail in subsequent sections, but the application is supported by a Landscape and Visual Impact Assessment (LVIA) which demonstrates that external views of the site would be extremely limited and available only from a relatively short stretch of bridleway to the north of the site. The site benefits from extensive mature tree screening and the proposals include provision for additional landscape screening to be incorporated. Therefore while there would be some harm to openness through the visual impact of the development, the harm is considered to be minor.
- 16.1.14 With regard to the final purpose of assisting in urban regeneration, there would be some harm to this purpose as a result of a proposal in this location. However, that harm is considered to be very limited, taking into account the particular circumstances of and justification for the proposed development.
- 16.1.15 It is therefore concluded that the harm to the Green Belt as a result of the development would be spatial in nature and principally in relation to the purpose of safeguarding the countryside from development, to which the site makes a medium contribution. It is considered that this harm would be moderate. However, paragraph 154 of the national planning policy framework however indicates that any harm should be afforded **substantial weight**.
- 16.1.16 Paragraph 153 of the framework states that inappropriate development should not be approved except in very special circumstances. Paragraph 153 goes on to state that 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. The question of whether very special circumstances exist is considered later in this report.

Enabling development

- 16.1.17 The application is proposed as enabling development to fund a conservation deficit which exists in respect of the listed farmhouse and mill buildings. Enabling development is defined as development which would not normally be granted planning permission except for the fact that it would secure the future conservation of a heritage asset. As has been established in the preceding sections of this report, the proposal due to its unsustainable location and the fact that it would constitute inappropriate development in the green belt, would not normally be granted planning consent.

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- 16.1.18 The works required to secure the farmhouse and mill have previously been granted planning and listed building consent under applications 6/2019/0664 and 6/2019/0665. These consents have been implemented through the now completed works for the conversion of the former stable block to residential use. These consents therefore remain extant in perpetuity and work on the listed buildings may commence at any time.
- 16.1.19 Prior to the purchase of the site by the applicant and the commencement of the works authorised by the above consents, the site had been disused for a considerable period. Evidence from the time of those original applications indicates that the buildings were in a poor condition and the wider site had been neglected for an extended period. Extensive landscape and engineering works have been necessary to open up the site in addition to the works to the buildings themselves. This has included extensive clearance of overgrown vegetation, the clearance dredging and restoration of the mill pond including construction of a new walkway and engineering operations to construct a new sluice following the failure of the original headwall.
- 16.1.20 The proposal is therefore provided as Enabling Development to fund the delivery of the approved works to the listed buildings. Guidance on enabling development published by Historic England explains that enabling development should only be pursued as a last resort where other forms of funding have been discounted. Where it is to be considered, the published guidance sets out that the amount of development should be limited to the minimum required to overcome the conservation deficit. The guidance also indicates that 'enabling development' should only be considered as a last resort where other sources of funding for the development including grant funding have been discounted. In this instance the applicant has provided a consideration of the various types of grant funding which may be available. However, it is evident that grant funding would not be available to a degree which would fully secure the future of the listed buildings, due to the extent of work required and the buildings being in private ownership.
- 16.1.21 The applicant has engaged via pre-application discussions to establish that enabling development is required and an appropriate route to address the conservation deficit in this instance. In order to demonstrate that the enabling development is necessary, the applicant has undertaken an assessment of the condition of the mill and farmhouse. This has established that the extent of works required across the site has resulted in a conservation deficit of £2.4 million. The pre-application discussions also included the consideration of a viability assessment which confirmed that a 15-unit scheme was necessary to fund the conservation deficit.
- 16.1.22 For this application, the applicant has provided an economic viability appraisal of the current proposals to demonstrate that the development represents the minimum amount of development necessary to fund the conservation deficit. The increase in the number of new dwellings is necessary due to increases in build costs. The appraisal includes the costs of delivering the works to the listed

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buildings alongside the build costs of the wider development. It concludes that the development would result in a negative residual value by £1.2 million but would remain deliverable with reduced profit margins.

- 16.1.23 The District Valuer's review of the viability figures has accepted the Conservation Deficit but reaches a different conclusion on the economic viability of the enabling development scheme, concluding that it would result a very modest surplus of less than £9000. The difference in the overall conclusion arises from the District Valuer having adopted a higher figure for gross development value; a lower figure for total development costs, primarily relating to construction costs and financing; and a lower figure for legal fees on sales.
- 16.1.24 Although the review results in a different residual development value for the enabling development, the small surplus identified by the District Valuer allows for the conclusion that the development of 16 units which has been proposed is the minimum amount of development that would be necessary to overcome the agreed conservation deficit.
- 16.1.25 Historic England guidance also emphasises that, once the conservation deficit has been established and the quantum of enabling development considered, a delivery plan should be put in place to demonstrate how the heritage benefits will be secured in a timely manner. The applicant has provided a delivery plan which sets out the following commitments for the delivery of the housing:
- The works permitted under references 6/2019/0655 and 6/2019/0644 to the mill and farmhouse will begin within one month of planning permission being issued. operation.
 - Upon completion of the installation of the required foundations and underpinning, approximately 4 weeks, the scaffold structure and cover will be erected. This cover will remain in place until the building is weatherproof.
 - The heritage works will be fully completed in one operation.
 - None of the enabling residential units will be occupied until such time as the works permitted under references 6/2019/0655 and 6/2019/0644 to the mill and farmhouse are fully completed in accordance with the approved plans.
 - The completion of the approved works to the listed buildings in accordance with the approved plans are to be confirmed by a conservation officer prior to occupation.
 - Should any issues arise that effects the delivery of the heritage works which may affect the delivery timetable the developer may apply in writing to the council to make amendments to that timetable.
 - The council will consider any such application and where reasonable to do so agree to vary the timetable to ensure the full delivery of the heritage works is not prejudiced.

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16.1.26 The plan for delivery is therefore that the works to the listed buildings are delivered at the earliest possible stage with the enabling development following on and acting as a source of development financing which would not otherwise be available. The applicant has therefore committed that none of the enabling development units will be occupied until the works to the listed buildings are completed. This delivery plan will ensure that the conservation benefits which are advanced to justify the enabling development will be realised. The delivery plan is to be secured by way of a planning obligation which will require the delivery plan to be followed.

Very Special Circumstances

16.1.27 Paragraph 153 of the National Planning Policy Framework states that inappropriate development in the green belt should not be approved except in very special circumstances. It goes on to state that 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.

16.1.28 The applicant has put forward the case that the restoration and future protection of the listed mill complex constitute very special circumstances in this instance. The case for very special circumstances is considered in further detail toward the end of this report, alongside the overall planning balance.

16.2 Impact on heritage assets

16.2.1 Although the red line boundary for the planning application includes the listed mill and farmhouse and the curtilage listed stable block, the current application does not propose works to the designated heritage assets, these having been previously approved. Although the proposals would not directly impact upon the designated heritage assets it is also necessary to consider the potential for harm to arise as a result of development within their setting. Paragraph 212 of the National Planning Policy Framework states that great weight should be given to the conservation of heritage assets, irrespective of whether any harm amounts total loss, substantial harm or less than substantial harm to significance. Paragraph 214 states that where there would be the total loss of or substantial harm to the significance of an asset, planning permission should be refused unless there would be substantial public benefits and specific criteria are met. Where the harm is assessed as being less than substantial, paragraph 215 requires that this is weighed against the public benefits associated with the scheme.

16.2.2 Paragraph 208 of the National Planning Policy Framework advises that planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, and that this should be taken into account when considering the impacts of development proposals, so as to avoid or minimise any conflict between the asset's conservation and any aspect of the

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proposal. The conservation officer has identified the following elements of setting which contribute to the significance of both the mill and the farmhouse:

- Spatial and historically functional relationship within the localised extent and context of the land and associated stream
- The visual experience, from the building and grounds, that collectively promotes the site's discrete and private setting
- The visual, kinetic experience from the south approach (from the A35) advancing along the main access route, towards the threshold of the bridge prior to the current development site
- The audible experience of water management systems associated with the mill

16.2.3 The new development is approximately 55m north of the farmhouse and approximately 60m north of the mill and are separated from it by a natural and mature deciduous wooded area which provides a degree of screening. From the north the site's elevated nature and the existing woodland there are limited views of the listed buildings available, although clearer intervisibility is available from the route of the proposed access road. The introduction of new built development is considered to represent a minor harm to the setting of the heritage assets through urbanisation.

16.2.4 The development is inherently linked however to the delivery of significant positive enhancements to both the mill and farmhouse which will provide for their long term retention and utilisation, which will be secured by legal agreement to ensure that they are delivered in a timely manner. The enabling development case has demonstrated that these benefits cannot be realised without the enabling development. Considering the impacts in this context therefore it considered that the minor harm to the setting of the listed buildings would be overcome by the positive impacts of securing the delivery of the consented works to the listed buildings.

16.2.5 Those works would themselves represent a significant enhancement to the listed buildings both through the physical works to them and by bringing the farmhouse back into use, which at paragraph 215 of the National Planning Policy Framework recognises should be recognised as a public benefit. It is likely that the condition of the listed buildings would continue to decline in the absence of the proposed enabling development. Therefore, it is considered that the proposals, overall, would not be harmful to the listed buildings.

16.2.6 The site is also located within the Morden Conservation area. Comments received from the conservation officer describes this part of the conservation area as predominantly wooded, comprising a discrete network of small-scale field systems. They go on to present as an intimate and enclosed mosaic landscape,

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with limited opportunities to obtain broader unimpeded access to views across open field systems within the Morden Conservation Area.

16.2.7 There would be limited opportunities for the development to be viewed within the landscape and where these are available they would largely be filtered through the existing wooded margins of the site. Taking into account the relatively discrete location of the conservation area and the containment of the site, it is not considered that the proposal would result in harm to the Morden Conservation Area.

16.2.8 In respect of the impact of the proposals on heritage assets it may therefore be concluded that the proposals will protect designated assets and, as enabling development will lead to an enhancement to the listed buildings by facilitating repairs to them and bringing them back into use. There is therefore no harm to the heritage assets and a heritage benefit would be achieved, through the works to conserve the listed buildings on the site. The proposals are therefore considered to comply with policy E2 of the Purbeck Local Plan and paragraph 212 of the National Planning Policy Framework. The enhancements that the proposals would deliver in heritage terms may be afforded **substantial weight in support** of the development.

16.3. Design and character

16.3.1 Policy E12: Design, of the Purbeck Local Plan states that the Council will expect proposals for all development to demonstrate a high quality of design that:

- a. Positively integrates with their surroundings;
- b. Reflects the diverse but localised traditions of building materials found across Purbeck;
- c. Limits the opportunities for crime and anti-social behaviour;
- d. Where appropriate supports and promotes sustainable modes of transportation
- e. Avoids and mitigates any harmful impacts from overshadowing, overlooking, noise and any other adverse impacts including light pollution from artificial light on local amenity;
- f. Supports biodiversity through sensitive landscaping and in-built features;
- g. Minimises energy consumption, including where possible inclusion of renewable energy;
- h. Supports the efficient use of land taking account of capacity in existing infrastructure and services, access to sustainable means of transport, the local area's prevailing character and the requirement to deliver high quality buildings and places; and
- i. Provides buildings which are accessible to all.

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- 16.3.2 Due to the site's location, surrounded by agricultural and forestry land, there is limited built form to integrate with, the main features being the listed buildings themselves. The influence of the listed buildings on the design of the new housing is evident throughout the scheme, which includes a number of different design typologies, although not 'generic' house types. It is evident that the scheme has been designed to result in a development which displays coherence and which reflects common rural building types.
- 16.3.3 Houses 1 and 3 are detached houses of typical two storey scale which are strongly reflective of the character of the listed Farmhouse, albeit with variations in detailing. Houses 4 and 5 are 1.5 storey units which have appearance of a converted garage or stable block and are reminiscent of the recently converted and curtilage listed stable block within the site. Houses 14 to 16 are a group of two storey gabled houses which broadly reflect the scale and appearance of the mill and whose arrangement to front onto the SUDS pond is reflective of the Mill's relationship with the millpond.
- 16.3.4 Other houses on the site are less directly influenced by the buildings on the site but nevertheless are considered to be reflective of local rural character. Houses 2 and 9 have the appearance of converted barns, which whilst not directly reflected on the site, this is a common rural building typology. Houses 6 and 7 are semi-detached farmhouse style properties with relatively simple detailing. House 8 similarly has the appearance of a smaller farmhouse, with a dormered first floor, helping to limit this units' overall bulk and adding variety into the mix of housing. Units 10 to 13 are a terrace of relatively simple houses which have the appearance of traditional farmworkers cottages.
- 16.3.5 The layout of the site is such that a hierarchy of building types is established, with the more 'polite' farmhouse type buildings being the first buildings that would be encountered on entry to the site, with those houses whose design is reminiscent of lower status buildings which have been converted situated further back and forming the two courtyards. It is considered that this layout assists in helping the development relate to the listed buildings and the otherwise rural character of the surroundings.
- 16.3.6 Overall it is therefore considered that the proposals meet the first two criteria of policy E12. In respect of the third criterion, the layout of the dwellings ensures that the communal courtyards and routes through the site are active spaces which benefit from passive surveillance and the houses have private and secure rear gardens. There are also automatic gates at the site entrance limiting opportunities for unauthorised access to the site. The proposal is therefore considered to comply with this part of the policy.
- 16.3.7 Criterion D requires support for sustainable travel modes where appropriate. The proposals would provide limited such support given the site's remote location and reliance on private modes of transport. However, given the location and scale of development and the specific circumstances to justify the proposals in this

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instance it is not considered that the promotion of sustainable transport options is appropriate in this instance.

- 16.3.8 In respect of the protection of residential amenity required by Criterion E, the nearest existing neighbours to the development are the residents of the converted stable block, over 100m to the south of house 1. This distance and the dense intervening vegetation is such that there would not be any harmful impact upon the amenity of existing neighbours. Considering the relationship between the dwellings themselves, the layout is such that the dwellings themselves would not be harmfully overlooked by each other, and the gardens would provide appropriate levels of privacy.
- 16.3.9 Matters relating to biodiversity impacts of the proposals are considered in detail later in this report. However, for the purposes of consideration against policy E12, the proposals do include measures to support biodiversity which have been informed by the ecological survey work carried out. In particular, the proposals include an ecological landscape buffer around the edge of the development area, which allows for new native planting which is incorporated into the landscaping of the site and which will also include shelters for hedgehogs. The agreed biodiversity plan also includes provisions for enhancement measures to be incorporated into the fabric of the new dwellings, including Swift Bricks (50% of dwellings), Bat bricks (50% of dwellings), Bee bricks (all dwellings), and the SuDS pond will be planted with a species rich seed mix. Overall it is therefore considered that the proposal meets criterion F of policy E12.
- 16.3.10 In respect of energy consumption, the proposals will be designed to meet current building regulations in respect of energy efficiency, overheating and ventilation. While the proposals do not include details of onsite renewables such as solar photovoltaic panels, the impacts of including these must be balanced against the sensitivity of the site, particularly in heritage terms. There would also remain opportunities for the incorporation of such technologies at a later stage.
- 16.3.11 In respect of the efficient use of land, the proposals represent an overall development density of 19.1 dwellings per hectare, taking the area within the ecological buffer to be the overall site area. This is relatively low density of development, which is reflected in the layout of the dwellings, which all have good sized rear gardens. Although the density of development is relatively low, this must be viewed in the context of the specific circumstances of the site and the fact that the development is proposed as 'enabling development'. As explained in the preceding sections, one of the considerations for 'enabling development' is to ensure that the development proposed is the minimum necessary to overcome the identified conservation deficit, which has been done through the economic viability testing that has taken place.
- 16.3.12 Therefore, although it may well be possible to design a scheme which provided a greater number of units on the site, doing so would in this case conflict with the aims inherent in bringing the site forward as 'enabling development'. Similarly, a

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greater quantum of development would also equate to additional harm to the Green Belt through the presence of buildings. Taking these matters into consideration therefore it is considered that the proposals represent an appropriately efficient use of the site.

- 16.3.13 In respect of accessibility each of the proposed houses have ground floors set at a single level with level routes into the site. The site's topography means that it is necessary to include some steps within gardens and up to front doors in certain instances. However, routes through and around the site are step free.
- 16.3.14 Taking all of the above into account it is considered that the proposals do represent a high quality of design which complies with the requirements of policy E12 of the Purbeck Local Plan, and which would raise the standard of design generally. This is afforded **moderate weight** in favour of the scheme.

16.4 Landscape and visual impacts

- 16.4.1 The application has been supported by a Landscape and Visual Impact Assessment (LVIA) which has been prepared in accordance with best practice as encompassed in the document 'Guidelines for Landscape and Visual Impact Assessment (GLVIA) – Third Edition, 2013' published by the Landscape Institute and Institute of Environmental Management and Assessment. The council's landscape officer has not been able to provide detailed comments in this instance but has reviewed the assessment and confirms that it's conclusions can be relied upon.
- 16.4.2 The Assessment recognises that the site is located within an area known as the Rolling Wooded Pasture Areas in the local landscape character assessment. This area is assessed as having a moderate to good condition with a key aim of conserving and enhancing built environment features and encouraging and promoting tree and woodland management, with key features being woodland blocks, hedgerows and scattered trees. The assessment notes that the changes relate to an area of open grassland with existing boundary vegetation retained and enhanced. The assessment concludes that there would be a negligible overall impact upon the character area.
- 16.4.3 Considering localised effects, the assessment notes that the local landscape is not nationally valued in planning terms, although does have value due to its role in forming the setting for the group of listed buildings on the site. The impacts of the development on the landscape are assessed as being in the moderate range, through the introduction of new built development into a rural area with a dispersed settlement pattern, and through the introduction of new development within the setting of the listed buildings. The assessment concludes that the impacts on local landscape character is moderate. Taking into account proposed mitigation, the effects on local landscape character are reduced to slight.
- 16.4.4 The LVIA also includes an assessment of the impacts on visual amenity, supported by photographs from representative viewpoints. The assessment

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indicates that there would be limited visibility of the site from the surrounding area, due to the density of surrounding woodland cover and the topography of the landscape. The most significant visual effect will be from the north where views are available from a public right of way, approximately 360m from the site and where the new development will be visible for a stretch of the footpath. For other viewpoints the assessment concludes that there would be either a negligible effect or no change.

- 16.4.5 The findings of the LVIA have also been used to inform the proposed landscaping strategy for the site, which involve the retention of existing trees and the reinforcement of hedgerows which will, over time, help to assimilate the development into the landscape. On the basis of these conclusions, it is considered that the proposal would appropriately take account of the local landscape character and features and would not result in adverse impacts upon the local landscape, individually or cumulatively. Therefore, it is considered that the proposals comply with policy E1 of the Purbeck Local Plan. The landscape enhancements of the scheme are afforded **limited weight** in favour of the proposals.

16.5 Flood risk and drainage

- 16.5.1 The part of the development site on which the proposed dwellings are to be located is within flood zone 1. However the central part of the site which includes the mill race, and which is crossed by the access road lies within flood zones 2 and 3 and areas at risk of surface water flooding.

The sequential test

- 16.5.2 Paragraph 174 of the national planning policy frameworks sets out that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. It states that development should not be permitted where there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 16.5.3 Ordinarily the area of search fully applying this sequential test for residential development would be at least the development plan area. However in this instance the proposal is specifically an enabling development which is intrinsically linked to the heritage assets on site which it seeks to preserve. Therefore it is appropriate to apply this sequential test on a more limited basis, considering only that land within the applicant's ownership as being suitable for the development proposed.
- 16.5.4 The extent of the applicants ownership is defined by the red line boundary for this application. The applicant has confirmed that the adjacent land to the north West and east of the site is owned by third parties and is not therefore capable of accommodating the proposed enabling development as that would incur additional land acquisition costs and further drive up the amount of enabling development necessary to overcome the conservation deficit.

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- 16.5.5 The northern part of the site where the proposed development is to be accommodated is itself at lower flood risk being within flood zone 1. The flood risk zone affects the access route to the development site from the highway. While the access from the highway is within flood zone 1, that is insufficient land available to accommodate the necessary level of enabling development to the South of the area of flood risk. Therefore in order to achieve the enabling development proposed and the heritage benefits the access through the flood risk zone is necessary. In the absence of alternative options to deliver the enabling development within the applicant's land ownership, it is considered that the sequential test is passed in this instance.

The exceptions test

- 16.5.6 Where the sequential test has been passed it is also necessary to pass the exceptions test which requires that the development would provide sustained wider sustainability benefits to the community that outweigh the flood risk and that the development will be safe for its lifetime taking into account the vulnerability of its users without increasing flood risk elsewhere and where possible reducing flood risk overall.
- 16.5.7 In consideration of the first part of the test the heritage benefits of the scheme are considered to represent sustainability benefits to the community. These are considered to outweigh the flood risk in this instance as they will allow the preservation of two listed buildings of historic importance and the sequential test has confirmed that there are no alternative options to deliver the benefits at lower flood risk.
- 16.5.8 In considering the second part of the exceptions test the applicant has provided detailed information through the flood risk assessment and subsequent updates which have been carried out in response to the comments from the Environment Agency and lead local flood authority. The most recent comments have confirmed that the amended drainage strategy will achieve a development which remains safe throughout its lifetime.
- 16.5.9 The dwellings themselves will be located on higher ground outside of any areas of designated flood risk. They include surface water drainage arrangements to allow for the management of surface water to minimise flood risk as far as possible while following the SuDS hierarchy, directing the drainage to a watercourse via an attenuation pond.
- 16.5.10 It is therefore concluded that the second part of the exceptions test is passed the proposal therefore complies with paragraphs 178 and 179 of the NPPF and policies E4 and E5 of the Purbeck Local Plan. This is afforded **neutral weight** in the planning balance.

16.6 Highways, access and parking

- 16.6.1 Access to the site is from an existing point of access on the northern side of the A35. The access originally served the mill, farmhouse and associated buildings

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but had been disused for a considerable amount of time before the extant planning and listed building consents were granted for the conversion of these buildings. In implementing those consents the applicant has undertaken extensive works to reinstate the access, including formalising a new bell-mouth onto the A35, the formation of visibility splays to the east and western sides of the junction and the setting back of access gates.

- 16.6.2 The applicant has provided swept path analyses which demonstrate that the site can be safely accessed by refuse and emergency vehicles and that these can enter the site, turn and exit in a forward gear. Following initial comments from the Highway Authority, the applicant has also provided updated speed survey information and updated details of access and visibility. Following the submission of that information the Highway Authority has confirmed that the residual cumulative impacts of the development on the highway network cannot be concluded to be 'severe' in the context of paragraphs 115 and 116 of the NPPF. The Highway Authority has also confirmed that the proposals provide an appropriate level of car parking for the development proposed. Subject to the recommended conditions to ensure that safe and appropriate access to the site is provided and maintained, it may therefore be concluded that the proposals would not result in an unacceptable impact upon the highway network and would comply with relevant parts of policy I2 of the Purbeck Local Plan. This is afforded **neutral weight** in the planning balance.

16.7 Affordable housing

- 16.7.1 Policy H11 of the Purbeck Local Plan establishes a requirement for the provision of 40% on-site affordable housing on new greenfield sites providing 10 or more dwellings. This would equate to a requirement for 6.4 dwellings (6 on site with a commuted sum for 0.4 dwellings).
- 16.7.2 In this instance however, the proposal does not include any allowance for affordable housing provision. This is due to the nature of the proposal as enabling development to secure a heritage asset. Enabling development is, by definition, development which does not comply with the development plan. As set out in the section above, the approach to justifying enabling development is for viability evidence to demonstrate that the enabling development proposed is the minimum amount required to fund the conservation deficit.
- 16.7.3 The viability evidence submitted in this case has demonstrated that the development is indeed as the minimum amount required to fund the conservation deficit. In terms of viability, the inclusion of any element of affordable housing on the site would increase the overall quantum of development required to overcome the conservation deficit. This would lead to additional erosion of the openness of the green belt in particular and would also have potential to result in harmful impacts upon the listed buildings through the introduction of further development within their setting. Therefore, although in this instance the proposals would result in a conflict with policy H11, the case for enabling development is a clear material

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consideration which justifies the departure from the policy requirements in this instance.

- 16.7.4 As the justification for there being no contribution towards affordable housing as part of the scheme is based upon this viability evidence, it is considered appropriate to require, through a legal agreement that the viability of the scheme is reassessed if the housing does not come forward within a reasonable timeframe. This therefore carries **neutral weight** in the planning balance.

16.8 Biodiversity and habitats

- 16.8.1 The application is accompanied by an Ecological Impact Appraisal (EclA), the recommendations of which have been incorporated into a Biodiversity Plan which has been agreed by the council's Natural Environment Team. The EclA was informed by a preliminary roost assessment, bat emergence and re-entry surveys, desktop studies, a walkover survey of the site and bat activity surveys. It identified the following features which would be susceptible to adverse impacts in the absence of suitable mitigation/compensation:

- Moderate potential for common reptile species
- Moderate potential for Dormice
- Low potential for GCN
- High potential for breeding and nesting birds
- Potential for foraging and commuting Badgers
- Site of Regional significance for commuting and County significance for foraging bats with Greater Horseshoe and Barbastelles recorded on site
- Recreational pressure upon the Dorset Heaths SPA, SAC and Ramsar

- 16.8.2 The agreed biodiversity plan includes a commitment to the preparation of a Landscape and Ecological Management Plan for the site, in order to appropriately control lighting of the site. The design of the site also seeks to establish dark corridors within ecological buffer zones surrounding the development which will be planted with new native species rich hedgerows contributing to a new habitat resource.

- 16.8.3 Mitigation and enhancement measures are also proposed through the timing of site clearance works to avoid the bird nesting season, and provision of new bird boxes around the site's boundaries. Measures to avoid impacts upon other protected species during the construction period are also outlined including appropriate provision for ecological supervision of works. A financial contribution of £9,366.36 is proposed to mitigate the loss of on site habitats, to be secured through an appropriate planning obligation.

- 16.8.4 The planning constraints listed in section 8 of this report include a record from the Dorset Environmental Records Centre (DERC) for an otter. The record was considered by the Council's Natural Environment Team, and is was concluded

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that based on this being just a single record of otter in the wider area and being fairly old (dated from 2015), that this dataset cannot be solely relied on to determine presence of otters on site. This, combined with no recorded evidence of otter presence being identified or noted during the applicant's ecological survey, and the development proposals not posing a risk of ecological impact to nearby watercourses, it was felt that otters would not need to be considered further from an ecological standpoint, as no specific mitigation or compensation is appropriate in this instance.

- 16.8.5 Subject to the imposition of appropriate conditions to require compliance with the BP and the provision of an appropriate LEMP, it is considered that the proposal would avoid unacceptable impacts on biodiversity and would deliver ecological enhancements to the site through the provision of bird and bat nesting and roosting opportunities within the buildings and the establishment of the ecological buffer zone. The proposal therefore complies with policy E10 of the Purbeck Local Plan. In the context of the nature emergency declared by Dorset Council on 18 July 2024, these benefits carry **moderate weight** in favour of the proposals.
- 16.8.6 The site is located within the hydrological catchment of Poole Harbour and is therefore affected by recent advice from Natural England in respect of the need to demonstrate nutrient neutrality for Nitrogen. The applicant has provided a nutrient budget calculator and confirmed that they propose to achieve nutrient neutrality through the purchase of credits from Natural England. Subject to the imposition of an appropriate pre-commencement condition requiring those credits to be secured prior to any works on site, any adverse impacts on the Poole Harbour Habitats sites through nutrient enrichment would be appropriately mitigated. The site is also within 5km of the Dorset Heathlands Habitats Sites. The amount of development proposed is not sufficient in this instance to require provision of a SANG. Impacts upon the heathlands associated with this development will be mitigated through contributions towards Strategic Access Management and Monitoring (SAMM) which will be collected from the development's CIL liability. This would ensure that any impacts from the development on habitats sites will be appropriately mitigated and the proposals will comply with policies E7, E8 and E9 of the Purbeck Local Plan. This is afforded **neutral weight** in the planning balance.
- 16.8.7 The proposal is exempt from the statutory requirement to demonstrate Biodiversity Net Gain as this application was submitted prior to February 2024.

16.9 Impacts on trees

- 16.9.1 The proposal would result in the loss of a small group of willow and hazel trees. However mitigation for this loss is provided through new mixed native woodland planting which would be delivered as part of the management. Retained trees on the site would otherwise be protected through a package of tree protection works which are to be secured by way of a condition which requires their implementation and retention throughout the construction period. The proposed condition would also require a pre-commencement site meeting with tree officers to confirm the

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extent of the works. Subject to the imposition of the proposed condition it is considered that the proposals would avoid harm to retained trees and the proposals would comply with Policy I3 of the Purbeck Local Plan in this regard. This is afforded **neutral weight** in the planning balance.

16.10 Rights of way

16.10.1 There are no rights of way which directly affect the application site it is however in the vicinity of Bridleway SE 19/24, which runs along the southern side of the A35 and which connects to Bridleway SE 19/8, running northwards towards Whitefield. These form part of the Wareham Forest Way and Hardy Way.

16.10.2 The rights of way team has not objected to the proposals but has suggested that some improvements should be made to the right of way with suggestions including to the surface, vegetation, signage and structures. Specific upgrades have not been detailed and no specific case has been set out for them. As the route is outside of the applicant’s ownership, any upgrades would need to be secured by way of a S106 agreement. However in the absence of precise details of required upgrades or direct evidence that they would be necessary as a consequence of the proposed development any such contribution would not pass the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) that contributions be necessary to make the development acceptable in planning terms, directly related to the development; and fairly related in scale and kind to the development. This carries **neutral weight** in the planning balance.

16.11 Planning balance and Very Special Circumstances

16.11.1 As has been noted in section 16.1, above, due to the site’s isolated rural location outside of the established settlement hierarchy, the development does conflict with the overall spatial strategy for development within Purbeck as established through policies V1 and V2 of the Purbeck Local Plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that development be determined in accordance with the development plan unless material considerations indicate otherwise. In the preceding section, **weighting** has been attached to the various issues identified, either in favour or against the development, using the categories of Substantial, Significant, Moderate, Limited, Neutral. These are summarised in the table below.

Consideration	Weight in favour	Weight against	Reason
Location of development		Significant	The site is unsustainably located and is therefore contrary to the development plan

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Impact on the green belt		Substantial	The development will harm the openness of the green belt
Heritage benefit of enabling development	Substantial		The development will secure the restoration of two listed buildings as a benefit which is unique to the site as demonstrated by the enabling development case.
Contribution to housing land supply	Moderate		A 5 year housing supply can be demonstrated and the development of the site is
Design quality	Moderate		The scheme represents a high quality of design
Biodiversity	Moderate		Provision of biodiversity enhancements within the site.
Landscape	Limited		The development would have limited impacts and provide for the reinforcement of existing hedgerows.
Flood Risk and drainage	Neutral		The proposals would avoid harm but would not deliver particular benefits.
Highways access and parking	Neutral		The proposals would avoid harm but would not deliver particular benefits.
Affordable housing	Neutral		The enabling development case demonstrates that affordable housing cannot be delivered without increasing the level of development and therefore the harmful impacts of the development.

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Habitats impacts	Neutral	The proposals would avoid harm but would not deliver particular benefits.
Impacts on trees	Neutral	The proposals would avoid harm but would not deliver particular benefits.
Impacts on the Public Right of Way (PRoW)	Neutral	The proposals would avoid harm to the PRoW

- 16.11.2 The table above summarises the planning balance identified throughout the officer report. While some disbenefits are afforded substantial and significant weight, these are considered to be clearly outweighed by the cumulation of substantial and moderate benefits, particularly where the harm to the Green Belt as a result of the development would be spatial in nature and principally in relation to the purpose of safeguarding the countryside from development, to which the site makes a medium contribution. Again, in this case the application is proposed as 'enabling development' to allow for the restoration of the listed mill and farmhouse to the south of the development area. As set out above, the case for enabling development has been made, initially through pre-application discussions and latterly through this application, with a detailed assessment of the condition of the listed buildings and assessment of the costs of their restoration. This has then informed an economic viability appraisal which has confirmed that the development proposed is the minimum amount necessary to overcome the identified heritage deficit and facilitate the restoration of the listed buildings.
- 16.11.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 establishes a statutory duty for the Local Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. In addition paragraph 212 of the National Planning Policy Framework states that when considering impacts of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 221 of the framework goes on to state that when considering proposals for enabling development, the Local Planning Authority should consider whether the benefits of the proposal would outweigh the disbenefits of departing from relevant development plan policies.
- 16.11.3 The council is able to demonstrate a 5 year housing land supply and the most recent housing delivery test results show delivery at 105% of the required level. Paragraph 11d of the National Planning Policy Framework, which establishes a tilted balance in favour of granting permission unless there would be significant

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and demonstrable adverse impacts, is not engaged. A 'neutral' planning balance should therefore be applied.

- 16.11.4 As enabling development the proposals would deliver a substantial heritage benefit through facilitating works which would not only preserve but enhance the heritage assets on site. These benefits are unique to this development and site. On the basis of the evidence submitted and independently verified, these benefits could not be achieved through alternative, lesser, means.
- 16.11.5 The heritage benefits that the proposals would deliver are a material consideration in this instance to which **substantial weight** may be afforded.
- 16.11.6 As also set out in section 16.1, the proposal would represent inappropriate development in the green belt, being a development of new buildings on land which is not previously developed. As inappropriate development is, by definition, harmful to the green belt there would be harm as a result of the development. Paragraph 153 of the National Planning Policy Framework indicates that any such harm should be given **substantial weight** in the planning balance. Paragraph 153 states that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by way of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.
- 16.11.7 The benefits associated with the scheme, as set out above, are substantial, being the restoration of the listed buildings, putting the farmhouse to its optimum viable use and ensuring that they remain protected for the future. The benefits are also unique to this site due to the intrinsic linkage between the development proposed and the delivery of the previously approved works to secure and enhance the listed buildings on the site. These are clear and substantial benefits associated with the scheme.
- 16.11.8 The proposals will also provide 16 new dwellings, contributing to the supply of housing within Dorset. As the council is able to demonstrate a 5-year supply of deliverable housing sites the 'tilted balance' does not apply. Nevertheless, the contribution towards housing supply is a benefit of the scheme to which **moderate weight** is afforded.
- 16.11.9 Considering the scheme in its totality, it is considered that the benefits of the scheme are sufficient to clearly outweigh the harm to the green belt in this instance. Therefore, it is considered that very special circumstances exist to justify development in the green belt.

17.0 Conclusion

- 17.1 The proposal for 16 dwellings constitutes 'enabling development' which will facilitate the delivery of previously approved works to restore the listed mill and farmhouse on the site, allowing them to be brought back into active use after a significant period of disuse and decline.

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- 17.2 The application site is located in the open countryside outside of any defined settlement in a relatively isolated position. Therefore, the proposals would conflict with the development plan in this regard. The proposals also represent inappropriate development in the Green Belt. The case for enabling development which has been advanced by the applicant is supported by detailed economic viability evidence which has been independently tested and verified, which confirms that the amount of development proposed is the minimum amount required to secure the heritage assets.
- 17.3 The case that has been made for enabling development, and the benefits that the development would achieve in terms of restoring the heritage assets are material considerations to which carry **substantial weight**. Alongside the other benefits of the scheme, it is considered that this is sufficient to justify departing from the development plan in this instance.
- 17.4 The proposals also represent inappropriate development in the Green Belt, which is, by definition harmful to it. The benefits of the scheme are substantial, and it is considered that they are of sufficient to outweigh the harm that would be caused to the Green Belt. Therefore, it is concluded that Very Special Circumstances exist to justify the grant of what is inappropriate development in the Green Belt in this instance.
- 17.5 The proposals are considered to achieve a good standard of design and would not result in harmful impacts on heritage assets, landscape or visual impacts, highways safety and biodiversity and it has been shown that the development would remain safe from flooding.
- 17.6 If the committee is minded to grant planning permission for the proposals it will be necessary to consult with the Secretary of State for Housing Communities and Local Government to determine if they wish to issue a direction under section 77 of the Town and Country Planning Act 1990 to 'call in' the application for determination. The requirement to consult with the Secretary of State is set out in the relevant Town and Country Planning (Consultation) (England) Direction and applies to proposals for major development which constitute inappropriate development in the Green Belt.

18.0 Recommendation

A) Delegate authority to the Service Manager for Development Management and Enforcement and Development Management Area Manager East to grant planning permission subject to consultation with the Secretary of State for Housing, Communities and Local Government and the completion of a legal agreement under section 106 of the town and country planning act 1990 (as amended) to secure the following:

- **Implementation of the development to proceed in accordance with the agreed delivery plan**

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- **Financial contribution of £9366.36 towards off site ecological enhancements**
- **Provision for review of scheme viability**

And the below conditions (pre commencement conditions have been agreed in writing with the applicant) :

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:

- 18-1018-LOC A Location & Block Plans
- 01(SL.01) P8 Proposed Site Plan
- 02 (H1-P/E01) P2 House 1 Floor Plans & Elevations
- 03 (H1-P/E01) P2 House 2 Floor Plans & Elevations
- 04 (H1-P/E01) P2 House 3 Floor Plans & Elevations
- 05 (H4&5 P/E01) P2 Houses 4&5 Floor Plans & Elevations
- 06 (H6&7-P/E01) P2 Houses 6&7 Front Elevation
- 07 (H6&7-P/E02) P2 Houses 6&7 Floor Plans & Elevations
- 08 (H8-P/E01) P2 House 8 Floor Plans & Elevations
- 09 (H9-P/E01) P2 House 9 Floor Plans & Elevations
- 10 (H10-13-E-01) P2 Houses 10-13 Front Elevation
- 11 (H10-13-E-02) P2 Houses 10-13 Elevations
- 12 (H10-13-P03) P2 Houses 10-13 Floor Plans
- 13 (H14-16-E01) P2 Houses 14-16 Front Elevation
- 14 (H14-16-E02) P2 Houses 14-16 Elevations
- 15 (H14-16-P03) P2 Houses 14-16 Floor Plans
- CB-01 P.01 P1 Car Barn 01 Proposed Plans
- CB-03 E.01 P1 Car Barn 01 Elevations sheet 1 of 2
- CB-01 E.02 P1 Car Barn 01 Elevations Sheet 2 of 2
- CB-02 P.01 P1 Car Barn 02 Proposed Plans
- CB-02 E.01 P1 Car Barn 02 Elevations sheet 1 of 2
- CB-02 E.02 P1 Car Barn 02 Elevations Sheet 2 of 2
- CB-03 P.01 P1 Car Barn 03 Proposed Plans
- CB-03 E.01 P1 Car Barn 03 Elevations Sheet 1 of 2
- CB-03 E.02 P1 Car Barn 03 Elevations sheet 2 of 2

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- GR-14 P.01 P1 Garden Room - Plot 14 Plans
- GR-15 P.01 P1 Garden Room - Plot 15 Plans
- GR-16 P.01 P1 Garden Room - Plot 16 Plans
- ACLA/BMB 01 - Proposed Landscaping Plan
- 18400-4-A1-AA - Tree Protection Plan

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

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

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

4. Prior to commencement of development hereby approved a Construction Traffic Management Plan (CMP) and programme of works shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include:
 - construction vehicle details (number, size, type and frequency of movement),
 - a programme of construction works and anticipated deliveries
 - timings of deliveries to avoid, where possible, peak traffic periods
 - a framework for managing abnormal loads
 - contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities).
 - Wheel cleaning facilities
 - vehicle cleaning facilities
 - inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
 - a scheme of appropriate signing of vehicle routes to the site.
 - a route plan for all contractors and suppliers to be advised on
 - temporary traffic management measures where necessary

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

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

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5. No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved in writing by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason: To prevent pollution of the water environment in line with paragraph 187 of the National Planning Policy Framework.

6. No development shall take place until the detailed design for flood mitigation works has been submitted to and approved in writing by the Local Planning Authority. The works shall be based on the flood mitigation works detailed in Section 6 of the report: Hydraulic Modelling Report, by SLR Consulting Ltd, ref 410.065231.00001, rev 06 and dated 19/02/2024. The flood mitigation works shall be fully implemented in accordance with the approved details prior to the first occupation of the development.

Reason: To reduce the flood risk to the access road.

7. Prior to commencement of works (including site clearance and any other preparatory works) a pre-commencement site meeting between the Tree Officer, Arboricultural Consultant and Site Manager shall take place to confirm the protection specification for the affected trees. The protection of the trees shall be in accordance with the Barrell Tree Consultancy Arboricultural Method Statement (AMS) reference no.18400-AA2PB and should be overseen throughout the project in accordance with the pre-arranged supervision detailed in section 2.3 & 2.4 of the AMS by a suitably qualified and pre-appointed tree specialist.

The tree protection measures shall be erected in accordance with BS5837:2012 and shall be positioned as shown on the Tree Protection Plan ref: 18400-4. This is to be erected before any equipment, materials or machinery are brought onto the site for the purposes of development (including demolition). The protection shall be retained until the development is completed and nothing shall be placed within the fencing, nor shall any ground levels be altered, or excavations made without the written consent of the planning authority.

This Condition may only be fully discharged on completion of the development and subject to satisfactory written evidence of contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

Reason: To ensure that retained trees are appropriately protected during the course of the development.

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8. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

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

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

9. Prior to the commencement of the development hereby permitted, a scheme showing precise details (including the technical specification) for the provision of the electric gate(s) must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must be constructed before any part of the development hereby permitted is occupied or utilised. Thereafter, the electric gate(s) must be maintained and available for the purpose specified. The details should include, but not be limited to:

- Safe and suitable use by vehicles
- To be unlocked, left open and securely tethered maintaining full access every day 06:00 - 22:00 hrs
- Time for gates to fully open and close
- To be closed at night and operated opening by ANPR, key fob or sensor for all residents/visitors. Intercom and touch pad for services / deliveries
- Automatically open as a vehicle exists the development
- Constant power source and manual release in the event of a power outage
- Emergency override for emergency services such as police, fire ambulance.

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- Anti-crushing mechanism
- Appropriate signage

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

10. 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.

11. Prior to the installation of any windows or external doors, a schedule and detailed drawings and sections (at a scale of 1:5, 1:10 or 1:20 as appropriate) of all new windows/doors in the development; including additional information relating to (i) the method of opening, (ii) the depth of the reveal from the face of the wall and (iii) the product number where the window is supplied from a manufacturers standard range (copy of catalogue to be included) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such details as have been agreed.

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

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

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

13. Prior to the commencement of any development hereby approved, above damp course level, details of all proposed means of enclosure, boundary walls and fences to the site, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be implemented in full accordance with the approved details.

Reason: In the interests of the amenities of the area

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14. Details of facilities to be provided for the storage and removal of refuse from the premises shall be submitted to and approved by the Local Planning Authority. These facilities shall be provided before the building is first occupied and shall be retained as such thereafter.

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

15. Prior to the occupation of the development hereby approved, the access, geometric highway layout, turning and parking areas shown on drawing number 01 (SL.01) P8 must have been constructed and made available. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: to ensure the proper and appropriate development of the site and to avoid off-site highways impacts.

16. Prior to the occupation of the development a Flood Warning and Evacuation Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of how any recommended measures will be implemented and maintenance throughout its lifetime. The approved plan shall be fully implemented prior to the occupation of the development.

Reason: To manage access to the access road, and flood risk to users of the access road, during extreme rainfall events.

17. No development (except for flood mitigation works) shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction, has been submitted to, and approved in writing by the Local Planning Authority. The surface water scheme shall be fully implemented in accordance with the submitted details before the development is occupied.

Reason: To manage the risk of flooding from the development, to improve and protect water quality, and to improve habitat and amenity.

18. No development shall take place (except for flood mitigation works) until details of maintenance and management of both the surface water drainage scheme and any receiving system have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The details should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangement to secure the operation of the surface water drainage scheme throughout its lifetime.

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

19. The development hereby permitted shall not be occupied unless and until the priority junction vehicular access works and associated visibility splay works detailed on drawings SALA-02 A and 215810/AT/CO1 F have been constructed to the specification of the Local Planning Authority.

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

20. Before the development hereby approved is occupied or utilised, the visibility splay areas shown on Drawing Number 215810/AT/CO1 F must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: To ensure that the driver of a vehicle exiting the site can see and be seen by oncoming traffic.

21. Before the development hereby approved is occupied or utilised any entrance gates must be set back a minimum distance of 20 metres from the edge of the carriageway and hung so that the gates can only open inwards. Thereafter, the gates must be retained at their approved position, maintained and kept free from obstruction.

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

22. No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 20 metres of the proposed access road, including the junction with the existing highway, has been completed to at least binder course level.

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

23. Prior to the occupation of the development hereby approved, a gate access management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved gate access management plan shall be adhered to thereafter. The plan shall detail:

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- A programme of inspection, service, maintenance and repair by an accredited specialist
- Avoidance of any service, maintenance and repairs within network peak hours of 08:00 - 09:00 and 17:00-18:00 hrs.

Reason: To ensure the ongoing integrity of the gates throughout the use of the development and to provide safe and suitable access for all and reduce the potential impact on the public highway.

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

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

Informative Notes:

1. The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.
2. Guidance outlines that a property between 1 and 3 bedrooms would generate approx. 0.75 Cubic metres per day. Therefore, a private sewage treatment facility serving 16 properties would generate approx.12 cubic metres per day. In this instance as the combined discharge is in excess of 5cubic metres a day, then a permit would be required for the private sewage treatment facility. This is in addition to planning permission. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit.

Private sewage treatment facilities should only be used where it is not reasonable for a development to be connected to a public sewer, because of the greater risk of failures leading to pollution of the water environment posed by private sewerage systems compared to public sewerage systems. As part of any permit application, sufficient evidence and justification will need to be provided to demonstrate that connection to the public sewer network is not feasible. Without this we will likely refuse any permit application.

Upon receipt of a correctly filled in application form the Environment Agency will carry out an assessment. Applicants will need to aware that applications for any Permits will need at least 12 months to assess and there is no guarantee of approval.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public

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foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone. Guidance on General Binding Rules is available at: General binding rules: small sewage discharge to a surface water

All sewage treatment facilities will need to meet the relevant British Standard – as indicated in the general binding rules.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged.

Further advice is available at: Septic tanks and treatment plants permits and general binding rules

You can get basic pre-application advice before you apply for an environmental permit – more information is available at [Get advice before you apply for an environmental permit](#). Please note that basic pre-application advice is free (conditions apply). A full application for an environmental Permit attracts a fee.

3. The applicant's attention is drawn to the letter from the Environment Agency dated 1 December 2023 in respect of this application.
4. The highway improvements referred to in condition 19 must be carried out to the specification and satisfaction of the Highway Authority in consultation with the planning authority and it will be necessary to enter into an agreement, under Section 278 of the Highways Act 1980, with the Highway Authority, before any works commence on the site. The applicant should contact Dorset Council's Highways Development team. They can be reached at highwaysdevelopment@dorsetcouncil.gov.uk, or in writing at Highways Development Team, Economic Growth and Infrastructure, Dorset Council, County Hall, Dorchester, DT1 1XJ.
5. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.
6. As the new road layout does not meet with the Highway Authority's Road adoption standards or is not offered for public adoption under Section 38 of the

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Highways Act 1980, it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.

7. The applicant is advised that prior to the development being brought into use, it must comply with the requirements of Building Regulations Approved Document S: Infrastructure for the charging of electric vehicles.
8. Prior Land Drainage Consent (LDC) may be required from Dorset Council's Flood Risk Management team (FRM), as relevant Local Lead Flood Authority, for all works that offer an obstruction to flow to a channel or stream with the status of Ordinary Watercourse (OWC) – in accordance with s23 of the Land Drainage Act 1991. The modification, amendment or realignment of any OWC associated with the proposal under consideration, is likely to require such permission. We would encourage the applicant to submit, at an early stage, preliminary details concerning in-channel works to the FRM team. LDC enquires can be sent to floodriskmanagement@dorsetcouncil.gov.uk.
9. 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.

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

10. Construction Environment Management Plan

The submitted Construction Environment Management Plan (CEMP) must include safeguarding measures to deal with the following pollution risks:

- The use of plant and machinery
- Wheel washing and vehicle wash-down and disposal of resultant dirty water
- Oils/chemicals and materials
- The use and routing of heavy plant and vehicles
- The location and form of work and storage areas and compounds

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- The control and removal of spoil and waste.

11. Planning Obligation

This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated ## ## relating to contributions towards ecological enhancements and the implementation of works to listed buildings.

12.: National Planning Policy Framework Statement (NPPF)

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

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

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

In this case:

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

13. The applicant is reminded of their responsibility to submit photographic evidence of compliance with the Biodiversity Plan or LEMP to Dorset Natural Environment Team in order to comply fully with requirements of condition 8.

B) Refuse permission for the reasons set out below if the agreement is not completed by 27 August 2025 or such extended time as agreed by the Service Manager for Development Management and Enforcement.

1. In the absence of a legally binding mechanism to ensure the delivery of the agreed works to Morden Mill and Farmhouse which the proposed development is intended to enable, the development is located in an isolated and unsustainable location where new housing development is not ordinarily supported and is inappropriate development in the Green Belt for which very special circumstances do not exist. The proposal is therefore contrary to policies V1 and V2 of the Purbeck Local Plan 2024 and Paragraphs 84, 153 and 154 of the National Planning Policy Framework 2024 (as amended February 2025).

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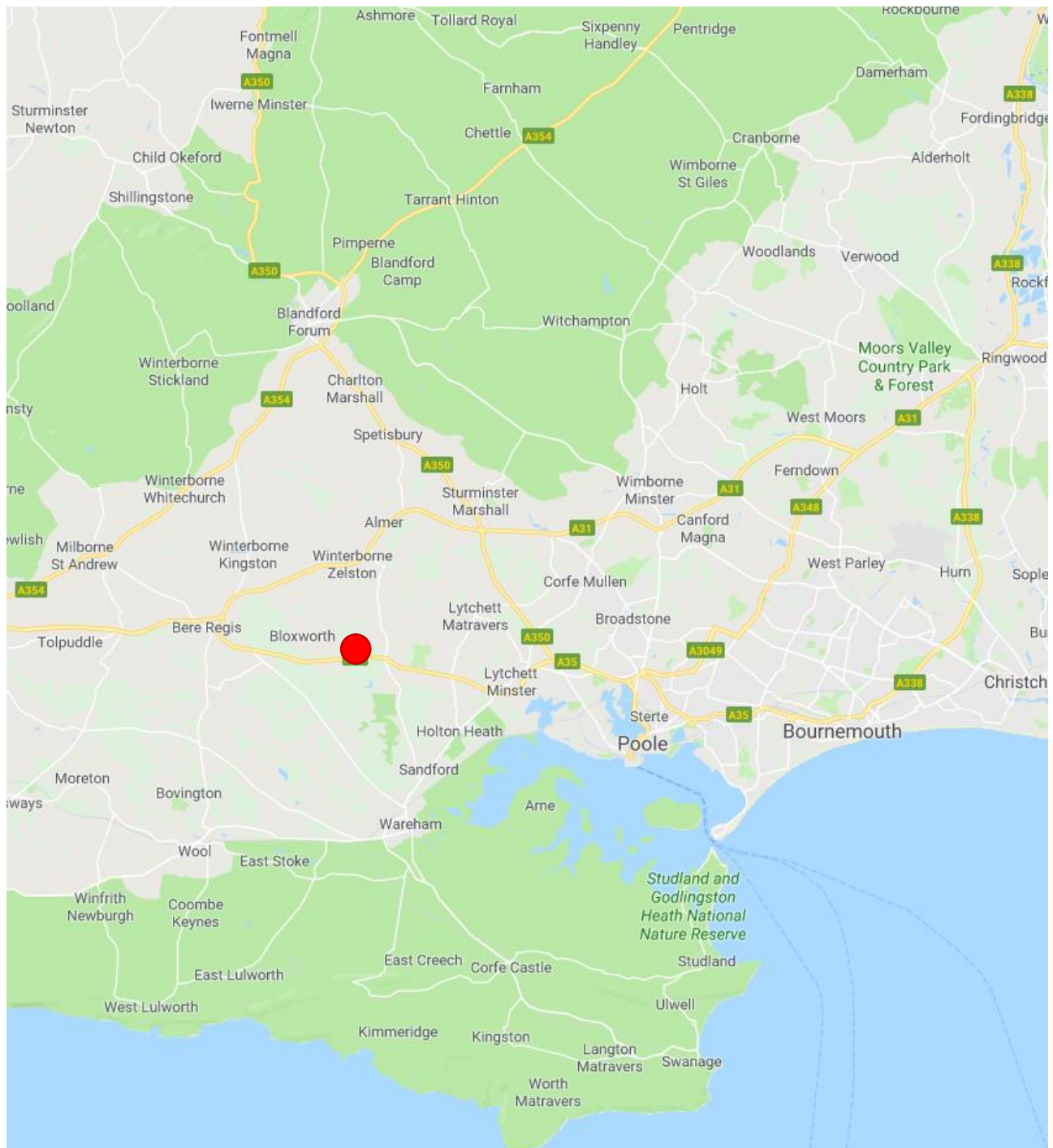
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● Approximate Site Location

Application reference: P/FUL/2023/02064

Site address: Morden Mill and Farmhouse Morden Park Corner BH20 7DJ

Proposal: Enabling residential development of 16 dwellings to facilitate restoration of listed farmhouse and mill building



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Agenda Item 6

Eastern Area Planning Committee

26 February 2025

Application Number:	P/FUL/2022/05152		
Webpage:	Planning application: P/FUL/2022/05152 - dorsetforyou.com		
Site address:	15 Dillons Gardens Lytchett Matravers Dorset BH16 6DW		
Proposal:	Demolish existing dwelling and erect 6no 4-bedroom detached houses with associated parking and access		
Applicant name:	Edgewater Homes Ltd		
Case Officer:	Ellie Lee		
Ward Member(s):	Cllr Brenton, Cllr Robinson and Cllr Starr		
Publicity expiry date:	2 December 2024	Officer site visit date:	28 April 2022
Decision due date:	27 February 2025	Ext(s) of time:	27 February 2025
No of Site Notices:	3 Site Notices		
SN displayed reasoning:	To ensure that the application is sufficiently advertised		

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

2.0 Summary of recommendation:

A) Delegate authority to the Service Manager for Development Management and Enforcement and Development Management Area Manager East to Grant planning permission subject to completion of a legal agreement under section 106 of the town and country planning act 1990 (as amended) to secure a 20% affordable housing contribution, and subject to conditions set out at the end of this report)

or

B) Refuse for the following reason if the legal agreement is not completed within 6 months of the resolution to grant consent, or such extended time as agreed by the Service Manager for Development Management and Enforcement and/or the Development Management Area Manager East

3.0 Reason for recommendation A: as set out in the paragraphs within section 17 onwards at the end of this report.

- The location within the settlement is sustainable.
- The proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- The proposal does not present a material harm to the transport network or to highway safety and provides adequate parking.
- The proposed development would be acceptable in terms of trees and landscaping, subject to conditions.
- The proposed includes acceptable biodiversity mitigation and enhancement. Conditions can ensure that impacts on protected habitats can be avoided.
- There is no harmful impact from flood risk, subject to condition.
- Paragraph 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.
- There are no material considerations which would warrant refusal of this application.

Reason for Recommendation B

- In the absence of a legally binding mechanism to secure affordable housing the proposal would be Contrary to Policy H12 of the Purbeck Local Plan 2018-2034

4.0 Key planning issues

Issue	Conclusion
Principle of the Development (Location of the Development)	Acceptable - In a sustainable location within the settlement boundary of Lytchett Matravers. The 6 new dwellings (to replace the existing 1 bungalow) will contribute to the housing supply.
Scale, Design and Impact upon the Character and Appearance of the Area	Acceptable – The site is large enough to accommodate development of this scale without harm to the character of the area.
Neighbouring Amenity	Acceptable - The proposal is not considered to result in significant harm to the amenity of neighbouring occupants, subject to conditions.
Highway Safety and Parking Provision	Acceptable – No harm to highway safety, and sufficient parking is provided on site.
Impact upon Trees and Landscaping	Acceptable – The proposal accords with local planning policies E1 and E10.

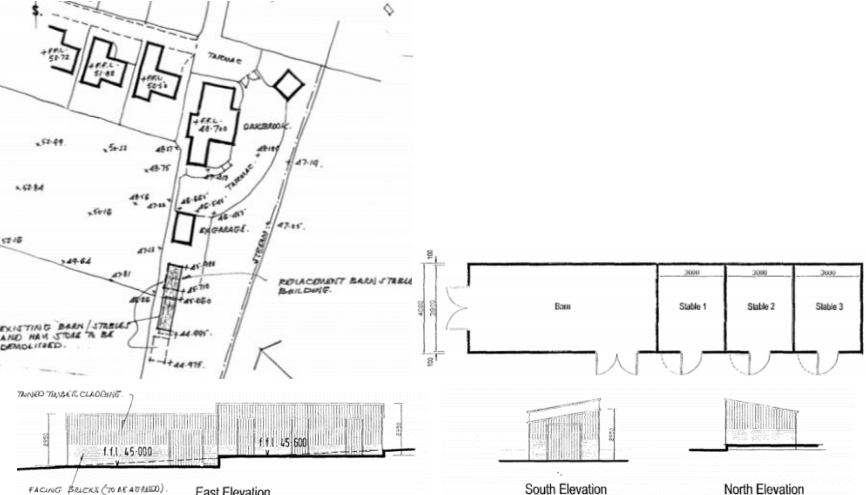

Issue	Conclusion
Impact upon Biodiversity	Acceptable – The proposal accords with local policies E10 subject to a biodiversity condition.
Impact on Dorset Heathland and Poole Harbour Habitat Sites	Acceptable – Mitigation secured by nutrient mitigation credits and CIL.
Flooding	Acceptable – The submitted Drainage Strategy has demonstrated the proposal is acceptable in terms of flood risk, subject to condition.
Affordable Housing Contribution	Acceptable - Subject to a s106 agreement to secure affordable housing contributions.

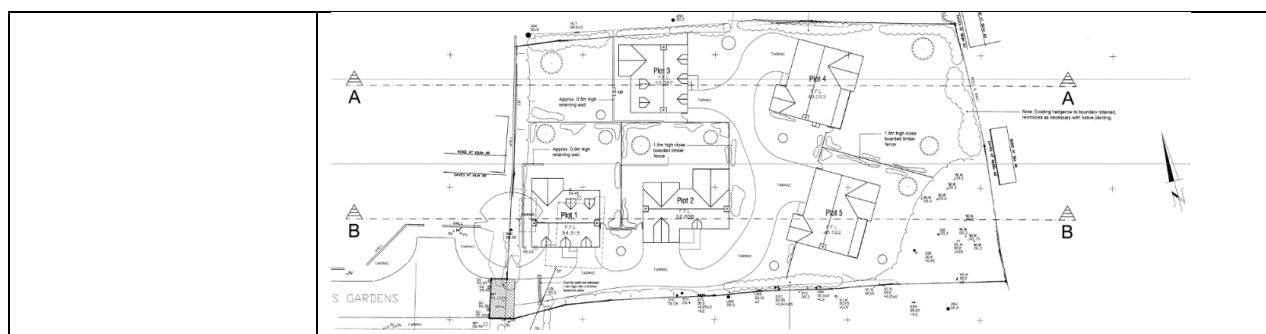
5.0 Description of Site

- 5.1 The site is within the urban area of Lytchett Matravers. Dillon Gardens is a residential street which extends east, from its junction with Wareham Road, down a gentle hillside. The site is accessed at the eastern extent of the highway, south of the private cul-de-sac that extends off Dillon Gardens serving 1-5 Fairview. Beyond the application site to the east is agricultural land which lies within the designated Green Belt and is in use as a smallholding associated with Oakbrook, a dwelling within the settlement to the north.
- 5.2 The site comprises 0.28ha which is currently occupied by a single bungalow, located fairly centrally in the plot and facing west, its garage and outbuilding. The rear garden slopes down to the east and is predominantly laid to lawn with trees and shrubs on the boundaries. Boundary treatments include close board fencing, post and rail fencing and post and mesh fencing together with hedging.
- 5.3 The predominant built form in Dillon Gardens is single storey detached dwellings facing onto the street behind front gardens which contribute to a low density residential character. The more recent development at Fairview to the north of the application site has made use of the topography to achieve two storey dwellings in smaller plots. Properties to the east have a single storey front elevation with two storeys to the rear; the low height of nos. 4 and 5 maintains views of the countryside beyond within the street scene.
- 5.4 To the south of the application site, Long View is a single storey dwelling on a plot of the same depth but narrower than the application site, accessed from a spur off Burbidge Close to the south.

6.0 Relevant Planning History

Application No.	Description	Decision	Date
P/HOU/2022/07919	<u>Long View, Burbidge Close:</u> Changes to windows & doors and internal remodelling to relocate existing annexe to first floor	Granted	03/02/2023

<p>P/FUL/2022/00691</p>	<p><u>15 Dillons Gardens:</u> Demolish existing buildings and erect 6no. houses with parking</p>	<p>Withdrawn</p>	<p>07/07/2022</p>
<p>P/HOU/2021/05597</p>	<p><u>Long View, Burbidge Close:</u> Erect first floor extension and internal remodelling</p>	<p>Granted</p>	<p>28/02/2022</p>
<p>6/2009/0159 (rear/east of application site)</p>	<p><u>Oakbrook:</u> Demolish existing outbuildings and erect a new barn/stable building. (Revised scheme to PA 6/2008/0712)</p> <p><i>Plans for 6/2009/0159:</i></p>  <p>The plans for 6/2009/0159 include a site plan showing the location of the 'REPLACEMENT BARN / STABLE BUILDING' on Oakbrook. The site plan shows existing buildings to be demolished and the proposed new building footprint. It also shows the 'EXISTING BARN / STABLE' and 'EXISTING HOUSE' to be demolished. The floor plan shows a 'Barn' and three 'Stable' units (Stable 1, Stable 2, Stable 3). The elevations show the 'East Elevation', 'South Elevation', and 'North Elevation' of the building. The East Elevation shows a building with a height of 11.45m and a width of 11.45m. The South Elevation shows a building with a height of 11.45m and a width of 11.45m. The North Elevation shows a building with a height of 11.45m and a width of 11.45m.</p>	<p>Granted</p>	<p>01/07/2009</p>
<p>3/2005/0665 (adjacent to north of application site)</p>	<p><u>14 Dillons Gardens (now Fairview):</u> Demolish existing dwelling and erect 5 two storey dwellings; modify vehicular access</p>	<p>Granted</p>	<p>07/09/2005</p>
	<p><i>Plans for 6/2005/0665:</i></p>  <p>The plan for 6/2005/0665 shows a site plan for 13 Dillons Gardens and 14 Dillons Gardens. It shows the 'PROPOSED GROUND LEVEL' and 'EXISTING GROUND LEVEL'. The site plan shows the location of the 'REPLACEMENT BARN / STABLE BUILDING' and the 'EXISTING HOUSE' to be demolished. The elevations show the 'East Elevation', 'South Elevation', and 'North Elevation' of the building. The East Elevation shows a building with a height of 11.45m and a width of 11.45m. The South Elevation shows a building with a height of 11.45m and a width of 11.45m. The North Elevation shows a building with a height of 11.45m and a width of 11.45m.</p>		



7.0 List of Constraints

- Within settlement boundary of Lytchett Matravers
- Lytchett Matravers Neighbourhood Plan to 2031 (made June 2017)
- Within Dorset Heathlands 5km buffer
- Nutrient Catchment Areas - Poole Harbour Nutrient Catchment Area (covers whole application site)
- Adjacent to the Green Belt (not within Green Belt land which lies to the east)
- Risk of Surface Water Flooding Extent 1 in 1000 - areas only overlap the north-eastern site boundary in two places by 1.1m & 1.8m (near to the access to the properties in Fairview).
- Areas Susceptible to Groundwater Flooding; Superficial Deposits Flooding; < 25%; - covers whole site
- Natural England Designation - RAMSAR: Poole Harbour (UK11054); - Distance: 3885.94m from site
- Natural England Designation - RAMSAR: Dorset Heathlands (UK11021); - Distance: 4565.43m from site
- Site of Special Scientific Interest (SSSI) impact risk zone;
- SGN - High pressure gas pipeline 1km or less from Regional High Pressure Pipelines (>7 bar); - Distance: 345.42m from site

8.0 Consultations

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

Consultees

1. **Natural England – No objection, subject to mitigation (25/11/2024)**
 - Site lies within hydrological catchment of Poole Harbour SSSI, SPA and Ramsar. Listed Wetlands of International Importance under the Ramsar Convention (Ramsar) are protected as a matter of Government policy (National Planning Policy Framework).

- Natural England (NE) advises that developments which result in an increased nitrogen discharge to the Poole Harbour catchment should be considered, in combination, to have a likely significant effect on the above habitat and international sites.
- Therefore, an Appropriate Assessment (AA) under Regulation 63 is required to consider the proposed mitigation measures. The AA submitted includes a nitrogen budget for the application. As the Competent Authority, it is the Council's responsibility to ensure that you are confident that there is sufficient information to support the values used in the nitrogen calculation, and that the nutrient budget calculation is correct.
- The application intends to mitigate for the additional nitrogen load generated by the proposal by the purchase of credits from the approved scheme at Lyscombe Farm.
- We note that it is the intention of your Authority to use a Grampian styled planning condition to ensure sufficient credits are secured prior to commencement. I can confirm, provided the Council is satisfied that sufficient credits are available then, Natural England has no objection.
- Any permission should also ensure the house meets the 110L per person water use requirement, set out in the nutrient calculator for Poole Harbour.
- Therefore, it is that, on the basis that mitigation measures required for other adverse effects on habitats/international sites, in this case the Dorset Heathland's SPA, SAC and Ramsar, are secured prior to the commencement of development, the authority can conclude that Natural England has no further concerns about the conclusion reached in this AA.

2. Dorset Council - Highways: No objection, subject to conditions (13/09/2022)

No objection, subject to the following conditions:

- Vehicle access construction
- Turning/manoeuvring and parking construction
- Visibility splays as submitted
- No gates (to be hung so as to form obstruction to vehicular access serving the site)
- Electric vehicle charging point technical details
- Construction method statement to be submitted prior to commencement of development, and agreed in writing by the LPA

Recommended informative note:

- Vehicle crossing - Dorset Highways

3. Dorset Council - Trees – No objection, subject to conditions (19/10/2022 & 02/02/2023)

Tree Officer Response 19/10/2022:

Noted that there had been some vegetation clearance of the site, none of the trees were protected at the time but replacements should take account of this loss. Requested:

- Revised and updated Biodiversity Plan, Revised Tree Protection Plan with details of additional temporary ground protection.
- Detailed proposed Landscaping Scheme to include how the vegetation to the north of the proposed access will be maintained and by whom.

Tree Officer Response 02/02/2023:

The Tree Protection Plan 'RNapc/326/TPP/2' now details ground protection for both T1 & T3 and the Biodiversity Plan has been amended & approved accordingly. Conditions were suggested if case officer is minded to approve:

- Works to accord with approved tree protection plan and arboricultural method statement
- Pre-commencement meeting (TR9) referencing Tree Protection Plan RNapc/326/TPP/2 & Arb. Method Statement '326/AIA/2 Appendix B'
- Detailed proposed Landscaping Scheme to include how the vegetation to the north of the proposed access will be maintained and by whom.'

4. Dorset Council – Building Control – No comments received

5. Dorset Council – Rights of Way – No comments received

6. Dorset Waste Team – No comments received

7. Dorset Fire and Rescue – No comments received

8. Lytchett Matravers Parish Council – Object

Response of 28/09/2022:

The Parish Council objects on the following grounds:

- Inadequate stormwater disposal arrangements, likely to add to nutrient deposits into Poole Harbour catchment. Site already suffers from frequent flooding including by stormwater along Dillons Gardens, & site is within 20m of natural watercourse. No mitigation arrangements included in proposals. Local Wessex Water pumping station regularly overflows.

- The proposal is out of keeping with the surrounding properties in terms of dwelling design / height / size and the density of buildings on the site.
- Loss of the rich biodiversity on this site.
- Inadequate highway access. Site beyond end of a very narrow residential road & section of unadopted & privately owned track. Significant concern over insufficient access for emergency vehicles, waste vehicles etc.
- Effects on already serious local traffic congestion problem arising from the insertion of more dwellings on this road. The Parish Council requests an embargo on any further development within the Lytchett Matravers settlement until the initiatives to alleviate parking & congestion problems on Wareham Road and around the primary school have been fully addressed. Proposals to address these well publicised problems have been in progress with Dorset Council now for several years.'

Response 23/03/2023:

- Additional information does not address Parish Council's objection.
- In the event that the proposals are approved, the Parish Council expects that the anticipated net carbon contribution is submitted, along with an emphasis on use of high efficiency insulation, installation of heat pumps & electric charging points etc, and separate drainage systems for foul water & surface water, with any hard standing to be permeable.

Response 15/02/2024:

- Previous objections still stand.
- Application should not be considered until adequate provisions are in place for drainage of surface water & rights issues for the drainage are resolved. Noted that survey could not be completed due to a blocked pipe.

9. **Lytchett Matravers and Upton Ward Members - Object**

Cllr Alex Brenton– Object (01/09/2022)

- Proposal is only slightly different from previous planning application.
- Application is still overdevelopment of the site. Positioning of Units 5 & 6 is more damaging to neighbours' amenity, with close proximity to boundary.
- Raised patio area will overlook neighbours.
- Too much hardstanding. Increase in tarmac & hardstanding will increase rainwater run-off. No adequate mitigation/collection & re-use system.
- No consideration of solar gain or natural ventilation.

Cllr Andrew Starr - Object (09/03/2023):

26 February 2025

- Whilst amendments to the application are welcomed, especially PV panels, the proposal to replace 1 bungalow (albeit on a large plot) with 6 new homes is excessive and unsustainable, given lack of local amenities and poor access via narrow & steel cul-de-sac.

Cllr Alex Brenton - Comments (14/03/2023):

- Overdevelopment of the site, following great destruction of trees and local environment, prior to the submission of the planning application.
- Introduction of PV panels & more hedging may improve carbon footprint.

Cllr Alex Brenton - Comments (15/02/2024):

- Overdevelopment on the site.
- Proposal will inevitably lead to congestion and access issues regarding refuse vehicles, emergency vehicle and construction vehicles. access.
- Access to Dillons Gardens is via Wareham Road, which already has considerable road and parking issues relating to school pick-up/drop off.
- New dwellings on the site will lead to an increased number of cars.
- There is no employment within walking distances to accommodate the future occupiers of the new dwellings. Will lead to commuter travelling.
- Will increase sewage movement into an already overstretched sewage storage and treatment plant at Bulbury.
- Recommends the application goes to Planning Committee, or is deferred until road safety changes outside the primary school are addressed.

Representations received

Total - Objections	Total - No Objections	Total - Comments
25	0	1

Summary of Third Party Objections (25) and Comments (1):

- | | |
|---------------------------|--|
| Principle of Development: | <ul style="list-style-type: none"> • Contrary to Local Development Plan • Unsustainable location, nearest amenities 15 mins away. Lack of infrastructure locally. • Existing village already overpopulated |
| Design and Character: | <ul style="list-style-type: none"> • Cramped, overdevelopment, poor layout. Requires re-design so scheme is scaled down to 1-3 houses, and plots 3 & 4 should be omitted. • Ridge/eaves heights too high, harmful/adverse impacts on character of area and street scene. • Design, materials, layout and density are out of keeping. • Not in line with existing building lines. • Lack of landscaping, trees and greenery. • Land levels on site & neighbouring properties not been fully considered. |

	<ul style="list-style-type: none">• Contrary to local policy D, National Character Area 135, sections 39 & 41 of the Purbeck District Design Guide & Neighbourhood Plan Policy 1.• Suggestion that dwellings should have north-east front elevations.
Impact upon Neighbouring Amenity:	<ul style="list-style-type: none">• Harmful impacts upon neighbouring amenity- loss of privacy from overlooking (from first floor windows), overshadowing, loss of light/daylighting, noise and lighting disturbance. Contrary to policy D.• Units 5 & 6 overbearing• Separation distances not sufficient.• Request for obscure glazed rooflights or suitable minimum sill heights to reduce overlooking impacts.• Security lighting at Long View may impact• Lack of hedges to the rear of unit 1. Request for hedges condition.
Impact upon Trees & Landscaping:	<ul style="list-style-type: none">• Harm to trees, vegetation & negative impact on landscape.• Lack of landscaping detail.• Trees were felled prior to the submission.• Contrary to the Neighbourhood Plan.• Arboricultural Impact Assessment (AIA) and EclIA have conflicting tree recommendations on. Disagree with AIA conclusion that some trees have to be removed as they have 'liveability issues.'
Highways and Parking:	<ul style="list-style-type: none">• Suggested highway condition would involve 10m of the access for which the developer would not be responsible.• Inadequate parking provision on site, no visitor parking & narrow access• Increase in vehicles & traffic - harm to pedestrians. Highway safety - busy junctions between Dillons Gardens - Wareham Rd. Many parked cars/existing parking issues from school drop-off/pick up.• Access and turning not sufficient for emergency vehicle/service vehicle. Visibility splays and sight lines also not adequate/achievable.• Request for a construction management plan• Parking for each new dwellings should be to the front of each house.• Reference to NPPF para 111 and that proposal should be refused on highways grounds where the residual cumulative impacts are severe.
Impact upon Biodiversity:	<ul style="list-style-type: none">• Harmful impact on biodiversity. Insufficient mitigation for biodiversity loss.• No bat survey submitted. Concern that submitted. EclIA advises Bat Survey not needed. A further ecological survey should be required• Lower housing density would reduce the impact upon biodiversity• Contrary to the Neighbourhood Plan.• Should include suitable buffer zone on the east site boundary
Flooding:	<ul style="list-style-type: none">• Flood risk from surface water flooding, stormwater & adjacent properties• Surface water run-off from site would result in harmful impact to neighbouring properties & nearby brook (20m to SE of site) not mentioned• Inadequate existing pipe that runs all along the site to cope with surface water. Drainage insufficient on site, with existing soakaways (for 6 new houses). SuDs scheme insufficient to avoid flooding.

	<ul style="list-style-type: none">• Local Wessex Water pumping station regularly overflows.• Reference to geological surveys that indicate site is dominated by shrink-swell clays which lead to increased flooding, drainage & rainwater issues.• Indicative drainage scheme/condition concern to neighbouring occupants• Unresolved issue with the Council about flooding to the existing properties in Fairview (north of the application site).
Poole Harbour Nutrients:	<ul style="list-style-type: none">• The proposal will result in nutrients issues with regards to Poole Harbour.
Construction of Foundations & Construction Management:	<ul style="list-style-type: none">• Piling foundations unsuitable as would damage neighbouring properties.• On-site parking provided for building contractors – request that nearby residents be informed in advance.
Boundaries	<ul style="list-style-type: none">• Brick pillars on the boundary belonging should not be altered
Waste, Access for Emergency and Public Services:	<ul style="list-style-type: none">• Each new dwelling should have a standard size general waste and recycle bin, and also a separate glass waste collection area.• Waste may have to be collected by a private contractor.• Bins will be an eyesore
Neighbouring Smallholding:	<ul style="list-style-type: none">• Harmful impact on smallholding to east. Potential for complaints from future residents about noise from animals
Site ownership & Application Form:	<ul style="list-style-type: none">• The submitted Application Form states that notice was given to Fairview Residents Association. No such notice was received.• Neighbouring residents were not approached by the developer.• Issues of access fall into civil matters, but the scheme results in a poor relationship with the existing neighbouring dwellings.
Affordable Homes:	<ul style="list-style-type: none">• New homes are not affordable for young people in the village, and do not comprise affordable housing.
Submitted drawings and documents:	<ul style="list-style-type: none">• Dotted blue line showing neighbouring house outline inaccurate• Incorrect distance from amenities stated in Design & Access Statement• Finished floor levels are not provided on the drawings
Foul Drainage:	<ul style="list-style-type: none">• Inadequate details of proposed foul drainage.
Cables:	<ul style="list-style-type: none">• Access to overhead electricity & telephone cables connecting to number 15 are attached to a pylon located on land of a neighbouring property.

9.0 Duties

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

10.0 Relevant Policies

Adopted Purbeck Local Plan:

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

- 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 H1: Local housing requirement
- Policy H2: The housing land supply
- Policy H3: New housing development requirements
- Policy H6: Lytchett Matravers
- Policy H8: Small sites next to existing settlements
- Policy H9: Housing Mix
- Policy H11: Affordable housing
- Policy I2: Improving accessibility and transport
- Policy I3: Green infrastructure, trees, and hedgerows

Lytchett Matravers Neighbourhood Plan to 2031 (made June 2017):

- Policy 1 (NP Policy 1) sets out that non allocated ad hoc sites *‘must make the most appropriate use of what land is available’* and new development should integrate well with the village and preserve or enhance the character of the village.
- Policy 2 (NP Policy 2) relates to design and sets out criteria which should be followed, including adequate storage space, sustainable waste management, sustainable drainage systems, appropriate mix of dwelling types/sizes to meet local housing need & demand, integrate with the site surroundings & village, minimise light pollution, include clearly defined private spaces, landscape led design, and that proposals should create a place with a locally inspired or otherwise distinctive character.
- Policy 3 (NP Policy 3) refers to ‘Home Zones’ which sets out that new development that involves the creation of new internal roads will be encouraged to introduce shared spaces and speed limits, utilising the principles of “Home Zones.”
- Policy 4 (NP Policy 4) encourages the provision of open spaces, corridors, trees and hedgerows within new development.

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 (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 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 6 'Building a strong, competitive economy', paragraphs 88 and 89 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through

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

- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed and beautiful places' indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:

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

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

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- Paragraphs 192-195 set out how biodiversity is to be protected and encourage net gains for biodiversity.

National Planning Practice Guidance (NPPG)

Other material considerations

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.

District Design Guide SPD

Managing and using traditional building details in Purbeck

Poole Harbour Recreation 2019-2024 SPD

11.0 Human Rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

12.0 Public Sector Equalities Duty

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

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

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

The proposal would result in a net increase of 5 dwellings 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.

13.0 Environmental Implications

The proposal will result in carbon emissions during demolition and construction.

The application will be required to meet the Building Regulations. Solar panels are proposed to reduce carbon emissions from future occupiers.

14.0 Planning Assessment

Background

- 14.1 This planning application is a re-submission of a previous application ref: P/FUL/2022/00691 which was withdrawn.

Principle of the Development (Location of Development):

- 14.2 The application site is located within the settlement boundary of Lytchett Matravers and is identified as being within one of the ‘Key Service Villages’ as set out within paragraph 48 of the Purbeck Local Plan. The site also lies within the Lytchett Matravers Neighbourhood Plan (NP) area.
- 14.3 Local policy V1 (Spatial strategy for sustainable communities) directs new development towards the most sustainable locations of the former Purbeck District area, including the towns and villages within settlement boundaries. Development on unallocated sites within settlement boundaries is to be supported where the scale of development is proportionate to the size and character of the existing settlement, it does not harm the character and value of the settlement individually or cumulatively

through size, appearance and layout and contributes to a mix of different types and sizes of homes. Additionally, development should avoid harm to habitats sites. These issues are considered further later in the report.

- 14.4 It is considered that the proposal is of a proportionate scale to the size of the village and makes an appropriate use of the land available within the application site.
- 14.5 Third party objections received raised concerns that the proposal is contrary to the Purbeck Local Plan (and the former Local Plan), and that the site is in an unsustainable location with the nearest amenities 15 minutes' walk away. The distance to the nearest amenities to the north via Wareham Road is considered a reasonable walking distance from this sustainable location for new development
- 14.6 The 6 new dwellings (to replace the existing 1 bungalow) will contribute to housing supply, in accordance with local policy H2 (The housing land supply). Whilst all 6 dwellings will have 4 bedrooms, the scheme is of a modest scale where differentiation is not critical to its acceptability.

Scale, Design and Impact upon the Character and Appearance of the Area:

- 14.7 The site has an area of approximately 0.273 hectares. The existing building on site is a detached bungalow in a very spacious garden.
- 14.8 Relevant policies with regards to design and character are local policies E1 (Landscape) and E12 (Design), and Neighbourhood Plan Policies 2 and 3.
- 14.9 Neighbouring properties to the site vary in scale and design. Detached bungalows are the predominant form within the majority of Dillons Gardens but detached chalet bungalows and bungalows have been accommodated in the more recent development of Fairview (5 properties to the north of the site).
- 14.10 The Parish Council, the Ward Members and third party objectors have raised concerns that the proposal will represent overdevelopment with a cramped layout, poor design and an unacceptably high density. Comparisons have been made with the development adjacent at Fairview to the north of the site (granted planning permission under planning application 6/2005/0665) where 5 dwellings were achieved on a similar sized area. A harmful visual impact is anticipated as a result of the height of the new homes, their design & materials.
- 14.11 The National Model Design Code advises that outer suburbs should have densities of 20 to 40 dwellings per hectare (dph) and that villages have their own distinctive character often with 2 & 3 storey buildings in an informal layout. The proposed scheme has a housing density of 22 dph which uses the land on the site effectively with a layout which follows the topography. This proposed density is considered acceptable and generally accords with the guidance within the National Model Design Code and the NPPF which promotes the effective use of land in meeting the need for homes (section 11) in conjunction with good design (section 12).
- 14.12 The aims of the NPPF are supported by local planning policies E1 (Landscape) & E12 (Design) of the Local Plan which expect developments to take account of landform, the character of the landscape, cumulative impacts and existing trees and hedgerows and amongst other requirements, to demonstrate a high quality of design so that schemes positively integrate into their surroundings. Achieving

integrated design, and preservation and enhancements of the village character is also a key aim of the Neighbourhood Plan Policy 1.

- 14.13 The Purbeck Townscape Character Appraisal for Lytchett Matravers (2012) identifies Dillon Gardens as 'modern estate development' while Fairview and the application site at no. 15 are characterised by 'Neo-Vernacular style housing'. The characteristics of the latter include a relatively tight urban grain, two storey heights, vernacular neo-Georgian and Victoria styling with details including gables, chimneys, porches and casement and sash windows. The character assessment notes the need reference for local distinctiveness of the village and its architecture and avoidance of over dominance of parked vehicles in tighter schemes.
- 14.14 The proposed development would be on much lower land levels than other development within Dillons Gardens enabling the two storey forms to be accommodated. The scheme includes chimneys, porches, external wall treatments that include: red brick, render & stone, landscaping to the frontages, parking close to each property including some parking close to the sides of the new dwellings (units 1, 2 and 5), and the buildings define the roads and spaces, creating a place of distinctive character. These attributes align with the Neo-Vernacular Style Housing identified in the Purbeck Townscape Character Appraisal for Lytchett Matravers, which incorporates traditional architectural forms with contemporary features. However, to ensure that that any future extensions are in line with the local distinctiveness of this area, it is necessary for a condition to remove permitted development rights for extensions to the properties.
- 14.15 The proposed 6 new dwellings shown in the Proposed Site Plan above would be two storey detached dwellings, facing onto the new access road which curves southwards. The Purbeck Townscape Character Appraisal for Lytchett Matravers includes photographs of two storey residential development falling within the Neo-Vernacular Style Housing. Other two storey development is also evident in the locality on Wareham Road to the north-west of the site.
- 14.16 Planning permission was granted for extensions to the neighbouring property at Long View in Burbidge Close to the south of the site ref: P/HOU/2021/05597, for a 1 ½ / 2 storey building with the first floor extension granted permission in February 2022. A subsequent planning permission ref: (P/HOU/2022/07919) was also granted at the neighbouring property at Long View in Burbidge Close for an alternative scheme for extensions raising the height of the existing dwelling.
- 14.17 The proposed two storey pitched roof detached dwellings have a maximum ridge height of approximately 9 meters, but this drops to approximately 5.5m when the measuring from the rear elevations of proposed unit 6, to the south-east of the site, due to land level changes. The neighbouring property at Long View falls within the 'Mixed Residential' character type in the Purbeck Townscape Character Appraisal for Lytchett Matravers which comprises of a mix of bungalows and two storey houses. It is acknowledged that the units' ridge and eaves heights will be taller than the neighbouring dwellinghouse at Long View adjacent to the application site, by approximately 2.3m to 4.1m, but it is judged that the additional height of the new dwellings on the application site can be accommodated on the hillside without demonstrable harm to the character of the area.

- 14.18 In response to concerns about a lack of soft landscaping on the site, revised plans were received in March 2023 which also addressed concerns about the relationship with neighbours by including additional hedges to the site boundary to the south-west of Unit 1 (boundary adjacent to Long View), and some additional hedges to the south-east of Unit 2.
- 14.19 The proposal is considered to result in an integrated design within a pocket of land in the village and therefore generally accords with Neighbourhood Plan Policy 1.
- 14.20 The proposed development generally accords with Neighbourhood Plan Policy 2 principles with the clearly defined private spaces and results in an overall appropriate mix of dwelling types and sizes, when considered against other types and sizes within the local area.
- 14.21 The proposed layout of the site generally reflects 'Home Zone' principles, as advocated in the Lytchett Matravers Neighbourhood Plan Policy 3 by utilising shared surface streets and landscaping throughout the site.
- 14.22 The proposal is judged to accord with local planning policies E12 (Design) and E1 (Landscape), in terms of design and character and accords with para 130 within section 12 (Achieving well-designed places) within the NPPF.

Neighbouring Amenity:

- 14.23 Third party concerns were raised that the proposed scheme is contrary to sections 39 and 41 of the Purbeck District Design Guide as they are concerned about overbearing impacts due to a dominating effect and impacts on light to neighbouring properties. Other concerns raised are: privacy and overlooking impacts (from first floor windows), impact on general amenity and noise disturbance.
- 14.24 The northerly units were identified as a particular concern by Ward Members with concerns raised that the existing development to the site's north would be affected by a harmful sense of enclosure. The Case Officer has considered separation distances as well as building heights. All neighbouring properties are judged sufficiently distant from the proposed development to avoid significant harm arising from an overbearing impact or an unacceptable sense of enclosure.
- 14.25 It is also noted that some other properties nearby are closer to their respective boundaries than the proposed new dwellings are to the site boundary. The proposed development ensures that the new dwellings have appropriate spacing between the buildings and the boundaries.
- 14.26 With regards to concerns raised over the development overshadowing neighbouring properties, the proposed dwellings are two storey, but the buildings follow the site's topography which is lower to the rear of the site, and the houses are sufficiently spaced out within the application site to allow natural light between houses. It is not anticipated that there would be a harmful level of overshadowing from the new dwellings upon the occupants of neighbouring properties due to the acceptable separation distances and the layout of the development. Unit 5 is approximately 10.5m south of 5 Fairview so some overshadowing is anticipated in

the winter months but not to such a degree that it would justify refusal of planning permission.

- 14.27 It is important to secure the finished floor levels of the dwellings to avoid additional harm if they were raised and therefore a condition would be imposed on any approval requiring details of finished floor levels (Condition 7).
- 14.28 A third party objection raised concerns that there was a lack of hedges to the southern boundary to the rear of Unit 1. The amended Site Plan received in March 2023 has increased the amount of hedging to the rear boundary to overcome this concern. This amendment is also relevant to concerns raised by third parties that the existing neighbouring property's security lighting would affect the dwellings in the new development. The hedging, once established, will assist in mitigating any lighting issues that could arise. Security lighting that causes a nuisance would be subject to environmental protection legislation.
- 14.29 In relation to overlooking, given the separation distances to the other new properties and also to neighbouring dwellings outside of the site (as shown in the table below) and that some properties have windows in their side elevations, the proposal can be made acceptable by conditions that requires some of the windows to be obscure glazed and remove permitted development rights for further windows at Units 1, 2, 5 and 6 (condition 10). Such a condition would mitigate any harmful impact upon neighbouring amenity in terms of privacy and overlooking due to the sense of overlooking that may occur despite the appropriate separation distances.
- 14.30 With regards to noise and lighting disturbance from vehicles accessing & exiting the site, the extended access road is to the front of dwellings which already face onto a highway, albeit only serving 5 dwellings. It is not anticipated that the additional traffic would demonstrably affect neighbouring amenity.
- 14.31 Subject to conditions, the proposal is considered to generally accord with local planning policy E12 (Design) with regards to neighbouring amenity and is in accordance with section 12 of the NPPF.

Highway Safety and Parking Provision:

- 14.32 The Parish Council, Ward Members and third parties have raised concerns over the development's impacts upon highways safety, access and parking provision. The adequacy of the highway access has been questioned; the development is at the end of a narrow residential road (Dillons Gardens) and utilises a section of unadopted privately owned track. Concerns have been raised that emergency vehicles and waste vehicles will not be able to safely access the site. Traffic congestion in the area has been identified by objectors concerned that this could be exacerbated by the new dwellings on the site should permission be granted.
- 14.33 These objections have been considered, but the Council's Highways Officer has assessed the application and has judged that the access would be acceptable. No objections are raised subject to conditions which would ensure that the development is acceptable in terms of highway safety and parking provision. (Conditions 13 - 15).

- 14.34 In the latest revised drawings, a visitor parking space has also been included within the proposal scheme.
- 14.35 The Highways Officer has also recommended that a condition is added to ensure that there are no gates hung so as to form an obstruction of the vehicular access to the site (condition 19) and that a condition is added to ensure that details of the electric vehicle charging points are acceptable (condition 16).
- 14.36 Therefore, subject to conditions, the proposed development accords with local planning policy I2 (Improving accessibility and transport) and is considered acceptable. (Conditions 13, 14, 15, 16 and 19).

Impact upon Trees and Landscaping:

- 14.37 Third party objections raised concerns with regards to harm to trees, vegetation and a general impact upon landscaping, and also that the proposal is contrary to the Neighbourhood Plan.
- 14.38 Neighbourhood Plan (NP) Policy 4 advises that open spaces, trees and hedgerows are encouraged within new developments.
- 14.39 Following the submission of the revised Tree Protection Plan and a revised Arboricultural Impact Assessment which shows root protection areas for trees including those that are on or beyond the site boundaries, temporary ground protection and tree protective fencing, the Council's Tree Officer has no objection to the scheme, subject to conditions including a pre-commencement condition to secure protection. (Conditions 4 and 5).
- 14.40 Therefore, subject to these conditions the proposal scheme accords with local planning policies E1 (Landscape) and E10 (Biodiversity and Geodiversity), and generally accords with NP policy 4.

14.41 Impact upon Biodiversity:

- 14.42 Objections have been raised with regards to loss of biodiversity by the Parish Council and third parties.
- 14.43 The application is supported by a Biodiversity Plan (BP) and certified by the Council's Natural Environment team which secures construction avoidance zones, covered trenching & capped pipework, replacement of woody species and planting of new trees on site, a permanent 3m buffer to be maintained along the east tree line, hedgerow management, provision for animals (including bats, birds, bees) and gaps to fencing to allow movement for wildlife.
- 14.44 Subject to a condition requiring that the mitigation and enhancement set out within the approved Biodiversity Plan is adhered to, the proposal is in accordance with the Dorset Biodiversity Appraisal Protocol and local Policy E10 (Condition 12).

Impact on Dorset Heathland and Poole Harbour Habitat Sites:

- 14.45 The site lies within 5km of internationally designated Dorset Heathland habitat sites, and also lies within the Poole Harbour Special Character Area catchment.
- 14.46 Local policies E7 (Conservation of protected sites), E8 (Dorset heathlands) and E9 (Poole harbour) are relevant to the application.
- 14.47 The Parish Council's objection includes concerns over the site being within the Poole Harbour catchment area and that no mitigation arrangements are included in the proposals. The Parish Council have also raised that the local Wessex Water pumping Station regularly overflows.
- 14.48 A Conservation of Species and Habitats appropriate assessment has been undertaken which concludes that the mitigation available in the Dorset Heathlands Planning Framework 2020-2025 can be secured via the Community Infrastructure Levy (CIL) to ensure no harm arises from recreational effects associated with a net increase in residential dwellings & mitigation is also available to avoid harm to Poole Harbour.
- 14.49 Natural England have been consulted more than once within the planning application, and the most recent response (25/11/2024) confirms that they have no objection, subject to mitigation which includes the purchase of credits from the approved scheme at Lyscombe Farm which will need to be secured by planning condition. Natural England have also recommended should permission be granted, then the Building Control requirement to limit wholesome water usage to 100 litres should be imposed.
- 14.50 Natural England have advised that, on the basis that mitigation measures required for other adverse effects on habitats/international sites, in this case the Dorset Heathland's SPA, SAC and Ramsar, are secured prior to the commencement of the development, the authority can conclude that Natural England has no further concerns about the conclusion reached in this Appropriate Assessment.
- 14.51 Therefore, subject to a pre-commencement condition securing the necessary nutrient mitigation credits from an accredited nutrient provider, accompanied by a copy of the Nutrient Credit Certificate demonstrating the purchase (condition 8) and a limit on wholesome water (condition 18), the scheme is considered to accord with policies E7, E8 and E9 of the Local Plan.
- 14.52 A CIL informative note has been added.

Flooding

- 14.53 The site lies within an area that is at high risk of groundwater emergence, as the groundwater levels are close to the ground's surface.
- 14.54 Neighbourhood Plan policy 2 also encourages that local design principles are demonstrated, which may include sustainable drainage systems (SUDS) where they are appropriate.
- 14.55 The Parish Council and third parties have raised objections concerning flooding on site as surrounding sites already suffer from flooding, and that there are inadequate arrangements for the disposal of stormwater from the proposed development.

- 14.56 A surface water drainage strategy has been submitted and revised during the assessment of the application, detailing maintenance & management of flood risk.
- 14.57 Additional information received on 19/01/2024, includes a statement from a Solicitor (at Appendix H) which provides evidence that the '*client has easement rights to carry out any necessary repairs or replacement within their title deed*' and also confirmed that following the drainage survey (carried out June 2023) the trajectory of the existing pipe has a discharge direction towards the watercourse.
- 14.58 The revised submission included an amended version of Drainage Strategy drawing ref: 9566-102 (revision PL2), to accompany the revised Drainage Report.
- 14.59 Therefore, subject to a drainage condition (Condition 17) securing the maintenance and the management of flood risk on the site, the development is in accordance with local policy E4 (Assessing floor risk) and E5 (Sustainable drainage systems), and policies within section 14 of the NPPF.

Affordable Housing Contribution

- 14.60 Third party objections have been raised stating that the proposed new homes are not affordable to young people within the village and the homes are not 'affordable housing.'
- 14.61 The submitted application confirms that the proposed new dwellings are to be market housing. To accord with policy H11 (Affordable Housing), an affordable housing contribution is required for the proposed development. The applicants have confirmed that they will enter into a legal agreement to secure the necessary affordable housing commuted sum of £228,000.

Other Matters

Construction Management and Foundation Construction:

- 14.62 Third party objections were received which included requests for a Construction Management Plan to be submitted and a further request that neighbouring occupants should be notified if piling foundations are used.
- 14.63 Given the cul-de-sac location it would be reasonable and necessary to require a Construction Management Plan on any approval by condition. (Condition 6).
- 14.64 However, with regards to the type of foundations, in the event that this application granted permission, the type of foundations used is a matter which lies outside the scope of the planning system.

Site Boundaries:

- 14.65 Third party objections have advised that the brick pillars on the boundary belonging to Fairview Residents association should not be altered as a result of the development. The proposal doesn't identify any changes to these pillars, but if changes are proposed in the future permission would need to be sought from the landowner which is a civil matter.

Waste Collection

- 14.66 Whilst the matter of waste collection has been raised in objections by the Parish Council, Ward members & third parties, a bin collection point has been included in the amended site plan drawing to aid collection of refuse on collection days.
- 14.67 Matters of access have been considered by the Highways Officer, who has no objection to the proposals, subject to conditions. (Conditions 13, 14, 15 and 16).

Impact upon the Neighbouring Smallholding

- 14.68 A third party has raised concerns that the development would have a harmful impact upon the smallholding located outside of the site to east, and that future residents of the new house may complain about noise from animals, resulting in a negative impact upon the livelihood of the neighbour.
- 14.69 The application site is already in residential use which, if permission is granted, would intensify. Those living in close proximity to agricultural land should reasonably expect noise and smells from agricultural operations. Any future applications for agricultural development would need to take account of neighbours but this is not a reason to prevent development within the identified settlement.

Site Ownership & Application Form:

- 14.70 Third party concerns raised consider that notice was not given to the Fairview Residents Association, with regards to Certificate B on the submitted Application Form.
- 14.71 However, the Agent has submitted evidence that notice was served on the parties mentioned in Certificate B by posting the notice to the neighbours during August 2022 and also January 2025.
- 14.72 Concerns were raised within third party objections that the dotted blue line showing the neighbouring house (Long View) is inaccurate, that the distance of 15 minutes from the nearest amenities stated in the Design and Access Statement is incorrect and that the finished floor levels are not provided on the submitted drawings.
- 14.73 The dotted blue line on the submitted Indicative Site Sections drawing appears to follow the outline on the latest planning permission granted at Long View (which is the neighbouring property to the rear/south of the application site).
- 14.74 From a Google Maps search, the distance to the nearest grocery store is approximately 15 minutes' walk from the site.
- 14.75 With regards to finished floor levels, it is considered appropriate in this case that a condition is added. (Condition 7).

Foul Drainage:

- 14.76 A Ward Member has raised concerns the large dwellings will increase the sewage amount into the already overstretched Bulbury sewage storage & treatment plant.

14.77 Statutory undertakers are required to provide for new development so this is not a matter that would prevent planning permission being granted.

Electrical and Telephone Cables:

14.78 A third party comment received raised concerns that the access to overhead electricity and telephone cables can only be accessed via land of a neighbouring property. This would be a civil matter and is not a material consideration within this planning application.

Climate Change

14.79 The Parish Council's objection set out that should the application be granted permission, that they would expect the development to include anticipated net carbon contribution, the use of high efficiently insulation, heat pumps and electric vehicle charging points.

14.80 The Ward members also raised objection to the proposal lacking consideration of solar gain or natural ventilation.

14.81 These concerns are acknowledged, and an informative note has been added.

15.0 Conclusion

This application, which will secure new dwellings in a sustainable location within Lytchett Matravers, is judged to accord with the development plan as a whole.

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

Proposed pre-commencement conditions have been agreed by the planning agent.

16.0 Recommendation

Either:

A) Delegate authority to the Service Manager for Development Management and Enforcement and Development Management Area Manager East to grant planning permission subject to the completion of a legal agreement under section 106 of the town and country planning act 1990 (as amended) to secure a 20% affordable housing contribution in accordance with Policy H12 of the Purbeck Local Plan 2018-2034, and 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).

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

9556/200 A Location & Block Plans

9556/201 A Proposed Plans & Elevations Unit 1

9556/202 A Proposed Plans & Elevations Unit 2

9556/203 A Proposed Plans & Elevations Unit 3

9556/204 A Proposed Plans & Elevations Unit 4

9556/205 A Proposed Plans & Elevations Unit 5

9556/206 A Proposed Plans & Elevations Unit 6

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

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

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

4. Other than for the erection of tree protection, before any equipment, materials or machinery are brought onto the site, a pre-commencement site meeting between the Tree Officer, Arboricultural Consultant and Site Manager shall take place to confirm the methods of protecting trees on and adjacent to the site during development in accordance with the Arboricultural Method Statement within Appendix B of the Arboricultural Impact Assessment ref: 326/AIA/2 (produced by Richard Nicolson, dated 08/11/2022) and the Tree Protection Plan ref: RNapc/326/TPP/2 (produced by Richard Nicolson, dated 11/08/2022). The approved tree protection shall be positioned as shown on the Tree Protection Plan, ref: RNapc/326/TPP/2 before any equipment, materials or machinery are brought onto the site for the purposes of the development. The tree protection shall be retained until the development is completed and nothing shall be placed within the fencing, nor shall any ground levels be altered or excavations made without the written consent of the Local Planning Authority.

Reason: This meeting is required prior to commencement of development in the interests of tree protection and to accord with Policies HE2 and HE3 of the Core Strategy.

5. Prior to the commencement of any development hereby approved, above damp course level, details of all proposed means of enclosure, boundary walls and fences to the site, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be implemented in full accordance with the approved details.

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

6. Before the development hereby approved commences, a Construction Method Statement (CMS) must be submitted to and approved in writing by the Planning Authority. The CMS must include:
- (a) the parking of vehicles of site operatives and visitors,
 - (b) loading and unloading of plant and materials,
 - (c) storage of plant and materials used in constructing the development, and
 - (d) delivery and construction working hours.

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

Reason: To minimise the likely impact of construction traffic on the surrounding highway network and to avoid harmful impacts upon neighbouring amenity.

7. Prior to commencement of development, details of the finished floor levels of the dwellings hereby approved shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter, the agreed finished floor levels shall be constructed as approved.

Reason: To ensure that the finished floor levels of the dwellings are sufficient to avoid risk of flooding and are appropriate within the topography of the site.

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

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

9. Notwithstanding the submitted landscaping details, no development above damp course level shall be carried out until a detailed Landscaping Scheme (to include how the vegetation to the north of the proposed access will be maintained and by whom) has been 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.

10. Prior to first occupation of the hereby approved development, the first floor windows and roof lights in the side elevations of the dwellings at plots 1, 2, 5 and 6 shall, shall be obscure glazed to a minimum industry standard privacy

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level 5 or equivalent and fixed closed up to a height of 1.7 metres above the floor level of the rooms served with any opening parts more than 1.7 metres above the floor of the room in which the windows are installed; and these windows shall be retained as such thereafter.

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

11. Prior to first occupation of the hereby approved development, a 1.8 metre privacy screen shall be installed to the full length of the side elevations of the first floor balconies to the dwellings at Plots 5 and 6, and shall be retained thereafter.

Reason: To preserve the privacy of occupants of the adjoining properties.

12. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity certified by the Dorset Council Natural Environment Team on 14/12/2022 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.

13. Before the development is occupied or utilised, the first 10 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

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

14. Before the development hereby approved is occupied, the turning/manoeuvring and parking shown on Drawing Number 9556/200 A must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

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15. Before the development hereby approved is occupied, the visibility splay areas as shown on the submitted plans must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

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

16. The development hereby permitted must not be occupied or utilised until the precise technical details of the electric vehicle charging points and parking bays shown on Drawing Number 9556/200 A are submitted to the Planning Authority. These details require approval to be obtained in writing from the Planning Authority. The approved scheme must be constructed before the development is occupied or utilised and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of plugin and ultra-low emission vehicles.

17. The surface water drainage scheme shall be implemented as detailed within the following approved surface water drainage documents, before the development is completed. Thereafter, the approved surface water drainage scheme shall be maintained.

101 revision PL1 Drainage Strategy Sheet 1 of 2 (dated 21/11/2023)

102 revision PL2 Drainage Strategy Sheet 2 of 2 (dated 18/01/2024)

Proposed Drainage Strategy within Sections 5 and also Section 6 (Summary and Conclusions) within the Foul and Surface Water Drainage Report ref: C2667 revision P2 (dated 18/01/2024)

Maintenance Schedule within Appendix G of the Foul and Surface Water Drainage Report ref: C2667 revision P2 (dated 18/01/2024)

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

18. Details of measures to limit the potential consumption of wholesome water use by persons occupying the new dwelling to 100 litres per person per day as measured in accordance with regulation 36 of the Approved Document for Part G2 of the Building Regulations 2010 (or any equivalent regulation revoking and/or re-enacting that Statutory Instrument) shall be submitted to and approved by the Local Planning Authority before the dwelling is occupied. The submitted details shall include a water consumption calculation for the dwelling in accordance with the Approved Documents referred to above.

The approved measures shall be implemented and maintained to the satisfaction of the Local Planning Authority thereafter.

Reason: To secure nutrient neutrality through effective mitigation in the interests of protected Habitat Sites.

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

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

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any subsequent re-enactment thereof: no extension to the dwellings, nor any garages or car ports shall be erected without express planning permission first being obtained.

Reason: In the interests of controlling matters which may be detrimental to the original visual concept and the balance of private space provision within this development.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no additional window(s) or other opening(s) permitted by Class A of Schedule 2 Part 1 of the 2015 Order shall be constructed in the side or rear elevations of the dwellings hereby approved.

Reason: To protect the amenity of neighbouring properties.

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

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

Informative Notes:

1. Informative Note: Dorset Highways

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

2. Informative: National Planning Policy Framework Statement

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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.

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.
4. 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.
5. 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.
6. The applicant is encouraged to utilise opportunities to introduce solar gain or natural ventilation systems to the dwellings.
7. The net gain biodiversity measures required by condition 12 should accord with best practice guidance published on the Council's website
[https://www.dorsetcouncil.gov.uk/w/species-and-habitat-advice-notes-and-guidance-sheets?p | back url=%2Fsearch%3Fq%3Dspecies%2Band%2Badvice%2Bsheets](https://www.dorsetcouncil.gov.uk/w/species-and-habitat-advice-notes-and-guidance-sheets?p%20back_url=%2Fsearch%3Fq%3Dspecies%2Band%2Badvice%2Bsheets)

Or B) Refuse for the following reason if the legal agreement is not completed within 6 months of the resolution to grant (or reasonable time frame agreed by

the Service Manager for Development Management and Enforcement and/or Development Management Area Manager East).

1. The application is contrary to Policy H12 of the Purbeck Local Plan 2018-2034 as there is no mechanism in place to secure the affordable housing contribution and it has not been demonstrated that affordable housing provision would make the development unviable.

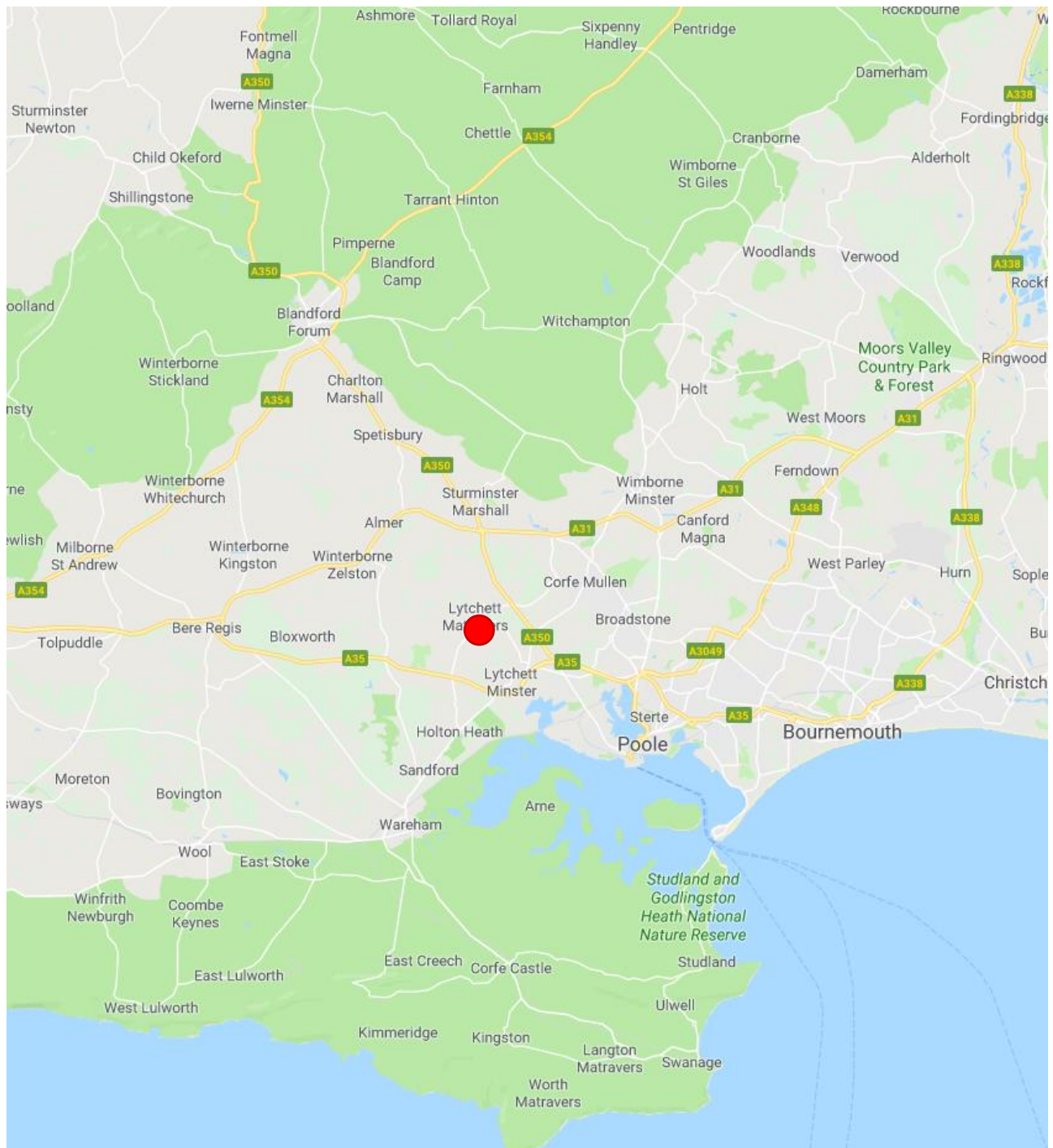
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● Approximate Site Location

Application reference: P/FUL/2022/05152

Site address: 15 Dillons Gardens Lytchett Matravers Dorset BH16 6DW

Proposal: Demolish existing dwelling and erect 6no 4-bedroom detached houses with associated parking and access



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Agenda Item 7

Eastern Area Planning
Committee 26 February 2025

Application Number:	P/FUL/2024/06572		
Webpage:	https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=410029		
Site address:	Sweet Haven, Agglestone Road, Studland, BH19 3BZ		
Proposal:	Demolition of existing dwelling and construction of replacement dwelling. Replace existing shed to the rear of the pool with a garden store/room.		
Applicant name:	VESP Architects Ltd		
Case Officer:	Cari Wooldridge		
Ward Member(s):	Cllr Wilson		
Publicity expiry date:	24 December 2024	Officer site visit date:	03/12/24 & 30/12/24
Decision due date:	3 February 2025	Ext(s) of time:	28 February 2025
No of Site Notices:	1 to front of application dwelling 1 at junction of Agglestone Road with Heath Green Road 1 at junction of Pinewood Cottages with Heath Green Road		
SN displayed reasoning:	The site notices have been displayed in prominent positions in the interest of maximising awareness of the application.		

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

2.0 Summary of recommendation:

GRANT planning permission subject to conditions as set out in section 18.

3.0 Reason for the recommendation:

- 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.
- Paragraph 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 for a replacement dwelling within the settlement boundary and is acceptable in layout, scale, design, massing and visual impact on the character and appearance of the area and the Dorset National Landscape.

- There is not considered to be any significant harm to neighbouring residential amenity.
- The proposal is acceptable in respect of flood risk, highway impacts, biodiversity and contamination.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable within settlement boundary.
Layout, scale, design and impact on the character and appearance of the area and the Dorset National Landscape (DNL) (formerly known as AONB) and Purbeck Heritage Coast	Acceptable - subject to condition.
Sustainability	Acceptable.
Impact on neighbouring amenity	Acceptable- subject to condition.
Impact on trees	Acceptable - subject to condition.
Biodiversity	Acceptable - subject to condition.
Flood risk and drainage	Acceptable - subject to condition.
Highway impacts and car parking	Acceptable - subject to condition.

5.0 Description of Site

- 5.1 The application site is located within the settlement boundary of Studland to the west of the village centre. The site is accessed off Agglestone Road which is understood to be owned and maintained by the National Trust. Directly to the east, west and south are residential properties and their gardens. To the north of Agglestone Road is Dorset heathland.
- 5.2 The site consists of a two storey gable ended detached dwelling set in a long garden with parking and turning to the front. The rear garden includes a pool and outbuildings and is set at a substantially lower level than the finished floor level of the house, currently being accessed by steps and decking. Boundary treatments are a mixture of fencing and mature hedgerows. The house has been previously extended and altered (consents and permitted development) to include living accommodation at second floor level, a single storey side extension, and additional glazing. The site level is approx. 0.5 m higher than that of the neighbouring property to the east.
- 5.3 Agglestone Road consists of properties of two / three storey height of various designs and external finishes. Many of the properties are traditional in character although properties along the road, including the application site, are located outside the Studland Conservation Area. A Tree Preservation Order covers trees to the east

of the application site. The Dorset National Landscape washes over the application site and the entire village.

6.0 Description of Development

- 6.1 The application proposes demolition of the existing dwelling and the construction of a replacement dwelling together with a replacement of an existing shed in the rear garden with a garden store / room.

7.0 Relevant Planning History

6/1989/1145 - Decision: GRA - Decision Date: 07/03/1990
Erect single-storey extension to form garage and dining room.

6/2003/1004 - Decision: GRA - Decision Date: 14/01/2004
Install timber cladding to existing single storey extension.

6/2004/0132 - Decision: GRA - Decision Date: 23/03/2004
Install rooflights, erect new porch, enlarge existing windows, reduce existing windows in size and form new windows - Certificate of Lawfulness proposed.

6/2004/0826 - Decision: GRA - Decision Date: 25/10/2004
Install external safety balustrade in front of first floor window

6/2004/0864 - Decision: GRA - Decision Date: 09/11/2004
Install therapeutic open outdoor exercise pool (retrospective).

8.0 List of Constraints

Within Studland Settlement Boundary

Dorset National Landscape (formerly known as Area of Outstanding Natural Beauty (AONB)) (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)

Dorset Heathlands (400 metre buffer)

Poole Harbour Recreation Zone

Purbeck Heritage Coast

Site of Special Scientific Interest (SSSI) impact risk zone

Higher Potential ecological network

Wessex Water Treatment Works Catchment

TPO (PDC/TPO 134) – Covers land to the east (Blackdown, Coveham and Greystones)

Radon: Class: Class 1: Less than 1%

National Trust Property (open): Studland (Reference: 155632.0) – Agglestone Road and adjacent heathland

Right of Way: Footpath SE22/20 - Distance: 6.39 – Along Agglestone Road

Bat Roosts : SZ08/BR 0039 - Studland, Agglestone Road - Distance: 7.86

Site of nature conservation interests (SNCIS): SZ08/022 - Godlingston-Studland Fields; - Distance: 17.21

Natural England Designation - RAMSAR: Dorset Heathlands (UK11021); - Distance: 42.94

Natural England Designation - RAMSAR: Poole Harbour (UK11054); - Distance: 1481.77

Scheduled Monument: Romano-British farmstead and earlier structures at Woodhouse Hill, 230m south east of Harmony Lodge (List Entry: 1015327.0); - Distance: 357.15

9.0 Consultations

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

Consultees

1. Natural England

No objection subject to securing mitigation in respect of bat roost. European Protected Species Licence required.

Within scope of Dorset Biodiversity Appraisal Protocol. Recommend permission not granted until ecological information approved by the Dorset Natural Environment Team and implementation in full made a condition of any permission.

2. Ramblers Association

No comments received.

3. Dorset Fire and Rescue

No comments received.

4. Dorset Wildlife Trust

No comments received.

5. Dorset Council Highways

Proposal served off private road that adjoins the adopted public highway with Heath Green Road approx. 300 m away.

Do not anticipate construction traffic will reach a level that will require a specific condition to mitigate impact to the public highway.

Planning Authority may wish to consider a construction environmental management plan.

No objection subject to condition.

6. Dorset Council Trees

Photos of site clearly show established hedges and at least one, possibly more, trees.

Suggest a plan, showing basic size/condition/species information of existing trees and boundary planting, marked up as either proposed retention or removal, is necessary.

Also suggest a tree / hedgerow protection plan is justified to demonstrate/convince that the proposed demolition, construction and surfacing may be implemented without significant harm. Any change in levels should also be taken into consideration in the tree/hedge protection measures.

7. Dorset Council Natural Environment Team

Advise that application is not determined until all biodiversity issues have been resolved and implementation in full of the EclA is a condition of any permission.

8. Dorset Council Building Control

Is garden storage room an exempt structure under Building Regulations?

Is proposal B-5 compliant for access to fire Brigade? May need to consult as doesn't appear can turn appliance and can't reverse more than 20 metres.

Ensure means of escape is provided as 3 storey requires fire doors all the way down to final exit.

Ensure boundary conditions comply with Approved document B to avoid spread of flame across close boundaries.

9. Dorset Council Rights of Way

No objection.

Proposed works are in the vicinity of the public right of way Footpath SE 22/20 which will be used as the access route to the development. Surface of right of way may be adversely affected.

Expect that the surface of the Footpath is restored immediately following any damage and at the end of the development the Footpath is in a good condition for the public.

Rights of way must, both during the work and upon completion, remain open and available to the public, with no materials or vehicles stored on the route

and the surface of the Rights of Way must be maintained throughout. The footpath width needs to be maintained, with no parking on the right of way.

10. Studland Parish Council

Object.

Increase in glazing and prominence will have negative visual and environmental impact out of keeping with built environment. Light pollution.

Will exacerbate existing traffic and parking issues. Access road is unmade single track with no extra parking space. Heavy lorries would destroy road and have nowhere to park.

Overdevelopment of site from increased scale and mass compared to existing structure.

Loss of light and overshadowing of neighbouring properties.

11. Ward Member

No objection but note proximity to neighbouring properties - specific consideration needs to be given to the potential impact on these properties.

Representations received

Total - Objections	Total - No Objections	Total - Comments
21	0	3

Summary of comments of objections:

- Concern over demolition and construction including damage to private road surface and adjacent heath, disruption and blockages by vehicles and parking, plant and materials, navigation of large vehicles on tight corner, erosion of neighbouring land, silting up of drains, noise, and the safety of residents and visitors.
- Condition should prevent vehicles parking and materials being stored on the road and lay-bys.
- Applicant should be required legally to commit sum of money to ensure any damage will be put right before application can be approved.
- Failure to account for loss of embodied energy and carbon of existing dwelling and excess carbon generated by vehicular traffic, materials and processes.
- Extent of glazing (windows and balconies) on front (north elevation) and impact on neighbours, National Landscape, and heathland setting from light pollution.

- Sympathetic external lighting should be required.
- Object to scale, character, appearance, 'Sandbanks design', increased volume and footprint, and materials in relation to other dwellings on road and visual intrusion on landscape.
- Concerns about damage to neighbouring foundations from demolition and proximity of new footings.
- Request condition for sample materials.
- Query where the heat pump will be located.
- Impact on light and privacy of neighbouring properties from dominance and overshadowing.
- Rear of house will be closer to Blackdown's oil tank – concern about whether this complies with Building Regulations
- Deed of covenant breaches.
- Surface water run-off and flooding to Blackdown due to proximity and levels difference. Permeable treatment for driveway should be conditioned.
- Protected species known to reside in garden of Sweet Haven and heathland are omitted from EclA.

Summary of other comments:

- Contemporary design is clever reinterpretation of existing house. Footprint and height will remain the same.
- Proposal tidies up existing building in similar style to existing and improves aspects of construction and sustainability.

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 (formerly known as Areas of Outstanding Natural Beauty)

11.0 Relevant Policies

Development Plan

Adopted Purbeck Local Plan:

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 I2: Improving accessibility and transport
Policy I3: Green infrastructure, trees, and hedgerows

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

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

Section 5 'Delivering a sufficient supply of homes' 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 creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

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

Section 15 'Conserving and Enhancing the Natural Environment'- In National Landscapes (Areas of Outstanding Natural Beauty) great weight should be given to conserving and enhancing the landscape and scenic beauty (para 189). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 191). Paragraphs 192-195 set out how biodiversity is to be protected and encourage net gains for biodiversity.

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.

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

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

Dorset Biodiversity Protocol.

Dorset Council Level 1 Strategic Flood Risk Assessment 2024

Dorset Council Annual Position Statement - 5 year housing land supply - October 2024

District Design Guide SPD

Managing and using traditional building details in Purbeck

Poole Harbour Recreation 2019-2024 SPD

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.

Whilst those who are housebound may be more affected during the construction process it is considered that the completed 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	
CIL	£33,292.15

15.0 Environmental Implications

- 15.1 The proposed replacement dwelling will be constructed in accordance with current building regulations standards. The modern build will reduce emissions compared to the existing dwelling. Suitable drainage will prevent any additional impact in terms of flood risk. Renewable features are proposed to be delivered including solar panels and a ground source heat pump.

16.0 Planning Assessment

Principle of development

- 16.1 The application site is located within the settlement boundary of Studland and the proposed replacement dwelling is acceptable in principle in accordance with Policy V1: Spatial strategy for sustainable communities and the settlement hierarchy of the Purbeck Local Plan 2024.
- 16.2 Policy H14: Second homes of the Purbeck Local Plan 2024 does not apply to this proposal for a replacement house.

Layout, scale, design and impact on the character and appearance of the area and the Dorset National Landscape (formerly known as AONB) and Purbeck Heritage Coast

- 16.3 Agglestone Road is located in an area of outlying residential development to the west of Studland village where the extent of development is defined by a tightly drawn settlement boundary. The elevated siting of the residential development affords long distance views to the north across the heathland towards Poole Harbour and Poole Bay. The residential development along the road is visible in wider landscape views from the north as land levels gradually rise from the coast to Ballard Down. Properties along Agglestone Road including the application site are visible in the landscape setting when viewed from the north.
- 16.4 The residential development along Agglestone Road is generally of a traditional character consisting of a mixture of detached and semi-detached houses set back from the road with parking and gardens to the front and lengthy rear gardens. Height, size, design and external finishes vary along the road and a number of properties have been subject of extensions and alterations.
- 16.5 Sweet Haven is a tall, detached house with gable ends to front and rear, and has previously been extended to the side (east) and ground floor front elevation. Many other alterations to the property have taken place as permitted development. Existing external finishes are painted white render with timber cladding of extensions. The building line follows that of the adjacent properties with a driveway and garden to the front enclosed by a mixture of hedgerow and fencing on the boundaries. The house is set at a raised level to Blackdown to the east (approx. 0.5 m) and has a raised finished floor level that is similar to Gorse Cottage to the west. To the rear the levels drop approx. 1m into the rear garden with an area of raised decking adjoining bifold doors on the ground floor rear elevation. A swimming pool and shed are accessed from the decking before the garden extends southwards as it continues to lower in level.
- 16.6 Paragraph 189 of the NPPF (Dec 2024) advises that:
- Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the*

highest status of protection in relation to these issues.....The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

- 16.7 The Dorset AONB Landscape Character Assessment identifies that the site is located within the 'Lowland Heathland – South Purbeck Heaths' landscape character area with key characteristics including an undulating lowland landform with a distinctive open, exposed and uniform character that is heavily influenced by urban development and associated pressures.
- 16.8 It is proposed to replace the existing dwelling with one of a contemporary design and external finish that would remain similar in mass, height, scale and siting within the plot. The width of the replacement dwelling would match that of the existing and although the front elevation will be partially extended forward, the building line would be retained along the road. To the rear, the gable end would be extended southwards to provide slightly enlarged rooms and covered terrace (ground floor) with balconies above. Gable ends are to be retained on the front and rear elevations with an asymmetrical roof matching the height of the existing dwelling but extending to a lower level on the eastern roof slope to cover a ground floor porch extension and first floor balconies on the north elevation. Roof overhangs on the north and south elevations will provide some covered balconies.
- 16.9 Studland Parish Council and neighbours have objected to overdevelopment of the site associated with the increased scale and mass of the dwelling. Officers have carefully considered the objections and judge that replacement dwelling would not be disproportionately larger, taller or bulkier than the existing, and that the proposed increase in mass and scale is not so significant as to form a reason for refusal.
- 16.10 Concerns have also been raised over the 'Sandbanks' design of the replacement dwelling. Whilst the new dwelling will be of a contemporary design, it closely reflects the form of the existing extended dwelling and given the variation in dwelling design along the road, is not considered to be of an unacceptable appearance. It is noted that the application site is not located within a Conservation Area and that adopted policies do not prevent modern designs within more traditional surroundings.
- 16.11 In terms of external finishes, materials include a slate roof with in-roof solar panels, facing brickwork of light coloured finish (buff / grey / stone) with sections of bronze / reddish / brown metal cladding at first and second floor level, aluminium / composite glazing and glass balustrades. Again, given the siting outside a Conservation Area and the range of materials and external finishes along Agglestone Road, it is considered that the use of contemporary finishes that reflect local materials and the local landscape is acceptable. This is subject to a condition on the decision requiring the submission of details for approval prior to first use.
- 16.12 In summary, the proposal is considered to be of an acceptable scale, height, density and appearance / design - albeit contemporary - that is compatible with its surroundings in accordance with Policies E1: Landscape and E12: Design of the Purbeck Local Plan 2012.
- 16.13 Policies E1 and E12 also require that new development mitigates adverse impacts of artificial light pollution on local amenity and the visual quality of landscape character. Policy E1: Landscape advises that '*development that significantly adversely affects the character, or visual quality, of the local landscape or seascape, in protected*

areas will not be permitted. The Parish Council and neighbours have raised concerns that the proposed glazing will result in harm to the adjacent heathland and the Dorset National Landscape associated with artificial light pollution at nighttime. Officers have carefully considered the impact of the proposal in terms of artificial light intrusion.

- 16.14 The existing dwelling already contains areas of extensive glazing on the visually prominent north elevation and the south facing rear elevation. Much of the existing glazing has been installed as permitted development and could be further expanded outside the Council's control. As such there is an existing impact on the heathland and National Landscape associated with artificial light spill from the application dwelling. The replacement dwelling would see an increase in the extent of glazing on the front and rear elevations, with the second-floor recessed floor to ceiling glazing providing the largest additional impact due to its prominent position on the front elevation.
- 16.15 The impact of the glazing was raised with the planning agent who has submitted amended plans and provided the following information:
- the proposed second floor front elevation glazing will be fitted in low transmittance glass as detailed on Plan SK01 - in line with the advice in the South Downs National Park Authority Dark Skies Technical Advice Note (NB. This is not a Dorset Council Guidance Note but provides an indication of the measures adopted elsewhere to restrict artificial light pollution in dark night skies).
 - the roof will substantially overhang the balconies with glazing set back by 1450mm to limit upward light spill
 - internal lights will be chosen to create soft light specific to areas of the space
 - warmer colour temperatures will be used (2700K-3000K)
 - all lights will be turned off when not in use
 - all rooflights will have integrated blinds to limit the amount of light spill.
- 16.16 Whilst a condition can secure the installation of low transmittance glass on the front elevation at second floor level, and the roof overhang will be secured by the approved plans, officers do not consider that it would be reasonable or enforceable to secure the remaining bullet points by way of condition.
- 16.17 Rooflights are also proposed in the replacement dwelling, albeit not significantly more than existing. Nevertheless, the amended plans remove the first floor rooflight serving bedroom 3 which is already served by suitably sized window openings. On this basis, it is considered that the impact of light spill from rooflights in the replacement dwelling would not be demonstrably worse than existing.
- 16.18 As such, officers consider that the proposed glazing extents would not result in any significant harm arising from artificial light spill on the character and landscape beauty of the Dorset National Landscape and adjacent heathland as to form a reason for refusal. This is subject to a condition on the decision securing low transmittance glass on the front (north) elevation at second floor level. The proposal is considered to comply with Policy E1: Landscape of the Purbeck Local Plan 2024.

Sustainability

16.19 The replacement dwelling proposal includes the installation of a ground source heat pump, solar panels, an EV charging point and a construction based on Passivhaus principles in compliance with policies E3: Renewable energy and E12: Design of the Purbeck Local Plan 2024.

Impact on neighbouring amenity

16.20 Sweet Haven adjoins residential properties to both sides (east and west) and the rear (south). The application was publicised by three site notices.

16.21 Sweet Haven has a long rear garden that adjoins neighbouring gardens and impacts on properties to the south (Pinewood Cottages) are considered to be acceptable.

16.22 To the west, Gorse Cottage is a detached house at a similar level to the application site. The property has been extended to the rear including a two-storey extension and a long ground floor rear extension set in from the eastern boundary. The case officer was unable to access Gorse Cottage to assess impacts. However, available plans for the extensions suggest that a single east facing bathroom window faces towards Sweet Haven in the single storey addition. There are also several other windows facing Sweet Haven in the main house which appear to serve non-habitable rooms (hallway, entrance, and boot room at ground floor and landing and secondary bedroom window at first floor). A boundary fence of approx. 1.8m in height obscures outlook at ground floor level.

16.23 Windows in the replacement dwelling which will face Gorse Cottage include a ground floor w.c. and second floor landing rooflight. The agent has confirmed that the lowest part of the rooflight will be 1.4 m above finished floor level although this is not detailed on the plans. Given that the rooflight serves a landing only it is not considered necessary to restrict the glazing finish. However, it is considered reasonable to condition the ground floor w.c. windows to be fitted in obscure glazing. An obscure glazed balcony screen to a height of 1.8 m above the first-floor finished floor level is proposed to prevent west facing views from the rear balcony serving bedrooms 2 and 3; this is considered to protect neighbouring amenity subject to a retention condition. In terms of loss of light and overbearing impacts, the larger dwelling would result in some increase in loss of light to Gorse Cottage during the early morning. However, given their existing extension along the boundary and south facing outlook, loss of light and overbearing impact of the proposal are not considered to be so demonstrably harmful as to form a reason for refusal.

16.24 To the east, the application site adjoins Blackdown and the adjoining semi of Coveham with detached properties beyond. The case officer has visited Blackdown to fully assess the impact of the proposals on the amenity of the nearest occupiers, particularly given the lower finished floor level of the property (approx. 0.5 m lower). Blackdown is served by two side (west) facing windows at ground floor which will look onto the side elevation of the replacement dwelling. The windows serve a kitchen / diner (primary window in the front (north) facing elevation) and a utility and side entrance. Whilst the occupiers are concerned that the replacement dwelling will result in loss of light and an overbearing impact on the side facing windows, officers consider that there will be no significant harm given their secondary and non-habitable nature. On the front elevation, the windows (kitchen and bedroom) nearest the replacement dwelling have an open north facing outlook and the proposed development would not infringe this or result in loss of light. It is noted that first and second floor balconies on the front elevation would provide the opportunity for some

views towards neighbours on both sides although direct overlooking would be limited by the roof overhang, the alignment of properties, and the open views towards the heath and coast to the north.

- 16.25 To the rear, the projection of the rear elevation further south than existing and the impact of the asymmetrical roof have been assessed in terms of impact on the rear facing windows and rear amenity area of Blackdown and to a lesser extent Coveham. Whilst it is acknowledged that the outlook from the rear facing windows at both ground and first floor will alter, the habitable windows (sunroom and lounge at ground floor, bedrooms at first floor) will retain a particularly open aspect to the rear due to the length of gardens and lowering of levels to the south. Given that the asymmetrical roof will reduce the potential for an overbearing impact close to the boundary, and only a slight increase on the existing footprint is proposed, officers consider that the harm to neighbouring amenity, including from loss of light – particularly late afternoon and evening- would not be significantly different to the impacts of the current property so could not reasonably form a reason for refusal.
- 16.26 In respect of loss of privacy to Blackdown, an open sided porch at ground floor level would have no greater harm than existing use of the front amenity area, and the east facing utility window can be fitted in obscure glazing. All other windows on the east facing elevation are rooflights within the roof slope. The kitchen roof lights will be at a high level with no direct outlook to the neighbouring property. The first-floor bathroom rooflight can be conditioned to be fitted in obscure glazing to protect neighbour and occupier privacy. The second floor rooflights serving habitable rooms (bedroom 4 and living area) may result in some overlooking and loss of privacy to Blackdown's side kitchen window and rear amenity area due to their positions on the roof and their low height. Taking into account their secondary nature, it is considered reasonable to condition that they are fitted with a restricted opening (2.5 cm / 1 inch) to protect neighbouring amenity.
- 16.27 The proposed flat roof garden / storage room would be screened from the neighbouring properties by existing hedgerows along the boundary and would not result in unacceptable harm to the neighbouring amenity.
- 16.28 In summary, the proposal is considered to comply with Policy E12: Design and the objectives of the district Design Guide SPD in respect of harm to neighbouring amenity and subject to conditions on the decision.

Tree Impacts

- 16.29 There are a number of trees and shrubs within the application site and several mature trees that are sited just outside the site boundary within neighbouring gardens. A Tree Preservation Order covers trees within the rear garden of Greystones to the east and mature hedgerows extend along the garden boundaries.
- 16.30 The Tree Officer has been consulted on the proposal and requested the submission of a tree survey plan indicating trees and hedgerows to be retained / removed as part of the scheme. Details were included on an amended site plan. The Tree Officer also advised that a tree / hedgerow protection plan is necessary to ensure that the proposed development does not cause harm to any of the identified trees and hedgerows. This can be secured by way of a pre-commencement condition . On this basis, the proposal is considered to comply with Policy I3: Green infrastructure, trees and hedgerows of the Purbeck Local Plan 2024.

Biodiversity

Biodiversity Impacts

- 16.31 It is a requirement of all development to protect and where possible enhance the natural environment, as stated in the NPPF, paragraphs 187 and 193.
- 16.32 The application is supported by an Ecological Impact Assessment (EclA) which includes the results of bat surveys and concludes that the proposals would result in the loss of bat roosts and therefore a European Protected Species Licence will be required. Mitigation and compensation measures are also proposed in the EclA. The EclA has been reviewed by the Council's Natural Environment Team and a certificate of approval was issued on 21st January '25. Subject to a condition requiring full implementation of the mitigation within the approved EclA, the proposal is considered to accord with Policy E10: Biodiversity and geodiversity of the Purbeck Local Plan 2024.

Biodiversity Net Gain

- 16.33 As less than 25 square metres of onsite habitat will be impacted by the replacement dwelling, the proposal is exempt from biodiversity net gain as set out in Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended).

Appropriate Assessment

- 16.34 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.
- 16.25 Since there is no proposed increase in residential units the need for a Habitats Regulations Appropriate Assessment has been screened out.
- 16.36 The proposal is acceptable in respect of Policies E7: Conservation of protected sites, E8: Dorset heathlands, E9: Poole harbour, and E10: Biodiversity and geodiversity of the Purbeck Local Plan 2024.

Flood risk and drainage

- 16.37 The application site is located in Flood Zone 1 and is not at risk of surface water flooding or susceptible to groundwater flood risk.
- 16.38 The proposal will result in a small increase in surface area but any exceedance would impact on neighbours to the east due to the lower ground levels. No drainage details have been submitted with the application but as the site is in an area at low risk of flooding from all sources, it is reasonable to secure an acceptable surface water drainage scheme by way of planning condition (nos. 5 and 6) to ensure that there will be no worsening of flood risk to the site or neighbours in accordance with policies E4: Assessing flood risk and E5: Sustainable drainage systems of the Purbeck Local Plan 2024.

Highway impacts and car parking

- 16.39 The application site is accessed via the private 'Agglestone Road' which adjoins the highway on Heath Green Road approx. 300 m to the southeast. Agglestone Road is narrow with passing spaces and surfaced in crushed stone. It is understood to be owned by the National Trust and maintained by both the Trust and residents. Neighbour objections have been received in relation to impacts of the proposed development construction on the road including damage to the road surface and drainage, disruption and blockages by vehicles and parking, potential storage of

plant and materials on the road, navigation of large vehicles on the tight corner, erosion of neighbouring land, silting up of drains, noise, and the safety of residents and visitors. Several neighbours have also requested that a legal agreement secure a payment from the applicant to deliver repairs to the road following construction.

- 16.40 The red line of the application site does not include Agglestone Road. Given that this is an existing access that serves all of the dwellings along the road, including the proposed replacement dwelling, it is not considered necessary to extend the red line to include the access. Whilst officers are mindful of the comments raised by neighbours in relation to damage and disruption along the road, the private ownership of the road means that any issues regarding damage and maintenance are a civil matter to be addressed outside the planning process.
- 16.41 The Council's Highway Engineer has raised no objection to the proposal on highway safety grounds and has noted that they do not anticipate construction traffic will reach a level that will require a specific condition to mitigate impact to the public highway. A condition is recommended in respect of parking provision prior to first use of the replacement dwelling, and on this basis, the proposed development is considered to accord with Policy I2: Improving accessibility and transport of the Purbeck Local Plan 2024.
- 16.42 The Highway Engineer has suggested that a Construction Management Plan would be appropriate. This would aim to limit adverse impacts of the construction phase of the development on neighbouring amenity, including accessibility along the private access track, inconsiderate parking, storage of materials etc. This is considered a reasonable condition to apply given the restricted width of the site access and its use by neighbouring properties.
- 16.43 Subject to the condition (no. 4), the proposal is considered to be acceptable in respect of neighbouring amenity in accordance with Policy E12: Design of the Purbeck Local Plan 2024.

Other considerations

- 16.44 *Rights of Way* – The application site is in close proximity of a public right of way. Informative information – as provided by the Rights of Way Officer – can be included on the decision notice to ensure that there is no obstruction or damage caused as a result of the development.
- 16.45 *Building Regulations* – Neighbours have raised concerns over proximity of the building to adjacent oil tanks. Building regulations have commented on the fire safety of the proposal including fire brigade accessibility, fire escapes, and boundary conditions. The comments have been provided to the planning agent who has confirmed that the architects are confident that the scheme can be delivered in accordance with Building Regulations requirements. In addition, the Dorset Fire Officer has been consulted on the proposal, but no response has been received. An informative note in respect of fire vehicle accessibility will be included on the decision notice.

Additional neighbour concerns:

- 16.46 Damage to neighbouring properties – Any damage to neighbouring properties or the private access road as a result of the development is a private / civil issue between the relevant landowners and does not form a material planning consideration.

16.47 Deed of covenant breaches – Breaches of covenants on property deeds is also a private / civil issue between the relevant landowners and does not form a material planning consideration.

17.0 Conclusion

17.1 For the above reasons, the application is judged to accord with the development plan as 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:

PL 01.01 The Location Plan

PL 02.02 A Proposed Site Plan

PL 02.03 A Proposed Ground and First Floor Plan

PL 02.04 A Proposed Second Floor and Roof Plan

PL 02.05 Proposed Garden Storage/Room

PL 03.01 A Proposed North & West Elevations

PL 03.02 A Proposed South & East Elevations

PL 03.03 Proposed Street Elevations

SK 01 Section AA - Light mitigation.pdf

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

3. Prior to the commencement of any development hereby approved (including demolition), all existing trees and hedges shown on approved site plan PL 02.02 A to be retained, shall be fully safeguarded in accordance with BS 5837:2005 (Trees in relation to construction - recommendations) or any other Standard that may be in force at the time that development commences and these safeguarding measures shall be retained for the duration of construction works and building operations. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zone(s).

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

4. Before any demolition or ground works commence on the site, a Construction Management Plan (CMP) must be submitted to and approved in writing by the Local Planning Authority. The CMP must include:
 - delivery, demolition, construction and working hours and means of notification to neighbours.

- construction vehicle details including the number, size, type, and frequency of movement
 - the parking of vehicles of site operatives and visitors
 - the loading and unloading of plant and materials
 - the storage of plant and materials used in constructing the development
 - dust, noise and vibration suppression
 - site safety and security including site manager contact details
- The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

Reason: To minimise the likely impact of the proposed development on the amenity of neighbouring properties.

5. Prior to the commencement of development details of a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority, and the approved drainage scheme shall be completed before occupation of the development.

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

6. Prior to the occupation of the development, details of maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

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

7. 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.

8. Prior to the installation of any glazing on the second-floor front (north) elevation, details of the method(s) of securing the Visible Light Transmission at a maximum upper Visible Light Transition (VLT) of 0.65 shall be submitted to the Council for approval. Thereafter, all glazing - first installation and replacement - shall be fitted in accordance with the approved details and shall not exceed the maximum VLT limit of 0.65 at any time.

Reason: To restrict artificial internal light spill into the intrinsically dark Dorset National Landscape.

9. Before the dwelling is brought into use:
- (i) the ground floor w.c. window in the west elevation and the ground floor utility window in the east elevation must be glazed with obscure glass to a minimum industry standard privacy level 3 up to a height of 1.7 metres above the floor level of the room in which the windows are installed.
 - (ii) the first floor rooflight of the bathroom serving the master bedroom must be glazed with obscure glass to a minimum industry standard privacy level 3.
 - (iii) the second floor rooflights serving the living area and bedroom 4 must be fitted with an opening restraint at the bottom of the windows to limit the openings to no more than 2.5cm (1 inch).
- Thereafter, the obscure glazing and opening restraints must be maintained as such.

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

10. The obscure glazed privacy screen serving the balcony of bedrooms 2 and 3 shall be fitted to a height of 1.8m above the finished floor level of the balcony in accordance with Drawing PL 03.01 A. Thereafter the privacy screen shall be retained as such.

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

11. 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.

12. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Ecological Impact Assessment Report (EclA) Version 3 - FINAL Amended Ref 2024-78 and certified as approved by the Dorset Council Natural Environment Team on 21.01.2025 must be strictly adhered to during the carrying out of the development. The development hereby approved must not be first brought into use unless and until the mitigation, compensation and enhancement/net gain measures detailed in Section 5 of the approved EclA have been completed in full, unless any modifications to the approved EclA as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details.

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

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

Reason: To protect visual amenity within the Dorset National Landscape.

Informative Notes:

1. Biodiversity Net Gain

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

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

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

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

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

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

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

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

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

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

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

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

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

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

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

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

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

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

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

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

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

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

4.5 Self and Custom Build Development, meaning development which:

i) consists of no more than 9 dwellings;

ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of

the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

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

3. The works associated with this application require a European Protected Species (EPS) License or Low Impact Class (LIC) License to avoid unlawful harm to species protected under the Conservation of Habitats and Species Regulations (2017) (as amended). Approval of an EPS/LIC License is a separate process from obtaining Planning Permission therefore the applicant is at risk of committing an offence where no License has been obtained. Planning Permission does not guarantee a licence, nor does in any way prejudice Natural England’s decision on whether a licence should be issued, nor does it provide any legal defence against possible offences. It is relevant only to the purposes of consideration of the proposed development by the Local Planning Authority.

4. Inf - Building Control Comments

Is garden storage room an exempt structure under Building Regulations.

Is B-5 compliant for access to fire Brigade may need to consult as doesn't appear can turn appliance and can't reverse more than 20 metres.

Ensure means of escape is provided as 3 storey requires fire doors all the way down to final exit.

Ensure boundary conditions comply with Approved document B to avoid spread of flame across close boundaries.

5. To fight fires effectively the Fire and Rescue Service needs to be able to manoeuvre its equipment and appliances to suitable positions adjacent to any premises. Therefore, the applicant is advised that they should consult with Building Control and Dorset Fire and Rescue Service to ensure that Fire Safety - Approved Document B Volume 1 Dwelling houses B5 of The Building Regulations 2006 can be fully complied with or possibly met by some other means such as sprinklers or increased fire resistance

6. The submission of surface water drainage details should demonstrate that the proposed scheme has been informed by and appropriately responds to site specific ground water conditions evidenced by testing. The Council has published Surface Water Management Scheme guidance <https://www.dorsetcouncil.gov.uk/documents/35024/280970/Surface+Water+Management+Proposal+Information+Requirements.pdf/33f6035a-fd3e-6c8b-8702-c148ea944541> including a flowchart for consideration at page 3.

7. Electric vehicle charging points

The applicant is advised that prior to the development being brought into use, it must comply with the requirements of Building Regulations Approved Document S: Infrastructure for the charging of electric vehicles.

8. Informative Note: Trees on this site or adjoining this site are covered by a Tree Preservation Order (TPO) which may be affected by this proposed development. A TPO prohibits the cutting down, uprooting, topping, lopping, wilful damage or wilful destruction of trees without the Local Authority's consent. Before commencement of any work, you must contact the Council's tree team and seek the necessary advice/consent. It is an offence to damage any part of a protected tree both above and below ground, without appropriate consent. Contact details for your Tree Team and more information can be found on the Council's website <https://www.dorsetcouncil.gov.uk/countryside-coast-parks/countryside-management/tree-management/tree-preservation-orders/tree-preservation-orders>
9. 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.
10. The net gain biodiversity measures required by condition 12 should accord with best practice guidance published on the Council's website [https://www.dorsetcouncil.gov.uk/w/species-and-habitat-advice-notes-and-guidance-sheets?p I back url=%2Fsearch%3Fq%3Dspecies%2Band%2Badvice%2Bsheets](https://www.dorsetcouncil.gov.uk/w/species-and-habitat-advice-notes-and-guidance-sheets?p%20back_url=%2Fsearch%3Fq%3Dspecies%2Band%2Badvice%2Bsheets)
11. 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.
12. Informative Note: Rights of Way

The safe free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights on a right of way, then a Temporary Path Closure Order must be obtained. This can be applied for through Rights of Way at Dorset Council see <https://www.dorsetcouncil.gov.uk/w/changing-the-definitive-map>, but the application must be completed and returned at least thirteen weeks before the intended closure date. It should be noted that there is a fee applicable to this application. This application and legal order must be confirmed before any works obstructing the path are commenced.

Any damage to the surface of the footpath attributable to the development must be repaired to Dorset Council's specification, in accordance with Section 59 of the Highways Act 1980 by the applicant.

13. 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.

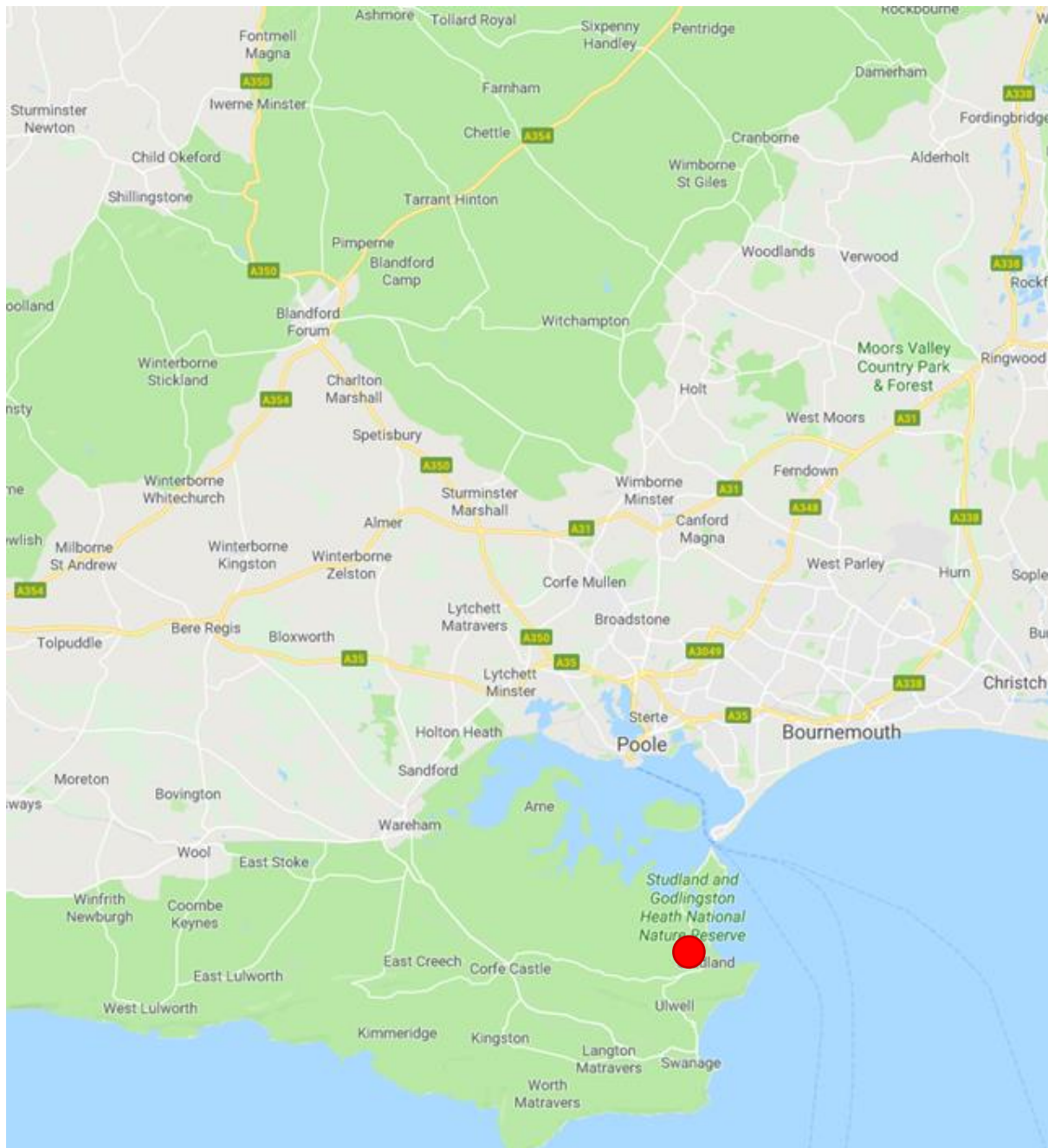
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● Approximate Site Location

Application reference: P/FUL/2024/06572

Description of development: Demolition of existing dwelling and construction of replacement dwelling. Replace existing shed to the rear of the pool with a garden store/room.

Site address: Sweet Haven, Agglestone Road, Studland, BH19 3BZ



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Agenda Item 8

Eastern Area Planning Committee
26th February 2025

Application Number:	P/FUL/2024/06886		
Webpage:	Planning application: P/FUL/2024/06886 - dorsetforyou.com		
Site address:	7 The Axiom Centre, Dorchester Road, Lytchett Minster, BH16 6FE		
Proposal:	Change of use to veterinary clinic class E with minor alterations to facilitate the change		
Applicant name:	The Pet Health Partnership Ltd		
Case Officer:	Cari Wooldridge		
Ward Member(s):	Cllr Brenton, Cllr Robinson and Cllr Starr		
Publicity expiry date:	24 December 2024	Officer site visit date:	N/A – Familiar from previous application
Decision due date:	28 February 2025	Ext(s) of time:	28 February 2025
No of Site Notices:	1 – At entrance to unit parking 2 – At entrance to The Axiom Centre		
SN displayed reasoning:	The site notices have been displayed in prominent positions in the interest of maximising awareness of the application.		

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

2.0 Summary of recommendation:

REFUSE planning permission

3.0 Reason for the recommendation:

The applicant has failed to demonstrate that the unit was realistically marketed in accordance with adopted planning policy. It cannot be determined that there is no reasonable prospect of the light industrial premises being retained for a light industrial use, and that the proposed change of use to a veterinary clinic would not result in the loss of needed employment land on a safeguarded employment site.

The identified public benefits are not considered to outweigh the reason for refusal.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Not acceptable – contrary to adopted local plan policy.

Issue	Conclusion
Impact on the Green Belt	Acceptable.
Scale, design and impact on the character and appearance of the area	Acceptable.
Impact on the amenity of neighbouring properties	Acceptable.
Highway impacts and car parking	Acceptable - subject to condition.
Other considerations	Acceptable in respect of trees, contaminated land and animal licensing.
Public benefits	The identified public benefits are not considered to outweigh the departure from adopted local plan policies which seek to retain safeguarded employment land.

5.0 Description of Site

- 5.1 The Axium Centre is a modern business / employment park consisting of six buildings divided into smaller units on the site of the former Pikes Farm. The site is located in open countryside that forms part of the South East Dorset Green Belt and is situated on the south side of the A35, close to the Wareham Road and Organford junction. The site is remote from any residential properties, the nearest being in Wareham Road to the west of the site.
- 5.2 Unit 7 is located in the north-east section of the employment site and forms a low level yet two storey building constructed of red brick with cladding at first floor level and a tiled roof. Courtyard parking is provided to the front of the unit with an open grassed area and landscaping to the rear. The northern boundary is enclosed by the side elevation of the unit and a boundary wall.
- 5.3 Despite the Axium Centre forming a safeguarded employment site, neighbouring uses are varied and include offices (accountants, solicitors etc), a dental clinic, childcare, and retail.

6.0 Description of Development

It is proposed to change the use of 7 The Axium Centre to a veterinary clinic with minor alterations to facilitate the change.

7.0 Relevant Planning History

- 7.1 There are a variety of planning applications for the site since 1990 which all relate to developing the site for business use. One is specifically relevant to this planning application:
- 7.2 6/2006/0830 – Erect six buildings for class B1 Business use with associated car parking and form new vehicular access (approved).

The application unit is identified in the approved plans as ‘Unit D’. Condition 2 of the consent restricts the use of the business premises to Class B1 (Business) only:

2. The business premises hereby permitted shall only be used for purposes defined in Class B1 (Business) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any subsequent revocation or re-enactment.
Reason: Any other class of use would be inappropriate having regard to the location of the site and the amenity of the locality.

B1 Business – Uses which can be carried out in a residential area without detriment to its amenity. This class was formed of three parts:

- B1(a) Offices - Other than a use within Class A2 (see above)
- B1(b) Research and development of products or processes
- B1(c) Industrial processes

B1 Business was revoked from 1 September 2020. It was effectively replaced with the new Class E(g):

E(g) Uses which can be carried out in a residential area without detriment to its amenity:

- E(g)(i) Offices to carry out any operational or administrative functions,
- E(g)(ii) Research and development of products or processes
- E(g)(iii) Industrial processes

7.3 Planning permission was retrospectively granted in January 2020 (6/2019/0643) for the formation of 4 car parking spaces in a previous soft landscaping area adjacent to office building which had contravened the requirements of condition 4 on the consent which restricts the creation of further areas of hard surfacing without the consent of the Local Planning Authority.

7.4 Planning application P/FUL/2024/04189 to change the use of the unit to a veterinary clinic with works to facilitate the change including changes to windows and doors was refused on 19/09/2024. Reason for refusal:

1. The applicant has failed to demonstrate through the current planning application that there is no reasonable prospect of the light industrial premises (former use class B1 now E(g)) being retained for a light industrial use or any other permitted use within the new use class E(g). As such, it cannot be determined that the proposed change of use to a veterinary clinic (*sui generis*) would not result in the loss of needed employment land on a safeguarded employment site, and the proposal is contrary to policies EE1: Employment Land Supply and EE2: Planning for Employment of the Purbeck Local Plan 2024.

8.0 List of Constraints

Legal Agreements S106 – 6/1990/0150 – *consent not implemented.*
TPO (PDC/TPO 288)
Poole Harbour Nutrient Catchment Area
Poole Harbour Recreation Zone
Higher Potential ecological network
Dorset Heathlands - 5km Heathland Buffer

Greenbelt: Bournemouth Greenbelt

EA - Poole Harbour Catchment Area

Radon: Class: Class 1: Less than 1%

Site of Special Scientific Interest (SSSI) impact risk zone

Natural England Designation - RAMSAR: Poole Harbour (UK11054); - Distance:
2697.8

Natural England Designation - RAMSAR: Dorset Heathlands (UK11021); - Distance:
4580.08

9.0 Consultations

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

Consultees

1. Dorset Wildlife Trust

No comments received.

2. Dorset Council - Environmental Services - Animal Licensing

No objection.

3. Dorset Council - Trees (East & Purbeck)

No objection.

5. Dorset Council – Highways

Will be served off existing access with areas of parking within site.

No objection subject to condition.

6. Dorset Council – Waste Team

No comments received.

7. Lytchett Minster and Upton Town Council

No comments received.

8. Lytchett Matravers and Upton Ward– Cllr Brenton

Site not fully used for employment and seems to be fast turnover of unsuccessful businesses.

Veterinary clinic would bring in business and would not disturb neighbours.

Alterations do not change character of site.

Email to officers dated 12th January 2025 confirming support of proposal.

9. Lytchett Matravers and Upton Ward– Cllr Starr

No comments received.

10. Lytchett Matravers and Upton Ward – Cllr Robinson

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

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

Policy V1: Spatial strategy for sustainable communities

Policy V2: Green belt

Policy E12: Design

Policy EE1: Employment Land Supply

Policy EE2: Planning for Employment

Policy I2: Improving accessibility and transport

Policy I3: Green infrastructure, trees, and hedgerows

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

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 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 6 'Building a strong, competitive economy', paragraphs 88 and 89 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.

Section 11 'Making effective use of land'

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

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

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

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.

Dorset County Council non-residential parking guidance.

District Design Guide SPD

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	
Number of jobs	8 full-time and 12 part-time employees
Non Material Considerations	
Business rates	Current rateable value not expected to change £37,000
CIL contribution	N/A

15.0 Environmental Implications

15.1 As the veterinary practice is currently based in Upton, there will be some environmental impact associated with employees and customers accessing the relocated practice by vehicle due to its rural location.

16.0 Planning Assessment

16.1 The main considerations of this application are:

- Background
- The principle of development
- Impact on the Green Belt
- Scale, design and impact on the character and appearance of the area
- Impact on the amenity of neighbouring properties
- Highway impacts and car parking

These and other considerations are set out below.

Background to application

16.2 Former planning application P/FUL/2024/04189 to change the use of the unit to a veterinary clinic with works to facilitate the change including changes to windows and doors was refused on 19/09/2024. Officers considered that the proposed veterinary clinic use fell outside a defined use class and was therefore 'sui generis'.

16.3 The proposed change of use of the unit from a former B1 use (light industrial) (now class E(g)) to a sui generis use on a safeguarded employment site has been judged to represent a loss of employment land, contrary to Policies EE1: Employment Land Supply and EE2: Planning for Employment of the Purbeck Local Plan 2024. Policy EE2 permits alternative uses on safeguarded employment land where there is no reasonable prospect of a planning application being submitted for development within the use classes B2, B8 or former use class B1 light industrial (now E(g)) but criteria must be met. The applicant previously failed to demonstrate that there was no reasonable prospect of the light industrial premises being retained for a light industrial use or any other permitted use within the new Use Class E(g). As such, it was determined that the proposed change of use to a veterinary clinic (sui generis) would result in the loss of needed employment land on a safeguarded employment site, and the application was refused.

16.4 The current application is a re-submission following refusal which is currently at appeal. The applicant is arguing that the proposed veterinary clinic falls under Use Class E so accords with policy EE1 and the application is supported by information on the former marketing of the unit in 2024 required by policy EE2. The sections below consider both issues.

Principle of development

16.5 Condition 2 of Planning consent 6/2006/0830 restricts the use of the business premises subject of the current application to that of Class B1 (Business) only. Class B1 was revoked from 1 September 2020 and was effectively replaced with the new Class E(g) which includes uses which can be carried out in a residential area without detriment to its amenity including (i) offices to carry out any operational or administrative functions, (ii) research and development of products or processes, and (iii) industrial processes.

16.6 The Axium Centre is identified in Policy EE1: Employment land supply of the Purbeck Local Plan 2024 as an 'other identified employment site' which is safeguarded for employment uses including uses in classes B2, B8, or any other light industrial uses falling outside these classes. Whether or not the proposed veterinary use falls within Use Class E or is a sui generis use, as set out in the

previous planning report, the proposed veterinary clinic would introduce a use associated with some employment, but which does not fall within any of the safeguarded use classes. The supporting text provides context for the policy advising that:

Away from the strategic allocations there is a relatively limited supply of available employment land in many parts of Purbeck. The retention, renewal or intensification of existing employment sites and maintenance of current employment space is consequently important to ensuring the Purbeck Local Plan sets out a strategy to meet all of Purbeck's identified minimum need of 11.5 hectares of employment land over the plan period, together with supporting the wider national and regional economy through the continued development of the two strategic employment sites.

- 16.7 The supporting paragraphs also explain the need for industrial and office and research and development premises in the Eastern Dorset Housing Market Area. The proposal would result in the loss of land safeguarded for these uses.
- 16.8 In March 2024 an Employment Land Study jointly commissioned by Dorset Council and Bournemouth, Christchurch and Poole (BCP) Council was completed as part of the Dorset Local Plan evidence gathering. The Study assesses the existing and potential future supply of sites and compares it with estimated demand. It also makes recommendations to help prevent constraints to economic growth. Whilst the Study includes employment demand figures, they are assessed at the Functional Economic Market Area within which Dorset Council and the BCP Council areas lie in accordance with Planning Practice Guidance. The Study concludes (paragraph 9.26) that the total FEMA supply of around 267.4 ha is sufficient to meet the labour demand scenarios ranging from 199.6 to 264 ha. The Study provides some indication of how the supply would be met on 'key employment sites' and generic sites across the Dorset Council Area, but also identifies that the availability, viability and deliverability of sites is expected to be a significant key issue and may frustrate the delivery of commercial land in the long term. Due to the scale of the study, there is no breakdown of land supply at the former District Council area level.
- 16.9 Appendix 4 of the Study provides specific detail on sites within the land supply including the Axiom Centre (FERN-MILB). It notes that the site has high/medium market attractiveness, is well connected site near to the BCP urban area and forms a suitable employment site for retention, albeit with limited potential for expansion or intensification. Taking the Study into consideration, officers consider that the retention of existing employment uses on safeguarded employment sites – particularly on generic sites such as the Axiom Centre - will continue to support the employment land supply position across the wider Dorset Council area, especially if longer term delivery of employment sites proves to be an issue.
- 16.10 Notwithstanding this position, Policy EE2: Planning for employment of the Purbeck Local Plan 2024 does advise that '*where there is no reasonable prospect of a planning application being submitted for development in use classes B2, B8, or light industrial uses on the safeguarded employment land identified in Policy EE1 alternative uses may be permitted...*'. Such proposals for alternative uses are required to meet 4 criteria as assessed below:
- (a) *would not result in an excessive reduction in the supply of employment land for, B2, B8, and light industrial uses, taking into account:*
- i. *the overall amount;*

ii. range; and

iii. choice of available employment land for the remainder of the plan period; and,

The proposed veterinary clinic use would not result in an excessive reduction in the supply of employment land in the former Purbeck area.

(b) the impact of proposed development on European sites, alone or in combination with other existing and proposed development, will be screened for likely significant effects under the Conservation of Habitats and Species Regulations (amended) (EU exit), 2019 and/or any equivalent relevant legislation and regulation). Where there is a probability or risk of a significant effect, the proposed development will be subject of an appropriate assessment (taking into account the lifetime of the development). Development proposals should, therefore, be accompanied by information reasonably required to undertake an appropriate assessment, and demonstrate how the development will avoid or otherwise mitigate any adverse impact on the integrity of any relevant site(s) in the national site network; and

16.11 The site is located outside the 400 m Heathland Buffer Zone and there would be no likely significant effects in respect of nitrogen deposition or recreational impacts on Poole Harbour related to the proposed use. The proposed change of use from light industrial to a veterinary clinic is not considered to result in likely significant effects on European sites.

(c) would not have an adverse impact upon the amenity and operation of neighbouring properties and businesses; and

16.12 There are a wide range of uses within the Axiom Centre including offices, healthcare, light industrial, retail and a childcare facility. The proposed veterinary clinic would occupy one of the larger units with provision of off-road parking and turning within the courtyard area to the front. There is no reason to consider that the proposed change of use would result in an adverse impact upon the amenity and operation of the neighbouring businesses. No responses have been received from the neighbouring businesses following publicity of the application by way of site notices.

(d) demonstrates that the current use has been realistically marketed for a period of at least 9 months in the 12 months prior to the application.

16.13 Paragraphs 5.22 and 5.33 of the submitted planning statement summarise an email from Goadsby (Commercial Estate Agent) confirming that marketing of the unit took place from April 2024 to end of July 2024 during which time the unit was advertised on all search engines and details emailed to 200 prospective applicants. During this period, three companies enquired into the premises but did not arrange a viewing. The fourth company – the applicant – viewed the property and a news article on the Goadsby website dated 31st July 2024 confirms that the premises are let to The Pet Health Partnership.

16.15 Whilst officers acknowledge that the unit was marketed with a commercial letting agent, the period of marketing falls 5 months short of the 9 month marketing period in the 12 months prior to the submission of the application required by Policy EE2. In addition, no details of the specific marketing details are provided, and officers are unable to determine if it was sufficiently and realistically targeted at potential E(g) (former B1) occupiers. As such, the proposal has not fully satisfied the requirements of criterion (d) of Policy EE2 and, taking into account the importance of the Axiom

Centre in providing a generic employment land supply outside identified key employment sites within the Dorset Council area, officers are unable to support the loss of the employment land until criterion (d) has been satisfactorily addressed.

Impact on the Green Belt

- 16.16 Despite being located within the safeguarded employment site of the Axiom Centre, the entire employment site is located within the Green Belt. The proposed change of use of the existing building and the minor external alterations are considered to form appropriate development within the Green Belt as they would not harm the openness or conflict with the other purposes of the designation.

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

- 16.17 The application site is located within the developed area of the Axiom Centre and no extensions to the existing building are proposed. However, to enable the proposed change of use and the altered internal layout, several external alterations to the fenestration are proposed including a new entrance door in lieu of large windows and the insertion of an additional window on the front elevation; the insertion of a new door on the rear elevation; and the insertion of a new obscure glazed window on the north elevation facing towards the A35. The finish of the windows and doors are to match existing. The proposed alterations are minor in scale and would not result in any harm to the character and appearance of the area and are considered to comply with Policy E12: Design of the Purbeck Local Plan 2024.

Impact on the amenity of neighbouring properties

- 16.18 The existing use of the property as Class E(g) (formerly B1) would allow the continued use of the unit for offices, research and development and light industrial processes that can be carried out in a residential area without detriment to its amenity. A wide range of uses already existing at the Axiom Centre and the proposed change of use to a veterinary clinic is not considered to result in any harm to the amenity or operation of the neighbouring units. There are no immediate residential properties that would be impacted by noise or disturbance associated with the proposed use.

Highway impacts and car parking

- 16.19 The unit is served by the existing access of the A35 and the Council's Highway Engineer has raised no objection to the proposed change of use subject to a condition on the decision requiring implementation and retention of the turning and parking detailed on the submitted plan.
- 16.20 The unit is currently served by 10 parking spaces, two of which are to be removed to allow for the new customer entrance to the unit. The Council's non-residential parking guidance does not include a guideline for veterinary clinics. However, it does include a guideline for the former D1(b) use of clinics / health centres / surgeries which is considered to require a comparable level of provision. This use requires 2 spaces per consulting room and 1 space for every full-time member of staff:

Consulting Rooms x 3 = 6 spaces

Full time members of staff = 8 spaces

Total parking requirement = 14 spaces

Parking deficit = 6 spaces

- 16.21 The location of the unit in a rural location combined with the nature of the proposed use is likely to require car reliant journeys for both employees and customers. Parking provision elsewhere on the site is allocated to each unit and no additional visitor parking is understood to be available. Any overspill parking would therefore be on road/ verge around the estate to the detriment of other neighbouring units. However, it is also noted that a wide variety of uses could take place in the unit within the remit of the existing E(g) use over which the Council would have no control, and that this could result in a similar pressure on parking provision. Therefore, on balance, officers consider that the deficit of parking provision would not be so demonstrably harmful as to form a reason for refusal of the proposal.
- 16.22 In summary, the proposal is considered to acceptable in accordance with Policy I2: Improving accessibility and transport of the Purbeck Local Plan 2024.

Other Considerations

Impact on trees

- 16.23 The Axiom Centre is covered by a Tree Preservation Order in respect of mature trees on its southern and western boundaries. The proposed change of use of the existing use would not result in any additional harm to the trees. The Council's Tree Officer has confirmed that they have no objection to the proposal.

Contaminated Land

- 16.24 The application site is located in an area identified as contaminated land – likely associated with its former use prior to redevelopment as an employment site. The Council's Environmental Protection Team was consulted on the former application and confirmed that they had no comment to make on the application.

Animal Licensing

- 16.25 A consultation was sent to the Council's animal licensing team who confirmed that they have no objection to the proposal.

Public benefits

- 16.26 The submitted planning statement advises that the applicants have undertaken an extensive search for appropriate premises and suitability has proven difficult. Where potentially suitable premises have been identified in terms of location and amenity, the increase in space from their Upton practice is not sufficient enough to accommodate the growing number of clients and their commitment to providing the best possible veterinary care. A list of 10 alternative sites and reasons for them being discounted from the premises search is provided in the appendices of the supporting statement.
- 16.27 The supporting information also advises that the proposed clinic would employ 8 full time and 12 part-time employees. This number of employees could be similar to that of an E(g) (former B1 Business) use within the unit. However, the unit is currently vacant, and no information is provided by the applicant on the number of employees previously occupying the unit.
- 16.28 Local ward member Cllr Brenton has confirmed that she has no objection and supports the proposal, noting that the site is not fully used for employment and that there seems to be a fast turnover of unsuccessful businesses. Cllr Brenton

comments that a veterinary clinic would bring in business and would not disturb any neighbours.

16.29 The above benefits are not considered to outweigh the departure from Policies EE1 and EE2 of the Purbeck Local Plan 2024 and the need to retain safeguarded employment land on allocated employment sites across the Dorset Council area.

17.0 Conclusion

For the above reasons, refusal is recommended.

18.0 Recommendation: Refuse permission for the reasons set out below:

1. The applicant has failed to demonstrate that the unit was realistically marketed for a period of 9 months in the 12 months prior to the submission of the application as required by Policy EE2: Planning for Employment of the Purbeck Local Plan 2024. As such, it cannot be determined that there is no reasonable prospect of the light industrial premises (former use class B1 now E(g)) being retained for a light industrial use or any other permitted use within the new use Class E(g) and that the proposed change of use to a veterinary clinic would not result in the loss of needed employment land on a safeguarded employment site. The proposal is contrary to policies EE1: Employment Land Supply and EE2: Planning for Employment of the Purbeck Local Plan 2024.

Informative Notes:

1. The plans that were considered by the Council in making this decision are:

22208-00-01 C The Location Plan

22208-00-06 B Site Plans as Existing and Proposed

22208-00-04 B Proposed Floor Plans

22208-00-05 B Proposed Elevation Plans

2. National Planning Policy Framework

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 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 did not take the opportunity to enter into pre-application discussions.

-The applicant was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these concerns.

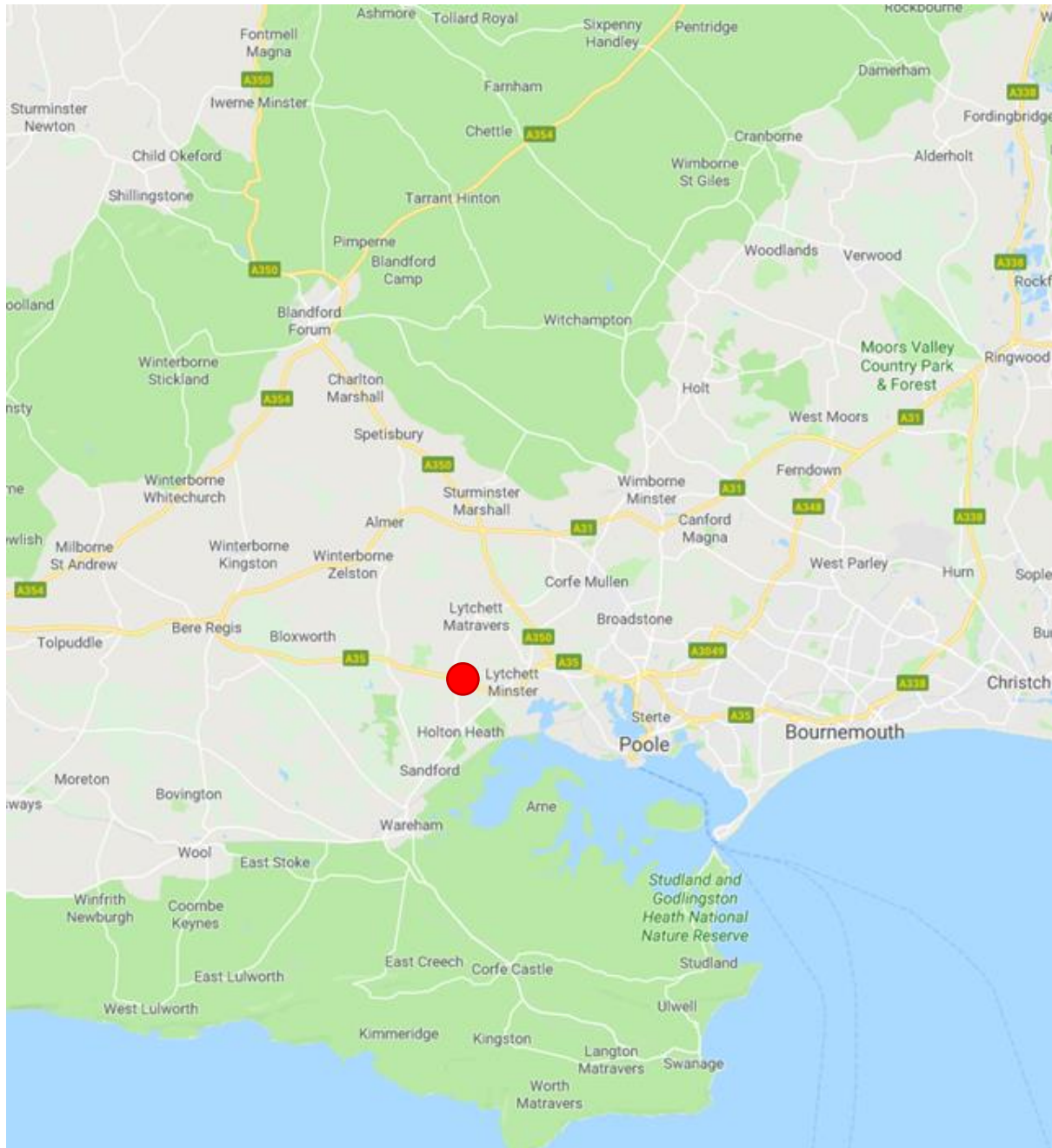
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● Approximate Site Location

Application reference: P/FUL/2024/06886

Description of development: Change of use to veterinary clinic class E with minor alterations to facilitate the change

Site address: 7 The Axium Centre, Dorchester Road, Lytchett Minster, BH16 6FE



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Agenda Item 9

Eastern Area Planning Committee
26 February 2025

Application Number:	P/FUL/2024/06508		
Webpage:	Planning application: P/FUL/2024/06508 - dorsetforyou.com		
Site address:	Barn north-east of Old Quarry Close, Worth Matravers		
Proposal:	Partial demolition, external alterations and change of use to create three holiday lets with associated landscaping and parking		
Applicant name:	County Gates Developments Ltd.		
Case Officer:	Cari Wooldridge		
Ward Member(s):	Cllr Wilson		
Publicity expiry date:	12 December 2024	Officer site visit date:	03 December 24
Decision due date:	10 January 2025	Ext(s) of time:	28 February 25
No of Site Notices:	x4		
SN displayed reasoning:	The site notices were displayed in prominent positions in the interest of maximising awareness of the application.		

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

2.0 Summary of recommendation:

GRANT planning permission subject to conditions as set out in section 18.

3.0 Reason for the recommendation:

- 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.
- Paragraph 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 would re-use an existing building in the countryside to provide tourist accommodation in the form of three holiday let dwellings (Use Class C3) in compliance with Policy EE4 of the Purbeck Local Plan 2024.

- The proposal is acceptable in layout, scale, design, massing and visual impact on the character and appearance of the area and the Dorset National Landscape.
- The proposal is compatible with neighbouring residential amenity.
- The proposal is acceptable in respect of flood risk, highway impacts, biodiversity and contamination.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable- re-use of existing building as tourist accommodation within the countryside
Affordable housing	Acceptable - vacant building credit applies.
Scale, design, and impact on character and appearance of the area including the Dorset National Landscape (formerly known as AONB)	Acceptable - subject to conditions.
Impact on neighbour and occupier amenity	Acceptable.
Highway safety, access and parking	Acceptable - subject to conditions.
Biodiversity impacts	Acceptable - subject to conditions.
Flood risk and drainage	Acceptable.
Site contamination	Acceptable - subject to condition.

5.0 Description of Site

- 5.1 The application site is located on the eastern fringe of Worth Matravers and is particularly prominent in wider landscape views due to its edge of village setting and the surrounding open landscape character. Nearby residential properties are located on Old Quarry Close and Newfoundland Close to the southwest / west of the site with the nearest property on Old Quarry Close being located approx. 16 m from the existing barn. The site is within the countryside and Dorset National Landscape (formerly known as AONB).
- 5.2 The existing barn is constructed of a concrete block base with grey metal elevations and roof cladding, a large metal roller shutter door on the east elevation, and several smaller units forming a lean-to extension off the north elevation. The site is enclosed by Purbeck Stone walling on its southern boundary, a landscape bund along its northern boundary and post and wire fencing. There is an existing double gated access off the highway and areas of compacted rubble hardstanding to the east and

providing access to the north (rear) of the building. The remaining areas within the site are overgrown and an element of external storage is taking place to the rear.

6.0 Description of Development

- 6.1 The application proposes the partial demolition of the existing barn and conversion of the remaining barn structure to form three 4-bedroom holiday let dwellings with associated landscape and parking.

7.0 Relevant Planning History

6/1980/0517 - Decision: GRA - Decision Date: 17/10/1980
Erect extensions to existing agricultural building.

6/1994/0026 - Decision: REF - Decision Date: 28/02/1994
Change use of agricultural barn to form a camping barn.

P/CLE/2023/00563 - Decision: GRA - Decision Date: 28/03/2023
Use of a redundant agricultural barn for commercial storage under Use Class B8

P/FUL/2024/00712 - Decision: REF - Decision Date: 10/04/2024
Partial demolition and conversion of existing barn to form three dwellings, with associated landscaping and parking
Reasons for refusal:

1. Insufficient information has been provided in the form of a suitably scaled drawing to include site access visibility splays within the applicant's landownership and in accordance with guidance within the Manual for Streets to determine that the proposal would not result in material harm to the transport network or to highway safety. As such, the proposal is not considered to comply with Policy IAT of the PLP 2012 which requires that new development should provide for improved safety and convenience of travel, safe access to the highway, and should provide towards new / improved access to the highway.
2. The proposed development would result in a new and harmfully intrusive level of artificial light pollution into the intrinsically dark landscape and dark night skies of the Dorset National Landscape which would not positively integrate with the rural character and appearance of the area. The proposal does not seek to further the purposes of conserving and enhancing the natural beauty of the Dorset AONB / Natural Landscape and would erode key characteristics of the National Landscape Setting of the application site and village, including their sense of tranquillity, and remoteness associated with the dark night landscape and skies. As such, the proposal is contrary to Section 85 of the Countryside and Rights of Way Act (2000), paragraphs 180 and 182 of the NPPF, Policies LHH & D of the PLP 2012, and the objectives of the Dorset AONB Management Plan 2019-2024 (paragraph 9.3.1 and policy C2(d) and (f)). The level of harm to the key characteristics of the Dorset National Landscape resulting from the artificial light intrusion would be so significant as to outweigh the benefits of the scheme, including the provision of three additional dwellings towards the area housing land supply deficit, and the

presumption in favour of sustainable development as set out in paragraph 11 of the NPPF does not therefore apply.

P/FUL/2024/02697 - Decision: REF - Decision Date: 09/10/2024

Partial demolition and conversion of existing barn to form three dwellings, with associated landscaping and parking

Reasons for refusal:

1. The proposal, by reason of its siting outside a settlement boundary of a small village with a limited range of facilities and within the countryside, would not promote sustainable and accessible development or provide rural housing in a location where it would enhance or maintain the vitality of rural communities. As such, the proposal is contrary to Policy V1: Spatial strategy for sustainable communities of the Purbeck Local Plan 2024 and paragraphs 82 – 84 of the National Planning Policy Framework.

8.0 List of Constraints

National Landscape (Area of Outstanding Natural Beauty (AONB)): Dorset - (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)

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.

Dorset Heathlands - 5km Heathland Buffer

Purbeck Heritage Coast

Minerals and Waste Safeguarding Area

Minerals and Waste - Building Stone

Radon: Class: Class 2: 1 - 3%

Right of Way: Footpath SE29/24; - Distance: 7.02

Scheduled Monument: Group of medieval strip lynchets at East and West Man (List Entry: 1019951.0); - Distance: 168.31

Natural England Designation - RAMSAR: Dorset Heathlands (UK11021); - Distance: 4986.81

9.0 Consultations

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

Consultees

1. Natural England

No objection subject to securing mitigation to ensure that the identified adverse effects on protected sites (Dorset Heaths recreation impacts) are mitigated.

Advise authority to undertake an Appropriate Assessment.

The Dorset Council Natural Environment Team approved ecology information must be implemented in full – to be secured through a condition as part of the grant of planning permission.

2. Ramblers Association

No comments received.

3. Dorset Council – Highways

At present the barn has agricultural use but will be replaced with vehicular movements for tourists / guests and servicing.

Proposal will utilise existing vehicular access.

The radii will encourage drivers to emerge with caution.

There is onsite parking and vehicles will be able to turn in a forward gear.

Applicant has provided a visibility splay drawing aligning to the carriageway geometry.

There appear to be 'Slow' road markings and 3-2-1 strips on the adjacent carriageway at intervals to the village threshold.

The development is vehicle reliant but there is capacity on site for the applicant to build in a cycle store facility, Ebike charging and EV charging as standard.

No objection subject to conditions and informative notes.

4. Dorset Council – Rights of Way

No objection.

Public right of way SE29/24 will be used as the access route to the development and the surface may be adversely affected by the work.

The surface of the Footpath is expected to be restored immediately following any damage and at the end of the development the Footpath must be in a good condition for the public.

The safe free passage of the public on all rights of way must not be obstructed at any time.

5. Dorset Council – Natural Environment / Biodiversity Net Gain Team

BNG information does not meet our consultation trigger and has not been reviewed by NET.

Note the submission of an EclA in support of the application, However this has not been submitted to NET for review under the DBAP. Recommend that this information is submitted to NET directly for review, with the appropriate fee, to ensure compliance with wildlife legislation, NPPF (2023) and that biodiversity mitigation and enhancements are secured.

6. Dorset Council – Building Control

Ensure any inner room situation have suitable means of escape in case of fire.

Ensure any boundary Conditions comply with part B.

Ensure any material change of use legislation if applicable is relevant and required.

6. Dorset AONB Team

Do not wish to comment due to scale of proposal.

7. Worth Matravers Parish Council

Object.

Development at Old Quarry Close (6/2016/0013) had design specific restrictions on window placements imposed. Conversely, current application proposes windows on all sides of building which would be contradiction.

Windows mean neighbouring properties are overlooked causing loss of privacy.

Believe there is no demand for more holiday lets in our community but urgent need for primary homes for local residents.

Barn outside village boundary and within AONB. Existing agricultural building compatible with landscape. Proposed design, appearance and materials deemed incompatible and out of character with other residential buildings.

The Ecological Impact Assessment fails to accurately consider local wildlife.

Proximity to bee apiary raises concerns with light pollution.

Current barn structure, which replaced a barn that burned down several years ago, is not a reasonable comparison in size and height to justify this proposal. If approved, there is concern that this would lead to unwanted pressure for further private development.

8. Ward Member – Cllr B Wilson

Previous application (P/FUL/2024/02697) for permanent residences was subject to Purbeck Local Plan conditions of primary residence and affordable housing levy.

The construction of tourist accommodation on this site, extending the built environment of Worth Matravers has no merit for the village and exacerbates existing issues of housing availability and distorted rental market due to the growing prevalence of AirBnBs.

Furthermore the proposed development is further detrimental to the growing light pollution problem in this village and will adversely impact the immediate neighbours.

Representations received

1 letter of objection:

There are enough holiday lets in Worth Matravers and any justification for building outside the settlement boundary should be based on housing need.

As in the refusal notice for the previous application (P-FUL-2024-02697) considerations to the requirements of the NPPF sections 4, 5, 11,12,14 and 15 should be applied. Nothing has changed.

Homes on barn plot should be in keeping with village environs.

Barn was acceptable as agricultural necessity but now an eyesore.

Light pollution to AONB and World Heritage site - will shine into bedroom window (Newfoundland Close), confuse bees in apiary and harm night skies. Restrictions should apply.

Impact on wildlife and another eco survey should be carried out.

No structural report submitted with current application.

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 E10: Biodiversity and geodiversity
Policy E12: Design
Policy H11: Affordable Housing
Policy EE4: Supporting vibrant and attractive tourism
Policy I2: Improving accessibility and transport
Policy I3: Green infrastructure, trees and hedgerows

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 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 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 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.

The creation of high quality 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 National Landscapes great weight should be given to conserving and enhancing the landscape and scenic beauty (para 189). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 191). Paragraphs 192-195 set out how biodiversity is to be protected and encourage net gains for biodiversity.

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.

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

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

Dorset Biodiversity Protocol.

Dorset Council Level 1 Strategic Flood Risk Assessment

District Design Guide SPD

Managing and using traditional building details in Purbeck

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	
Business rate	Current rateable value £14,500 Estimated rateable value if let for 70 days or more £5000
CIL	£ 8129.79

15.0 Environmental Implications

15.1 The proposal is for a barn conversion to three holiday let dwellings which will be undertaken in accordance with current building regulations standards. The conversion will involve utilising the existing fabric of the barn with associated reductions in emissions compared to a new build. Suitable drainage will prevent any

additional impact in terms of flood risk. Landscaping and biodiversity net gain measures will be secured.

16.0 Planning Assessment

Background to application

- 16.1 In 2023 a Lawful Development Certificate (P/CLE/2023/00563) for an existing use was granted for the 'use of the redundant agricultural barn for commercial storage under Use Class B8'. As a certificate of lawfulness cannot include conditions, there are no restrictions on this commercial storage use of the site.
- 16.2 In April 2024, an application (P/FUL/2024/00712) for the partial demolition and conversion of the barn to form three dwellings, with associated landscaping and parking was refused planning permission on the grounds of highway safety and harmfully intrusive light pollution on the intrinsically dark night skies of the Dorset National Landscape (full reasons for refusal included in history section above).
- 16.3 In October 2024, a further application (P/FUL/2024/02697) for the partial demolition of the barn and conversion into three 4-bedroom homes with associated landscaping and parking sought to address the former reasons for refusal. Taking into account a newly established five year housing land supply, this application was refused by the Eastern Area Planning Committee on grounds that the proposal, by reason of its siting outside a settlement boundary of a small village with a limited range of facilities and within the countryside, would not promote sustainable and accessible development or provide rural housing in a location where it would enhance or maintain the vitality of rural communities.
- 16.4 The current application proposes the partial demolition of the barn and conversion into three 4-bedroom holiday let dwellings with associated landscaping and parking. As with the former applications, the bedroom accommodation is proposed on the ground floor with open plan living accommodation at first floor served by large new window openings and inset balconies. Sliding timber shutters are proposed at first floor level. Sections of the barn are proposed to be removed as part of the conversion – particularly to the rear - to reduce the mass and visual prominence of the building within the landscape and to provide suitable private external amenity space for future occupants. Proposed materials include timber cladding with Purbeck Stone sections at ground floor. Additional landscape planting is proposed, and the existing landscape bund to the rear of the site is to be retained.
- 16.5 The main planning considerations are:
- The principle of conversion to provide holiday let dwellings within the countryside
 - Affordable housing
 - Scale, design and impact on the character and appearance of the area including the Dorset National Landscape
 - Impact on neighbour and occupier amenity
 - Highway safety

These and other considerations are assessed below.

Principle of development

16.6 The application site is located approximately 70m northeast of the defined settlement boundary of Worth Matravers and is therefore classed as 'countryside' in accordance with Policy V1: Spatial strategy for sustainable communities and the settlement hierarchy of the Purbeck Local Plan 2024.

16.6 Policy V1 identifies appropriate locations for new housing, extra care facilities, and employment development but is silent in respect of tourist accommodation. However, Policy EE4: Supporting vibrant and attractive tourism states that:

Development opportunities to enhance the visitor economy will be supported where they are of a scale, type and appearance appropriate to the locality and provide local economic benefits.

16.7 The policy advises that outside settlement boundaries, the Council will permit the conversion of existing buildings for tourist accommodation provided a number of criteria are met as follows:

(a) the impact of proposed development on the national site network (including European sites), alone or in combination with other existing and proposed development, will be screened for likely significant effects under the Conservation of Habitats and Species Regulations (amended) (EU exit), 2019 and/or any equivalent relevant legislation or regulations. Where there is a probability or risk of a significant effect, the proposed development will be subject of an appropriate assessment (taking into account the lifetime of the development). Development proposals should, therefore, be accompanied by information reasonably required to undertake an appropriate assessment, and demonstrate how the development will avoid or otherwise mitigate any adverse impact on the integrity of any relevant site(s) in the national site network; and

An Appropriate Assessment has been completed and confirms that the development will mitigate adverse impacts on the integrity of Dorset Heathland sites by way of a CIL contribution in accordance with the adopted SPD. The site lies outside the Poole Harbour Catchment and mitigation in respect of nutrient neutrality is not required.

(b) it does not result in harmful impacts upon local services and the capacity of roads and other infrastructure; and

The three holiday let dwellings are not considered to result in harmful impacts upon local services or the capacity or roads or other infrastructure. The Council's Highway Engineer has confirmed that they have no objection to the proposal.

(c) the scale of any proposed buildings, and nature of the development does not harm the character and value of any landscape or settlement potentially affected by the proposals, and avoids any adverse impact to the amenity of neighbouring uses; and;

The scale of the proposed barn conversion and the nature of the development is not considered to harm the Dorset National Landscape or result in adverse impact on neighbouring amenity (further assessment below).

(d) it can demonstrate that it would result in benefits for the economy of Purbeck; and

The proposed holiday let use of the converted barn would provide benefit, albeit limited, to the local economy through visitor spend and cleaning services.

(e) If located within the Dorset National Landscape or green belt, would meet the requirements of national policy as well as clauses a-d above

The proposal would meet the requirements of national policy in respect of impacts on the Dorset National Landscape (further assessment below).

In summary, the proposal is considered to comply with the requirements of Policy EE4: Supporting vibrant and attractive tourism of the Purbeck Local Plan 2024. The sections below address each of the above criteria in more detail.

- 16.8 National and local planning policies support sustainable growth in rural communities whilst recognising the need to retain the intrinsic character and beauty of the countryside. Paragraph 88 of the National Planning Policy Framework (NPPF) advises that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, including through the conversion of existing buildings and well-designed new buildings. Paragraph 88 also notes that decisions should enable sustainable rural tourism and leisure development which respect the character of the countryside. The proposal would provide three additional holiday let dwellings and future occupiers may make a modest contribution to supporting the local village facilities and those of nearby villages and Swanage.
- 16.9 Although the barn is located outside the settlement boundary of Worth Matravers, paragraph 89 of the NPPF advises that:
- Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*
- The proposal is considered to make suitable use of previously developed land on a site that is relatively close to the village boundary, albeit isolated from services and facilities. The proposed conversion would be sensitive to its surroundings and would not have a harmful impact on local roads. A structural inspection report has been submitted with the application which confirms that the building is structurally appropriate and capable of conversion. Therefore, although the site is not well served by public transport, the proposed conversion to provide tourist accommodation in the form of holiday let dwellings is considered to be acceptable in respect of wider impacts and in accordance with NPPF paragraph 89.
- 16.10 It is noted that the existing B8 use of the barn is not safeguarded by way of Policy EE2: Planning for employment of the Purbeck Local Plan 2024 as the site does not form part of the identified employment land supply set out in Policy EE1: Employment land supply.

- 16.11 For the above reasons, the principle of the proposed development is considered to be acceptable in the countryside in accordance with Policy EE4 of the Purbeck Local Plan 2024 and paragraphs 88 and 89 of the NPPF.

Affordable Housing and Second Homes Restriction

- 16.12 Policy H11: Affordable Housing of the Purbeck Local Plan requires the provision of 20% affordable housing as part of all development for 2 – 9 dwellings where the site is located in a designated rural area (as is the case for this application). However, during the application process it was identified that the site can benefit from 'vacant building credit'.

- 16.13 Paragraph 65 of the NPPF advises that:

To support the re-use of brownfield land, where vacant buildings are being re-used or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.

Footnote 30 of the NPPF advises that the reduction is:

Equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.....

- 16.14 On 23rd March 2023 a Certificate of Lawfulness Existing was issued for the use of the agricultural barn for commercial storage (Use Class B8). The B8 use was determined to be lawful as sufficient evidence had been submitted and was available to demonstrate that the use had taken place for at least 10 years. The certificate established the brownfield status of the building.

- 16.15 An assessment of whether the building is vacant must be made. In April 2024, planning application P/FUL/2024/00712 for the partial demolition and conversion of the existing barn to form three dwellings, with associated landscaping and parking was refused. In October 2024, planning application P/FUL/2024/02697 for the same description of development was also refused. The application forms submitted with each of the refused applications confirmed that the building was in a B8 Use and the site was not vacant. However, the current application form - dated 6th November 2024 - for the partial demolition, external alterations and change of use to create three holiday lets with associated landscaping and parking advises that the barn in B8 use is currently vacant. The completed CIL form advises that the building was vacant as of 8th September 2024. With no available evidence to the contrary, officers determine that the building is currently vacant albeit with an established B8 use.

- 16.16 Finally, it must therefore be determined whether the vacant building has been abandoned. Court of Appeal judgement in *Hughes v Secretary of State for the Environment* 2000 sets out the test for determining whether the use of a building has been abandoned in planning terms is objective with regard to the following criteria:

- *the condition of the building;*
- *the length of time for which the building had not been used for the relevant use;*

- *whether it has been used for any other purposes (such as intervening uses);*
and
- *the owner's intentions (which is not determinative)*

16.17 In applying the above criteria to the current application, the following assessment is made:

- the physical condition of the building continues to be of a relatively good state of repair and the building is structurally sound;
- The buildings have only been confirmed as vacant or out of use since 6th November 2024 and officers are unaware of any intervening uses over this period of time.
- The owner's intentions to convert the barn were evidenced on the submission of planning application P/FUL/2024/00712 in April 2024. This intention has been re-evidenced by the submission of subsequent applications in October 2024 and November 2024.

16.18 Given the limited time that the building has been vacant, its relatively good state of repair and structural soundness, and the very recent intentions to convert the building to residential use (Use Class C3 includes holiday let dwellings), officers are unable to determine that the building has been abandoned. As such, the vacant building credit applies.

16.19 Paragraph 27 of the Planning Practice Guidance on Planning Obligations notes that:

Where there is an overall increase in floor space in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be applied which is the equivalent of the gross floor space of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation.

16.20 The existing building has a gross internal floor area of 497.8 m². The application proposes partial demolition but also the provision of a first floor level. The proposed gross internal floor area of the building would be 494.2 m² - a reduction of 3.6 m². As the existing building accounts for 100.7% of the proposed development floor area, this results in a reduction of the affordable housing requirement to 0%. There is therefore no requirement for the proposal to provide a commuted sum towards the provision of affordable housing within the former Purbeck area and the proposal is considered to meet the requirements of Policy H11: Affordable Housing of the Purbeck Local Plan 2024, paragraph 65 and footnote 30 of the NPPF 2024, and PPG: Planning Obligations in this respect.

16.21 In respect of Policy H14: Second homes of the Purbeck Local Plan 2024, the policy wording confirms that the restriction on use as second homes in the National Landscape does not apply to new homes which are commercially let for holiday makers. A condition on the decision will restrict the occupation of the holiday let

dwellings to holiday purposes only, and not as a person's sole, or main place of residence.

Scale, design and impact on the character and appearance of the area including the Dorset National Landscape (formerly known as Area of Outstanding Natural Beauty)

- 16.22 The application site is located within the Dorset National Landscape (formerly AONB) in an exposed and visually prominent location when viewed from the adjacent highway and surrounding areas of the landscape. Section 85 of the Countryside and Rights of Way Act (2000) requires that relevant authorities now seek '*to further the purposes of conserving and enhancing the natural beauty of National Landscape (AONB)*'. The NPPF states that the intrinsic character and beauty of the countryside should be recognised (paragraph 187) and requires that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes, which have the highest status of protection in relation to these issues (paragraph 189).
- 16.23 Policy E1: Landscape of the Purbeck Local Plan 2024 requires that proposals for development conserve and enhance the natural beauty of the area and are appropriate in appearance, scale, height, layout, density, visual quality and other effects on the landscape character. It requires an assessment to be made of their direct, indirect, and cumulative impacts in relation to the significance of the landscape asset and balance them against other sustainable development objectives. Proposals are expected to conserve and enhance the natural beauty of the area and development that significantly adversely affects the character or visual quality of the landscape or seascape will not be permitted. Such adverse impacts include artificial light pollution on intrinsically dark landscapes – a concern raised by the Parish Council, ward member and in a neighbour response.
- 16.24 The Dorset AONB Management Plan 2019-2024 sets out the special qualities of this designated area. This includes, that in addition to its outstanding scenic qualities, the AONB retains a sense of tranquillity and remoteness that is an integral part of the landscape. Reference is made that the AONB retains dark night skies, tranquillity, and an undeveloped rural character (paragraph 9.3.1). Policy C2 of the Plan advises that (d) '*The key test of a proposal against the statutory purpose of the AONB will be its ability to demonstrate that the proposed change would conserve and enhance landscape and scenic beauty*' and (f) '*Proposals that are harmful to the character and appearance of the area will not be permitted unless there are benefits that clearly outweigh the significant protection afforded to the conservation and enhancement of the AONB. Where impacts cannot be mitigated, planning gain and compensatory measures will be considered.*'
- 16.25 Policy E12: Design of the Purbeck Local Plan 2024 requires all development to demonstrate a high quality of design that meets specified criterion. The District Design Guide SPD (paragraphs 166 – 173) requires that conversions of rural buildings retain the existing character, domestic details should be minimised, and new openings should be avoided or minimised and should not impact on the functional character of the building.
- 16.26 Worth Matravers Parish Council have objected to the proposal and consider that the current very high barn structure is not a reasonable comparison size and height to justify the proposal. Officers note that the proposal is for a barn conversion (as

opposed to demolition and new build development) with partial demolition that will reduce the overall mass and size of the existing structure.

- 16.27 The conversion will retain the original functional appearance of the barn and will remain in-keeping with the agricultural character of the area. The alterations and partial demolition will reduce the existing building mass. More natural and locally sourced materials are proposed for the external finish and will enable the building to sit more comfortably against the rural landscape. Officers consider that the proposed enhancements to the immediate curtilage – including landscape planting - would have a positive impact on the rural character of the area and provide enhancement in the National Landscape setting.
- 16.28 Parking provision is proposed to the east of the barn in an area currently finished with compacted stone. However, the new parking provision will be well landscaped with additional hedgerow and structure tree planting which will provide a betterment on the existing position. Conditions would be needed to secure details of materials and external finishes and hard and soft landscaping. Overall, the conversion of the barn to a holiday let dwelling use and the associated alterations and partial demolition are considered to provide a betterment that would further the purposes of conserving and enhancing the natural beauty of the Dorset National Landscape.
- 16.29 The conversion requires the insertion of considerable new openings on all elevations of the barn to provide sufficient daylight to future occupiers. The Parish Council has raised an objection to extent of windows, lack of window placement restrictions, and overlooking and light pollution. The impact of the proposed openings and the associated artificial light intrusion into the dark landscape are key considerations. The village of Worth Matravers is not served by street lighting and its isolation and relative darkness form important characteristics of its landscape setting. The existing barn has no openings on the south and west elevations and limited openings on the north and east elevations. Whilst it is acknowledged that the lawful B8 storage use has no restriction on internal or external lighting, it is unlikely that related activity would extend into hours of darkness on a daily basis, and given the existing lack of openings, any internal use would result in limited artificial light intrusion into the surrounding area.
- 16.30 Nearby dwellings on the eastern fringe of the village already have some impact on the rural character of the area from the emission of artificial light after dark. However, this light intrusion is limited by the domestic scale of their glazing, with the recent Old Quarry Close development forming the current eastern extent of residential light intrusion. The proposed barn conversion would result in a further eastward expansion of artificial light intrusion into the National Landscape, with associated light spill into the intrinsically dark landscape and potential for increased daylight glare.
- 16.31 The north elevation proposes ground floor windows only. Light emission from these windows would remain well screened by the retained landscape bund on the site boundary, thereby restricting the extent of light spill / glow into the wider landscape views. However, the new openings and extensive areas of glazing on the remaining elevations – particularly as a result of extensive floor to ceiling glazing and balconies at first floor level – could allow for a new level of artificial illumination and light spill.
- 16.32 Following the refusal of a former application on grounds of harm associated with artificial light pollution, the current application seeks to address the level of harm that

would be caused by way of mitigation in the form of general glazing design principles. Based on the glazing design principles in place in the South Downs National Park area, the application (Design and Access Statement) confirms that:

- The total area of glazing does not exceed 25% of the floor area of the building.
- No large continuous glazing sections exist such as cart shed openings.
- No single glazing unit is larger than 10 square metres.
- Three windows are positioned within recessed balconies on the principal elevations at first floor which will reduce light spillage.
- No ceiling or roof lights are proposed.
- The Visible Light Transmission (VLT) for every glazing specification will be 0.65 or less.

In addition, the proposal includes the installation of shutters providing the opportunity to mitigate impact if closed at night. Officers have previously considered that although the provision of shutters is welcome, a condition requiring the closure of the shutters at night (manual or automated) would not be enforceable over the lifetime of the buildings.

- 16.33 Whilst the above principles are supported, in order to ensure that they are effective, a condition on any grant of permission would be required to secure additional details of how the glazing VLT limit will be secured prior to the installation of any windows and that the VLT limit is secured in perpetuity. In addition, it is considered reasonable and necessary to include a condition requiring details of any external lighting to be submitted to the Council for approval prior to first installation to ensure that levels of harm are limited.
- 16.34 Given the existing lawful and unrestricted B8 use of the building – with no limit on traffic movement, hours of use, external storage etc. - it is considered that the proposal would provide some betterment on potential maximum traffic movements to and from the site and would not result in significant adverse impact either individually or cumulatively in respect of impact on the character of the area from traffic movements.
- 16.35 Subject to the VLT limit condition in respect of artificial light pollution mitigation, the proposed conversion to dwellings is considered to further the purposes of conserving and enhancing the natural beauty of the Dorset Natural Landscape and the associated sense of tranquillity and remoteness associated with the dark night landscape and skies.
- 16.36 In order to limit the potential for additional future development within the application site that could result in harm to the National Landscape setting, officers consider that it is reasonable to include conditions that restrict future householder permitted development in terms of extensions and alterations (Class A) and outbuildings (Class E), roof alterations that may increase light spill (Class C), and the insertion of new windows that may increase light spill. Enlargement of the dwellings by way of additions or alterations to the roof are already restricted within the National Landscape so will require planning permission.
- 16.37 In summary and subject to the above conditions, officers consider that the scale, design and impact on the character and appearance of the area - including the

Dorset National Landscape – is acceptable and complies with Section 85 of the Countryside and Rights of Way Act (2000), paragraphs 187 and 189 of the NPPF, Policies E1: Landscape and E12: Design of the Purbeck Local Plan 2024, and the objectives of the Dorset AONB Management Plan 2019-2024 (paragraph 9.3.1 and policy C2(d) and (f)).

Impact on neighbour and occupier amenity

- 16.38 The Parish Council objection has raised concern that neighbouring amenity would be harmfully impacted by overlooking and loss of privacy from the windows within the barn conversion. Officers consider that the proposed holiday let dwellings would be sufficiently distanced and off-set from the nearest neighbours on Old Quarry Close to ensure that there would be no adverse impact on neighbouring amenity in terms of loss of privacy, outlook, or overbearing development.
- 16.39 The application was publicised by way of 4 site notices. One letter of objection was received raising concerns considered elsewhere in this report, including about the nature of the proposal and impacts on biodiversity, but no specific reference was made to neighbour amenity.
- 16.40 In terms of occupier amenity, the proposal has been assessed against DCLG Nationally described space standards (March 2015) on the assumption that each of the four-bedroom properties would provide 8 bed spaces (maximum). The nationally described space standards for a 2-storey dwelling require a minimum gross internal floor area of 124 m² and this is exceeded for each proposed holiday let dwelling. A suitably sized and shaped external amenity area is also provided for each unit.
- 16.41 The proposal is considered to accord with Policy E12: Design of the Purbeck Local Plan 2024.

Highway safety, access, and parking

- 16.42 The application site has an existing access onto the lane to Worth Matravers. The application is supported by Access Visibility Plan 6082/001 which has been subject of consultation with the Council's Highway Engineer. In their response, the Engineer notes that the existing use of the barn will be replaced with vehicular movements for tourists / guests and servicing. The junction radii will encourage drivers to emerge with caution, there is onsite parking, and vehicles will be able to turn in a forward gear. There also appear to be 'Slow' road markings and 3-2-1 strips on the adjacent carriageway at intervals to the village threshold. As such, the Engineer raises no objection to the proposal on grounds of highway safety and access, subject to conditions and informative notes on the decision.
- 16.43 The application proposes nine parking spaces. This level of provision accords with county wide parking guidance for three unfettered dwellings. Whilst very generous for the proposed use, the hard surfacing is similar to the existing. The Highway Engineer notes that the development is vehicle reliant but there is capacity on site for the applicant to build in a cycle store facility, Ebike charging, and EV charging as standard and to support sustainable travel.
- 16.44 In summary, the proposal is considered to comply with Policy I2: Improving accessibility and transport of the Purbeck Local Plan 2024.

Biodiversity Impacts

- 16.45 A Dorset Natural Environment Team approved (19/02/24) Biodiversity Plan was submitted with the former refused application for three dwellings and included mitigation in respect of lighting, grass and scrub habitat creation, rural tree and hedgerow planting, and bird box installation. The approved Biodiversity Plan has been resubmitted with the current application for three holiday let dwellings. As both applications are for three dwellings within Use Class C3 it is not considered necessary or reasonable to require the submission of a new Biodiversity Plan that is development description specific. A condition on the decision will require full implementation of the approved Biodiversity Plan and the proposal is considered to accord with Policy E10: Biodiversity and geodiversity of the Purbeck Local Plan 2024.
- 16.46 In respect of Biodiversity Net Gain requirements, a Biodiversity Net Gain Statement and Metrics were submitted in August 2024. This shows limited baseline mitigation value (0.99 units) and identifies opportunities for onsite provision through hedgerow planting and additional grassland provision. There is a statutory requirement for a Biodiversity Gain Plan to be provided to the Council for approval prior to commencement, so it is only necessary to add informative notes to the decision; the proposal is considered to comply with national 10% BNG requirements.
- 16.47 In accordance with the ruling of ECJ C-323/17 People Over Wind, Sweetman v Coillte Teoranta, the Council is required to undertake an Appropriate Assessment (AA) in accordance with Regulation 63 as there is the potential for the development to affect Habitat Sites. The AA is to enable full consideration of the proposed development and any likely adverse effects on the integrity of European and internationally designated Dorset Heathland sites, which may remain if avoidance / mitigation measures are carried out as proposed. The site is located outside the Poole Harbour Catchment Areas for nutrient neutrality and recreational pressures. An AA has been undertaken in advance of the planning application being determined by the Council. This shows that suitable heathland mitigation measures can be secured through CIL and adherence to the Dorset Heathlands Planning Framework SPD to address likely adverse effects on the integrity of heathland sites. The proposal is therefore acceptable in this respect and Policies E7: Conservation of protected sites and E8: Dorset heathlands of the Purbeck Local Plan 2024.
- 16.48 An EIA Screening has been undertaken due to the siting of the proposed dwelling within the 'sensitive' Dorset AONB area. This has concluded that there are no likely significant effects resulting from the residential use of the pre-existing building. .

Flood risk and drainage

- 16.49 The application site is located in Flood Zone 1 and outside areas of surface water and groundwater flood risk (as identified on the Dorset Level 1 Strategic Flood Risk Assessment 2024 mapping). The submitted Design and Access Statement and application form advise that some grey water recycling will occur for irrigation and surplus water will be discharged to a soakaway. Given the low levels of flood risk to the site and the pre-existing building it is considered that the proposal will not increase flood risk and accords with Policy E4: Assessing flood risk.

Site contamination

16.50 The application site and building have a historic use relating to agriculture and B8 storage, and land contamination is a potential issue.

16.51 The previous application was subject of consultation with the Council's Environmental Protection Officer who has advised that a contaminated land investigation and remediation condition should be included if permission is granted, in addition to an unexpected contamination condition to ensure that any previously unidentified contamination can be adequately dealt with should it arise as works progress. Although not consulted on the current application, the position remains unaltered, and the required conditions will be included on any decision.

17.0 Conclusion

17.1 For the above reasons, the application is judged to accord with the development plan as 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:
LP01 P3 Location plan
BP01 P3 Block plan
SL01 P5 Site layout
MM.01 P3 Massing Model
FP01 P4 Proposed floor plan
E01 P4 Proposed elevations
6082/001 Access visibility

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

3. Prior to the commencement of any development hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
(i) proposed finished levels or contours;
(ii) means of enclosure;
(iii) a soft landscaping scheme and planting plan;
(iv) hard surfacing materials and finishes.
If within a period of 5 years from the date of the planting of any tree/plant, that tree/plant or any tree/plant planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority

seriously damaged or defective) another tree/plant of the same species and size as that originally planted shall be replanted in the first available planting season unless the Local Planning Authority agrees in writing to any variation.

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

4. Prior to installation on the building, details (including colour photographs) of all external facing materials and finishes for the walls, and roofs, windows and shutters shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed and be maintained in accordance with such materials as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development within the Dorset National Landscape.

5. Prior to the installation of any glazing, details of the method(s) of securing the Visible Light Transmission at a maximum upper Visible Light Transition (VLT) of 0.65 shall be submitted to the Council for approval. Thereafter, all glazing - first installation and replacement - shall be fitted in accordance with the approved details and shall not exceed the maximum VLT limit of 0.65 at any time.

Reason: To restrict artificial internal light spill into the intrinsically dark Dorset National Landscape.

6. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number SL01 P5 must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site in the interest of highway safety.

7. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on Drawing Number 6082/001 must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (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.

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

Reason: To protect visual amenities within the Dorset National Landscape.

9. The dwellings hereby approved shall be occupied for holiday purposes only; shall not be occupied as a person's sole, or main place of residence; and the owners/operators must maintain an up-to-date register of the names of all owners/occupiers of dwelling(s) and of their main home addresses, and must make this information available at all reasonable hours at the request of a duly authorised officer of the Local Planning Authority.

Reason: To ensure that approved dwellings are not used for unauthorised permanent residential occupation.

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

Reason: To protect amenity and the character of the National Landscape.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no additional window(s) or other opening(s) permitted by Class A of Schedule 2 Part 1 of the 2015 Order shall be constructed in the elevations of the building(s) hereby approved.

Reason: To protect amenity and the character of the National Landscape.

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

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

13. 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 garages, sheds or other outbuildings permitted by Class E of Schedule 2 Part 1 of the 2015 Order shall be erected or constructed.

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

14. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 19.02.2024 must be strictly adhered to during the carrying out of the development.

The development hereby approved must not be first brought into use unless and until:

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

ii) evidence of compliance in accordance with section J of the approved Biodiversity Plan has been supplied to the Local Planning Authority.

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

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

Informative Notes:

1. Biodiversity Net Gain

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

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

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

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

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

Read more about Biodiversity Net Gain at

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.5 Self and Custom Build Development, meaning development which:

i) consists of no more than 9 dwellings;

ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

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

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

3. 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. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.
5. The applicant is advised that, notwithstanding this consent, before commencement of any works Dorset Council Waste Services should be consulted to confirm and agree that the proposed recycling and waste collection facilities accord with the "guidance notes for residential developments" document (<https://www.dorsetcouncil.gov.uk/bins-recycling-and-litter/documents/guidance-for-developers-a4-booklet-may-2020.pdf>). Dorset Council Waste Services can be contacted by telephone at 01305 225474 or by email at bincharges@dorsetcouncil.gov.uk.
6. Electric vehicle charging points
The applicant is advised that prior to the development being brought into use, it must comply with the requirements of Building Regulations Approved Document S: Infrastructure for the charging of electric vehicles.

7. Street Naming and Numbering

The Council is responsible for street naming and numbering within our area. This helps to effectively locate property to deliver post and for access by emergency services. New or changed addresses must be registered with the Council. This link has more information.

<https://www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering/street-naming-and-numbering>

8. Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated ## ## relating to [Insert key matters covered in the agreement]

9. 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.

10. Any work carried out to comply with conditions relating to land contamination must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

11. Inf - Building Control

Ensure any inner room situation have suitable means of escape in case of fire.

Ensure any boundary Conditions comply with part B.

Ensure any material change of use legislation if applicable is relevant and required.

12. Informative Note: Rights of Way

The safe free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights on a right of way, then a Temporary Path Closure Order must be obtained. This can be applied for through Rights of Way at Dorset Council see <https://www.dorsetcouncil.gov.uk/w/changing-the-definitive-map>, but the application must be completed and returned at least thirteen weeks before the intended closure date. It should be noted that there is a fee applicable to this application. This application and legal order must be confirmed before any works obstructing the path are commenced.

Any damage to the surface of the footpath attributable to the development must be repaired to Dorset Council's specification, in accordance with Section 59 of the Highways Act 1980 by the applicant.

13. 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:

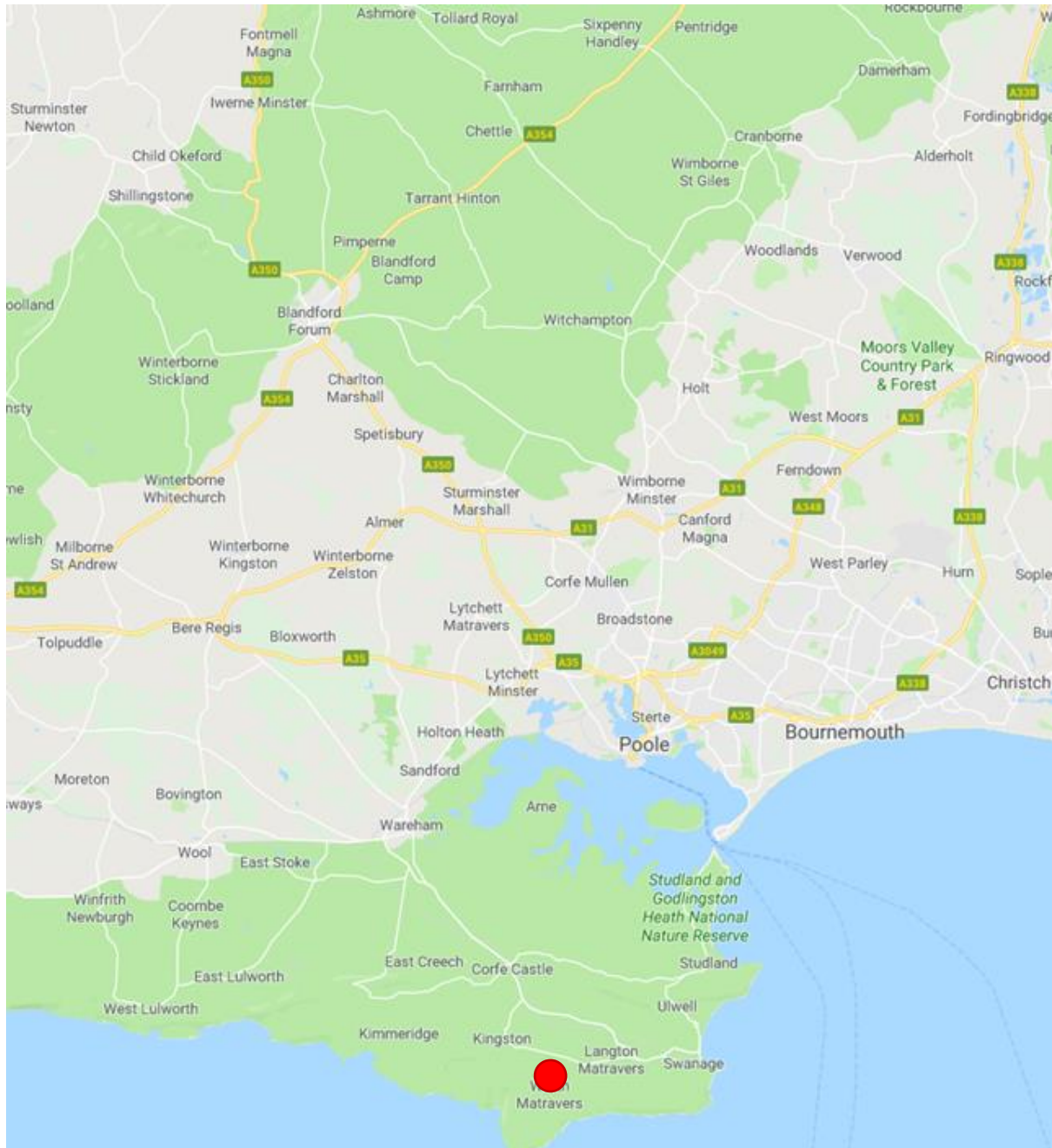
- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

● Approximate Site Location

Application reference: P/FUL/2024/06508

Description of development: Partial demolition, external alterations and change of use to create three holiday lets with associated landscaping and parking

Site address: Barn north-east of Old Quarry Close, Worth Matravers



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Agenda Item 10

Eastern Area Planning Committee

26th February 2025

Application Number:	P/FUL/2022/04226		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Red Oak Court, Worgret Road, Wareham		
Proposal:	Extension to Planning Approval for Temporary Relocatable housing scheme comprising 6no. detached 1 bed units and a terrace of 11no. 1 bed units and 1. no 2-bed unit for overnight carers with associated landscape and parking.		
Applicant name:	Dorset Council		
Case Officer:	Thomas Whild		
Ward Member(s):	Cllr Ezzard, Cllr Holloway		
Publicity expiry date:	10 January 2025	Officer site visit date:	15 January 2025
Decision due date:	27 February 2025	Ext(s) of time:	27 February 2025
No of Site Notices:	2 – either side of site entrance		
SN displayed reasoning:	Publicly visible points close to those most likely to be affected.		

1.0 The applicant is being reported to committee as Dorset Council is both the applicant and landowner.

2.0 Summary of recommendation:

A) Delegate authority to the Service Manager for Development Management and Enforcement and/or the Development Management Area Manager East to Grant planning permission subject to receipt of a Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to secure contributions towards habitats mitigation.

or

B) Refuse permission for the reasons set out below if the agreement is not completed by 27 August 2025 (6 months from the date of committee) or such

extended time as agreed by Service Manager for Development Management and Enforcement and/or the Development Management Area Manager East.

3.0 Reason for recommendation A:

- The development is sustainably located and will continue a positive ‘meanwhile’ use of a previously developed site
- The proposal is considered to be acceptable in its design and general visual impact
- There is not considered to be any significant harm to neighbouring residential amenity.
- The scheme would not result in unacceptable impacts in respect of highways, biodiversity or trees and would secure mitigation for impacts on habitats sites.

Reason for Recommendation B

- In the absence of a legal mechanism to secure heathland mitigation, the proposal is contrary to policies E8, E9 and H3(d) of the Purbeck Local Plan, and policy H4 of the Wareham Neighbourhood Plan, the Dorset Heathlands Planning Framework 2020-2025 SPD, and paragraph 193 of the National Planning Policy Framework.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle has previously been established. This application would allow the continuation of a positive ‘meanwhile’ use while proposals for the Purbeck Gateway development come forward, without prejudicing that project’s delivery.
Character and appearance	The development will not result in any changes to the existing scheme which is established and acceptable in design terms
Impacts on amenity	There would be no harmful impacts upon amenity
Habitats	Additional impacts on habitats sites through recreational pressures, air quality and nutrient issues will be appropriately mitigated.

Biodiversity	There would be no harmful impacts on biodiversity.
Highways and parking	The proposal would not result in unacceptable impacts upon the highway and will continue to provide adequate parking.
Trees	There would be no unacceptable impacts upon trees.
Flood risk and drainage	The development will remain safe from flooding and include appropriate provision for drainage.

5.0 Description of Site

- 5.1 The application site comprises part of the former Wareham Middle School, which was demolished following the move to a two-tier education system. The site is located towards the western edge of settlement boundary of Wareham, on the northern side of Worgret Road, from where the site is accessed. The site is level and bounded by playing fields to the northeast and west. Wareham St Mary Primary School is located to the northeast and there is predominantly residential development further to the west, east and south.
- 5.2 The site is currently occupied by 18 temporary dwellings erected on an existing area of hardstanding that was formerly the school playground. The development was granted planning consent in 2019 for a temporary three-year period, ending on 31 December 2022.
- 5.3 The development consists of 18 units constructed from 2 modular housing types arranged around a central courtyard with shared amenity space and car parking. There are six one-bedroom single storey detached dwellings on the Southern and western boundaries of the site, providing accessible living spaces with individual rear gardens. The front elevations to these units are clad in timber with dark metal cladding used elsewhere. Each of these units measures 50 sqm and is specifically designed to accommodate residents with reduced mobility or who are in need of care.
- 5.4 The second type of modular unit comprises 11 one-bedroom units and 1 two-bedroom unit (providing accommodation for over-night carers) arranged over two storeys on the northern edge of the site. The ground floor units have direct access from the front door with the first-floor units accessed via a terrace. These units are smaller, at 25 sqm. These units have a similar palette of materials comprising timber cladding to the front to the ground floor with dark metal cladding to side rear and upper floors.

- 5.5 A central parking area provides 13 spaces (including 2 disabled spaces) with a further two spaces (including 1 disabled space) to the western side of the site. There is a communal grassed amenity space with additional planting within the courtyard area while the single storey units are provided with private garden spaces to the rear.

6.0 Description of Development

- 6.1 Planning permission is sought for the retention of the existing temporary buildings for a further temporary period of 5 years so that the units may continue to meet the ongoing need for this form of accommodation while proposals for the permanent redevelopment of the site comes forward.

7.0 Relevant Planning History

6/2019/00561-1 Decision: TEMPORARY Decision Date: 26/03/2019

Temporary Relocatable housing scheme comprising 6 no. detached 1 bed units and a terrace of 11 no. 1 bed units and 1 no. 2 bed unit for overnight carers with associated landscaping and car parking.

8.0 List of Constraints

Settlement Boundary; Wareham

Dorset Heathlands (5km buffer)

Poole Harbour Nitrates Catchment

Poole Harbour Recreation Zone

Wessex Water Treatment Works Catchment

Dorset Council Land -former Wareham Middle School & Childrens Centre, Worgret Road, Wareham

Natural England Designation - RAMSAR: Poole Harbour (UK11054); - Distance: 592.77 and RAMSAR: Dorset Heathlands (UK11021); - Distance: 3190.99

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

Dorset Heathlands - 5km Heathland Buffer;

Scheduled Monument: Linear earthwork on Wareham Common, 350m northwest and 420m northeast of Little Farm (List Entry: 1018194.0); - Distance: 457.15

Scheduled Monument: Part of the defences of the Anglo-Saxon fortified centre of Wareham and part of the motte and bailey castle with shell keep (List Entry: 1003574.0); - Distance: 272.51

Historic Landfill Site: Fields 3529, 3417 and 4618 - Distance: 134.01

Risk of Surface Water Flooding Extent 1 in 1000

Minerals and Waste Safeguarding Area - ID: 3466;

Radon: Class 1: Less than 1%

Contaminated Land ONR Winfrith Magnox 12km zone And ONR Winfrith tradebe inutec 12km zone

9.0 Consultations

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

Consultees

1. **Dorset Waste Team** – No comments
2. **Housing Enabling Team** – I fully support the application for the retention of the existing scheme for a further 5 years.
3. **Wareham Town Council** – Object; there are no timescales given for the length of extension required.
4. **Wareham Ward Councillors** – No comments received
5. **Building Control East Team** – No comment
6. **Natural England** - No objection
7. **Highways** – No objection subject to condition requiring the retention of turning and parking space.
8. **Environmental Assessment** – Appropriate assessment completed confirming that impacts on protected habitats will be mitigated through financial contributions and the purchase of nutrient mitigation credits.

Representations received

No third party comments have been received in respect of the application.

10.0 Duties

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

11.0 Relevant Policies

Development Plan

Purbeck Local Plan (2018-34) - The following policies are considered to be of relevance to the proposals:

- V1: Spatial strategy for sustainable communities
- E1: Landscape
- E7: Conservation of protected sites
- E8: Dorset heathlands
- E9: Poole Harbour
- E12: Design
- H2: Housing land supply
- H9: Housing mix
- H10: Accessible and adaptable homes
- H11: Affordable housing
- I1: Developer contributions to deliver Purbeck's infrastructure
- I6: Wareham integrated health, social care and housing

Wareham Neighbourhood Plan (2021) – The following policies are considered to be of relevance to the proposals:

- H1: Housing requirement
- H2: Housing mix
- H4: Nationally, European and internationally important wildlife sites and protected species and locally important areas.
- H9: Settlement boundary
- H10: Parking space
- GS2: Proposed health centre and housing hub (former Middle School Site)
- LDP2: Design of new development outside Wareham Conservation Area
- LDP3: Sustainable design

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:

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 specific NPPF policies protecting areas or assets provide a strong reason for refusal and/or any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, with particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes.

Other relevant NPPF sections include:

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

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

- Section 5 'Delivering a sufficient supply of homes' This outlines the government's objective in respect of land supply. Paragraph 63 requires that specific regard be paid to the needs of different groups in the community including, among others, those in need of affordable housing and people with disabilities.
- Section 11 'Making effective use of land'. Paragraph 125(c) states that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.
- Section 12 'Achieving well designed places' This indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:

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

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

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'. Paragraphs 192-195 set out how biodiversity is to be protected and encourage net gains for biodiversity and avoid harm to designated habitats.

Other material considerations

- Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document.
- Poole Harbour Recreation 2019-2024 Supplementary Planning Document.
- Purbeck District Design Guide SPD
- Wareham Townscape Character Assessment
- Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

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.

12.1 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 The development provides a form of specialist accommodation for persons with learning disabilities. The units are designed to be accessible with those units on the ground floor benefitting from a level access. There are six single storey accessible units which are specifically designed to accommodate residents with reduced mobility or who need care. These include an accessible WC/Shower room and the capacity to install a hoist if necessary.

14.0 Financial benefits

14.1 There would not be any direct financial benefits associated with this application.

15.0 Environmental Implications

15.1 The application seeks the retention of an existing development which has already been constructed but which had only been granted planning permission on a temporary basis. Therefore, while there will be CO2 emissions relating to the continued use of the buildings, there would not be any further emissions from construction activities. The units themselves are demountable and designed so that they can be removed from the site and re-used in another location at the end of the temporary period that has been sought.

16.0 Planning Assessment
Principle of development

- 16.1 The application site is located within the defined settlement boundary of Wareham where new development is generally acceptable where it would not conflict with other policies of the development plan or result in other unacceptable impacts. The site is allocated for development under policy GS2 of the Wareham Neighbourhood Plan, and policy I6 of the Purbeck Local Plan.
- 16.2 Policy GS2 allocates the former middle school site for redevelopment to provide a new healthcare and housing hub for the town and surrounding area to include space for a relocated GP surgery and ambulance station; residential uses catering for health related needs and key healthcare worker accommodation; parking; access to the adjoining primary school from Worgret Road and a contribution towards changing facilities to encourage the use of the recreation ground and playing fields to the east and west, to be brought forward as a project known as the Purbeck Gateway.
- 16.3 Planning permission was previously granted on a temporary basis to ensure that the permanent redevelopment of the site was not prejudiced. The long-term objective to redevelop the site for the purposes set out in policy GS2 of the Neighbourhood Plan remains and is now incorporated into the Purbeck Local Plan through Policy I6.
- 16.4 The existing housing scheme does not encompass all of the land allocated through the neighbourhood plan, which also includes the land to the south and east, which had comprised the middle school site. It does however comprise a relatively significant part of that site and a large enough area that would prevent the delivery of the allocated development were the scheme to be present in perpetuity.
- 16.5 In view of this and to ensure that the scheme would not prejudice the future delivery of the consented and allocated development, the original planning consent for the housing scheme was granted for a temporary period as a 'meanwhile' use before the allocated development comes forward. Therefore, it remains relevant to consider the proposals on a temporary rather than permanent basis.
- 16.6 The application seeks the retention of the existing scheme for a further five years. This period is proposed to tie in with the period that temporary credits to mitigate nutrient neutrality impacts as these are for a set period. Although the time period is longer than had initially been envisaged for this scheme the applicant has confirmed that there remains a commitment to the delivery of the allocated development of the Purbeck Gateway project, which forms part of the Council's plans to deliver new Extra Care Housing, which is set out in the Extra Care Housing Strategy which was approved by Cabinet in July 2024.

- 16.7 An overview of that project, provided by the applicant has confirmed that, although community engagement over the development proposals took place in 2019, the development has since been delayed, principally due to the long-term impacts of Covid-19 on the development industry. Tendering for the Purbeck Gateway project in Autumn 2022, was unsuccessful. Allowing for the design and a new procurement process, it is likely that work would start on site by 2030.
- 16.8 Therefore, although the timeframe for the retention of the current development on site is longer than originally envisaged, it would not prejudice the delivery of the Purbeck Gateway project and aligns with the anticipated timescales. .
- 16.9 On this basis therefore it is considered that the principle of the proposed development is acceptable, as a sustainable use of a previously developed site within the defined settlement.

Character and appearance

- 16.10 The development is relatively modest in scale, being predominantly single storey with a two-storey element at the northern end of the site. The site's location means that it is somewhat isolated from surrounding built development. However it is not an overly prominent feature in the townscape due to the modest scale of the structures, which are also flat roofed and the presence of extensive vegetation to the south and west which provide screening.
- 16.11 The development has also become an established part of the townscape since its initial construction. The current application merely seeks to retain the structures which already exist on site. Therefore while the grant of planning permission would result in their presence for longer than had originally been intended, it would not result in any change from the existing situation.
- 16.12 The proposals are not therefore considered to represent any harmful impacts upon the character of the locality. They are therefore considered to comply with policy E12 of the Purbeck Local Plan and Policy LDP3 of the Wareham Neighbourhood Plan.

Impacts upon amenity

- 16.13 The site's location is such that it is significantly separate from any neighbours. The nearest residential neighbours are located approximately 95m to the south and Southeast and to the west the nearest neighbours are over 150m away. At these distances and considering the modest physical scale of the development there is no potential for harmful overlooking to residential neighbours.
- 16.14 There is a pre-school located to the east of the site, which shares an access. It is however located 75m from the site and oriented with its external areas on the opposite side from the site. It is not therefore considered that the scheme results in a conflict with the nursery.

- 16.15 The single storey units all benefit from a grassed private amenity space to the rear, while the two storey apartment units have access to a communal amenity space at the ground floor level and a shared terrace space at the first-floor level. It is evident on visiting the site that these amenity spaces are utilised for sitting out and outdoor activities and contribute to providing an appropriate level of amenity for residents.
- 16.16 It is therefore concluded that the proposals would not result in a harmful impact upon neighbouring properties and provide an appropriate level of amenity for residents. The development therefore complies with policy E12 of the Purbeck Local Plan and policy LDP3 of the Wareham Neighbourhood Plan in this regard.

Habitats

- 16.17 The site is located in the vicinity of the Poole Harbour and Dorset Heathlands European habitats sites where impacts arising from recreational pressures (Poole Harbour and Dorset Heathlands), air quality impacts (Dorset Heathlands) and water quality impacts (Poole Harbour) must be taken into consideration. Dorset Council, as competent authority has completed an Appropriate Assessment of the proposals under the Habitats Regulations.
- 16.18 In respect of water quality, the applicant has confirmed that mitigation for impacts arising from nutrient enrichment within the Poole Harbour will be addressed through the purchase of temporary nutrient credits. In respect of the recreational impacts on Poole Harbour a financial contribution of £64.80 towards mitigation as set out in the Poole Harbour Recreation 2019-2024 SPD will be secured. A contribution of £186.98 is to be secured towards mitigation of impacts on the Dorset Heathlands, in accordance with the Dorset Heathlands Planning framework SPD.
- 16.19 On the basis of the contributions towards mitigation being secured, the Appropriate Assessment has concluded that the development will not result in an adverse effect upon the integrity of a European Site. The proposal therefore complies with policies E8, E9 and H3(d) of the Purbeck Local Plan, and policy H4 of the Wareham Neighbourhood Plan.

Biodiversity

- 16.20 The original planning application was accompanied by a biodiversity survey and report and a biodiversity plan, secured by condition. That included provision for the avoidance of harm to protected species through best practices, measures to deter use of locations and habitat enhancement measures, including provision of

a wildlife corridor on the site's northern side, creation of a reptile hibernaculum, and the provision of bat boxes, bird nest boxes and a hedgehog house.

- 16.21 As the current application does not propose any new development works on the site, simply the retention of the existing development it is not considered that the proposals would give rise to any additional impacts upon biodiversity. The measures previously secured will remain. The proposals will not therefore have a harmful impact on biodiversity or protected species and will comply with policy E10 of the Purbeck Local Plan and policy H4 of the Wareham Neighbourhood Plan.

Highways and parking

- 16.22 The site is accessed via the existing and established access that originally served Wareham Middle School. The access provides a segregated pedestrian route and has good visibility onto Worgret Road. The current application would not result in any intensification over the current situation and there would therefore be no harm to highways as a result.
- 16.23 The scheme provides parking space for a total of 16 cars. This meets the parking standards set out in the Bournemouth, Poole and Dorset Residential Car Parking Study for unallocated provision. Taking into account the site's sustainable location and the profile of residents, the level of parking is appropriate and complies with policies I2 of the Purbeck Local Plan and H10 of the Wareham Neighbourhood Plan.

Trees

- 16.24 Although there are a number of trees in the vicinity of the site, there are no trees on the application site itself. As the development is already in place and there would not be any alterations as a result of this application there would not be any harmful impact on trees as a result of this application. The policy therefore complies with policy I3 of the Purbeck Local Plan.

Flood risk and drainage

- 16.25 The site is in flood zone 1 and is not therefore considered to be at risk of flooding from rivers or the sea. A small part of the site is identified as being at a low risk of flooding from surface water in available mapping. However, this is for a 1 in 1000-year event and is therefore considered to be a low risk. The available mapping is only based on high level topography and does not consider the presence of the surface water management measures which are in place. In view of the low level of risk involved and the inherently temporary nature of the proposals it is considered that the proposals are appropriately flood resilient in compliance with policy E4 of the Purbeck Local Plan.

17.0 Conclusion

- 17.1 The proposal to retain the existing development at Red Oak Court is acceptable in principle. The development is sustainably located and makes use of an otherwise under-utilised brownfield site, to provide a positive 'meanwhile' use while development proposals for that site are worked up. The current development would not prejudice the ability of those proposals, which are subject of allocations in the Wareham Neighbourhood Plan and Purbeck Local Plan, from coming forward.
- 17.2 The development is an established feature in the area and would not be changed because of the grant of planning permission. It is acceptable in design terms and does not result in any unacceptable impacts in terms of amenity, highways, biodiversity, trees and flood risk/drainage. Mitigation will be secured for the additional impacts of the retention of the scheme for a further 5 years on protected habitats.

18.0 Recommendation

A) Delegate authority to the Service Manager for Development Management and Enforcement and Development Management Area Manager East to Grant Planning Permission, subject to receipt of a unilateral undertaking under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:

- Contributions of £419.63 towards mitigation of impacts of the development on the Dorset Heathlands and Poole Harbour Habitats Sites, and confirmation of the purchase of nitrogen mitigation credits.

And the conditions set out below.

Recommended conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 700 P4 Site location plan
 - 703 C16 Proposed site plan
 - 100 P6 Ground Floor plan
 - 101 P6 First Floor plan
 - 109 P2 Bin Stores
 - 110 P5 Ground Floor plan
 - 120 P6 Roof Plan - Proposed
 - 130 P5 Roof Plan - Proposed
 - 300 P6 Elevations
 - 301 P5 Elevation (Side) - Proposed
 - 310 P5 Elevations
 - 311 P5 Side elevations 1
 - 312 P5 Side elevations 2
 - 107-18-0-800 G Drainage layout

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

2. This permission is limited to the period expiring on 1 April 2030, when the building and any associated structures/works hereby permitted shall be removed and the land reinstated in accordance with a scheme of works and timescale which shall first have been submitted to and approved in writing by Local Planning Authority.

Reason: To reserve to the Local Planning Authority control over the long-term use of the land such that it does not prejudice the ability to bring forward comprehensive of the former Wareham Middle School site, and to ensure that the proposal does not give rise to unacceptable impacts on the Poole Harbour SPA and Ramsar site through nutrient enrichment.

3. The turning and parking detailed on the approved plans must be maintained, kept free from obstruction and available for the purposes specified until such time as the buildings are removed from the site.

Reason: To ensure the proper and appropriate development of the site in the interest of highway safety.

Informative Notes:

1. Biodiversity Net Gain

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

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

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

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

Based on the information available, this permission 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.

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

2. 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.

3. Informative: This permission is subject to an undertaking made pursuant to Section 106 of the Town and Country Planning Act 1990 dated ## ## relating to contributions towards habitats mitigation.

B) Refuse permission for the reasons set out below if the agreement to secure Heathland mitigation is not completed by 27 August 2025 (6 months from the date of committee) or such extended time as agreed by Service Manager for Development Management and Enforcement and/or Development Management Area Manager and/or the Development Management Area Manager East.

1. The site lies within 5km of a number of Sites of Special Scientific Interest (SSSIs) which are also designated European wildlife sites, namely Dorset Heathlands Special Protection Area, Dorset Heaths Special Area of Conservation and Dorset Heathlands Ramsar. The proximity of these European sites means that determination of the application should be undertaken with regard to the requirements of the Conservation of Habitats and Species Regulations 2017, in particular Regulation 63. The proposal fails to secure the avoidance measures identified as necessary to mitigate the impact of the development, in combination with other plans and projects, on the integrity of the designated site as set out in the Dorset Heathlands Planning Framework Supplementary Planning Document (SPD) 2020-2025 and there are no imperative reasons of overriding public interest in support of the proposal. The development is therefore contrary to policies E8, E9 and H3(d) of the Purbeck Local Plan, and policy H4 of the Wareham Neighbourhood Plan, the Dorset Heathlands Planning Framework 2020-2025 SPD, and paragraph 193 of the National Planning Policy Framework. This forms a clear reason for refusal of the proposal in accordance with NPPF 2023 para 11 d)
i.

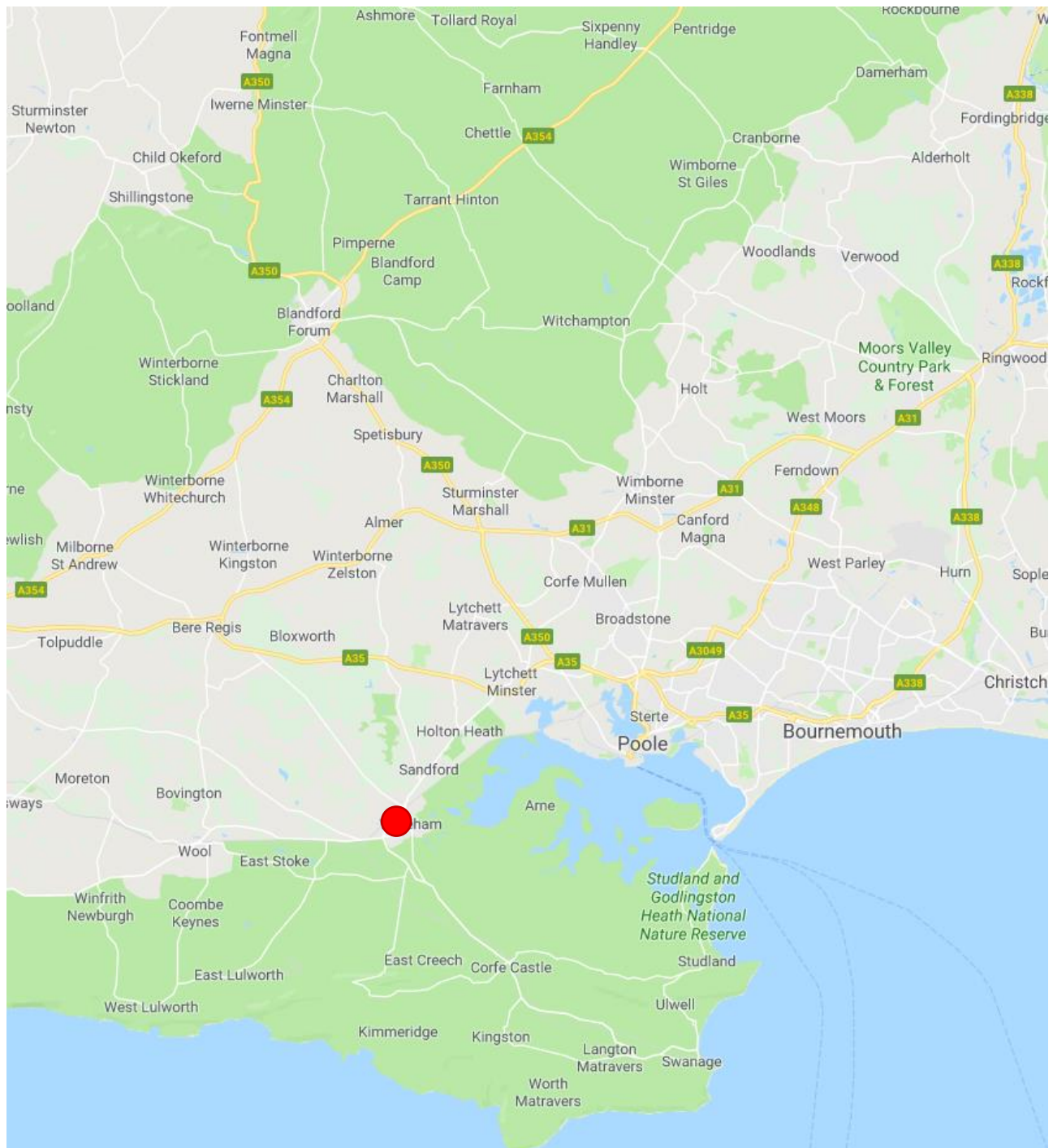
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● Approximate Site Location

Application reference: P/FUL/2022/04226

Site address: Red Oak Court, Worgret Road, Wareham

Proposal: Extension to Planning Approval for Temporary Relocatable housing scheme comprising 6no. detached 1 bed units and a terrace of 11no. 1 bed units and 1. no 2-bed unit for overnight carers with associated landscape and parking.



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Agenda Item 11

Eastern Area Planning Committee

26th February 2025

Application Number:	P/FUL/2024/05862		
Webpage:	Planning application: P/FUL/2024/05862 - dorsetforyou.com		
Site address:	Service Road adjoining Purbeck Parade High Street Lytchett Matravers BH16 6BQ		
Proposal:	Remodelling of existing service road, associated pedestrian areas and adjoining planting areas		
Applicant name:	Lytchett Matravers Parish Council		
Case Officer:	Emily Elgie		
Ward Member(s):	Cllr Brenton, Cllr Robinson and Cllr Starr		
Publicity expiry date:	30 January 2025	Officer site visit date:	desktop
Decision due date:	26 February 2025	Ext(s) of time:	26 February 2025
No of Site Notices:	2x		
SN displayed reasoning:	1 on lamppost and 1 on telegraph pole near site		

1.0 The application is on Council owned land and therefore needs to be determined at Planning Committee.

2.0 Summary of recommendation:

Grant, subject to conditions

3.0 Reason for the recommendation: as set out in paragraph 16 below

- 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 highway safety
- 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 Lytchett Matravers settlement boundary and the principle of development is acceptable
Impact on character and appearance	Acceptable- There would be no adverse impact on the character of the area
Highway impacts, safety, access and parking	Acceptable- The proposal will not result in highway danger.

5.0 Description of Site

The Purbeck Parade was constructed as four shop units, later extended with a fifth unit, constructed in the mid-1960s. Three of the shop units were later converted into a single shop unit which is currently a Tesco store. The shops front onto a one-way service road off the High Street within the village centre. The High Street and service road are separated by a grassed island.

6.0 Description of Development

The proposal seeks to redesign the access to the service road to provide a better solution for the large delivery vehicles which service the Tesco store. The works include moving the access 2m further east, reprofiling of the grassed 'island' and providing a pedestrian forecourt in front of the shop entrance.

In addition to an unloading bay for large delivery vehicles, a dedicated disabled parking space has been provided as well as some minor improvements to the public realm.

7.0 Relevant Planning History

- 6/1974/0419 - Decision: GRA - Decision Date: 06/12/1974 - Erection of store extension.
- 6/1976/0256 - Decision: GRA - Decision Date: 17/05/1976 - O/A - Erect a branch library.
- 6/1978/0506 - Decision: GRA - Decision Date: 13/10/1978 - Erect ground floor extension to form store and first floor extension over existing to form bedroom.
- 6/1979/0946 - Decision: GRA - Decision Date: 28/12/1979 - Extension to shop on ground floor and living/study/bathroom at first floor.
- 6/1995/0507 - Decision: GRA - Decision Date: 29/09/1995 - Install new shopfront, internal alterations, construct access stairs at rear.

- 6/2004/1074 - Decision: GRA - Decision Date: 23/04/2007 - Refurbishment of doors and windows. Install new Automated Teller Machine and air conditioning. Remove and replace existing refrigeration plant and install anti-theft bollards (Retrospective)

8.0 List of Constraints

Within Lytchett Matravers settlement boundary

Risk of Surface Water Flooding Extent 1 in 1000, plus 20% allowance and 40% allowance

9.0 Consultations

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

Consultees

1. Wessex Water

- No objection – advice to applicant provided

2. Dorset Council (DC) – Highways

- No objection – subject to conditions
- Applicant has engaged with highways authority
- An independent road safety audit has been conducted and outcomes and recommendations are considered acceptable
- Should provide a safe and suitable access for loading and unloading for delivery vehicles
- Would not put most vulnerable road users at a disadvantage

3. Lytchett Matravers Parish Council

- No comment received – parish council are the applicant

4. Ward Member – Councillor Brenton

- No objection

5. Ward Member – Councillor Starr

- No objection

Representations received

No third-party representations have been 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

Purbeck Local Plan 2018-2034

Relevant policies:

Policy V1: Spatial strategy for sustainable communities

Policy E1: Landscape

Policy E12: Design

Policy E10: Biodiversity and geodiversity

Policy I2: Improving accessibility and transport

Lytchett Matravers Neighbourhood Plan to 2031 (made June 2017)

Relevant policies:

Policy 2: Local Design Principles

Policy 4: Open spaces

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.

Section 9 (Promoting Sustainable Transport) – Paragraph 115b) requires a safe and suitable access to the site to be achieved for all users. Paragraph 116 sets out that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

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 will be no disadvantage to any people with protected characteristics, particularly with regard to those who are disabled as the disabled space will be retained and made TSRGD (Traffic Signs Regulations and General Directions) compliant.

15.0 Planning Assessment

Principle of development

- 15.1 The application site is within the settlement boundary of Lytchett Matravers and therefore the principle of development is considered acceptable.

Impact on highways

- 15.2 Local Plan Policy I2 confirms that the Council’s aim is to create a safe, well-maintained and efficient transport system across Purbeck. Proposals should support the Council’s priorities, including encouraging sustainable travel, and should avoid compromising highway safety.
- 15.3 The applicants have explained that the current arrangement for deliveries to Tesco requires that, where possible, cones are used to restrict parking in advance of deliveries and a banksman and delivery barriers are employed. The unloading point, where the hydraulic tail lift deposits caged trolleys is immediately outside the shop entrance where the pavement is narrow and at its busiest. Additionally, articulated lorries have the ride the pavement adjacent to the grassed ‘island’ on entry and exit. Opportunities for delivery to the rear of the shop have been discounted due to stepped level difference and there are also gradients influencing opportunities at the front of the shop.
- 15.4 The proposal will improve vehicular access to the Tesco store for delivery lorries that service it. The whole of the application site is adopted highway land. The applicant has worked closely with the highways department to amend and improve the scheme to make sure that the safety of the most vulnerable road users has been considered. The conclusions of the independent road safety audit that was conducted include a requirement to repaint the road markings, make the disabled bay TSRGD compliant and install a proper dropped kerb access. These actions can be secured by condition.
- 15.5 It is acknowledged that there will be a loss of approximately 3 parking spaces on the service road as part of the proposal, however there are parking opportunities a short distance away, including on the High Street itself and surrounding residential streets and the disabled space will be maintained. It is judged that the safety improvements outweigh the loss of the parking area. The Highways officer has raised no objection to the scheme and the suggested conditions shall be imposed (nos. 3-5).

Impact on the character of the area

- 15.6 The proposal will reshape the grassed island resulting in the loss of two small trees but providing opportunities for more varied planting thereby maintaining an attractive environment to accord with the aims of neighbourhood plan policies. Given the nature of the changes involved, it is not considered that the proposal would have an adverse impact on the character of the area.

Impacts on biodiversity

- 15.7 The application benefits from an exemption from the requirement for 10% biodiversity net gain since the loss of non-hard- surfaced area is below the threshold of 25sqm. Nevertheless, the proposal will offset the loss by creating a new soft planting area with a net gain of 8sqm (10.8%) secured by condition no. 6.

16.0 Conclusion

The proposal would not have an adverse impact on highway safety and complies with the Development Plan as a whole, including Policy I2 of the Local Plan and paragraphs 115b and paragraphs 116 of the National Planning Policy Framework.

17.0 Recommendation

Grant, subject to conditions

Recommendation: Approve subject to the following conditions:

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

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

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

Location plan

2403.01 B Site plan

2403.02 Location and block plans and photos

2403.03 A Vehicle Swept Path and Kerb Detail

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

3. Before the development hereby approved commences a Construction Method Statement (CMS) must be submitted to and approved in writing by the Planning Authority. The CMS must include:

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

- temporary traffic management measures where necessary
The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

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

4. Before the new loading area is first utilised the areas shown on Drawing 2403.01 B for the manoeuvring, parking, loading and unloading of vehicles must be surfaced, marked out and made available for these purposes. Thereafter, these areas must be maintained, kept free from obstruction and available for the purposes specified.

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

5. The new loading area shall not be utilised until a scheme showing precise details of the proposed cycle parking facilities is submitted to and approved in writing by the Local Planning Authority. The approved scheme must be constructed before the first use of the new loading area or to a timetable agreed by the Local Planning Authority and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

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

6. The new loading area shall not be utilised until a soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The planting shall be implemented in accordance with the approved details in the first planting season following the commencement of development unless an alternative timetable is agreed by the Local Planning Authority in writing. Any plants found damaged, dead or dying in the first five years shall be replaced and the scheme thereafter retained.

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

Informative Notes:

1. Informative: National Planning Policy Framework Statement

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

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

- offering a pre-application advice service, and

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

In this case:

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

2. Biodiversity Net Gain

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

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

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

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

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

Development below the de minimis threshold, meaning development which:

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

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

3. In addition to this permission, the highway improvement(s) referred to in the recommended condition above must be carried out to the specification and satisfaction of the Highway Authority in consultation with the Planning Authority and it will be necessary to enter into an agreement, under Section 278 of the Highways Act 1980, with the Highway Authority, before any works commence on the site. The applicant should contact Dorset Council's Highways Development team. They can be reached by email at highwaysdevelopment@dorsetcouncil.gov.uk, or in writing at Highways

Eastern Area Planning Committee

26th February 2025

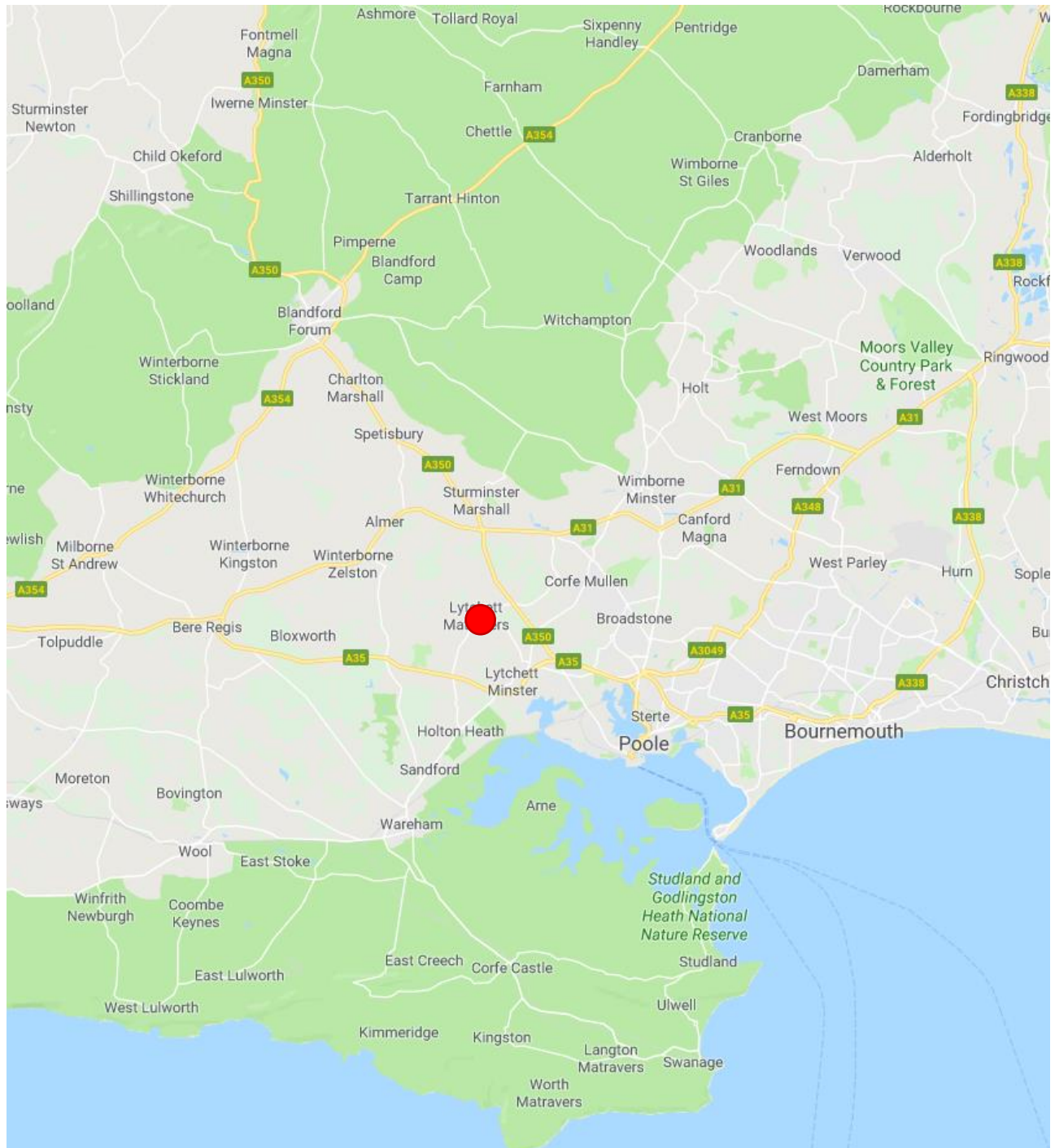
Development team, Economic Growth and Infrastructure, Dorset Council,
County Hall, Dorchester, DT1 1XJ.

● Approximate Site Location

Application reference: P/FUL/2024/05862

Site address: Service Road adjoining Purbeck Parade High Street Lytchett Matravers
BH16 6BQ

Proposal: Remodelling of existing service road, associated pedestrian areas and
adjoining planting areas



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Agenda Item 12

Eastern Area Planning Committee

26th February 2025

Application Number:	P/FUL/2024/07033		
Webpage:	Planning application: P/FUL/2024/07033 - dorsetforyou.com		
Site address:	Focus Centre, 107 High Street, Swanage, BH19 2NB		
Proposal:	Erect new store extension, canopy, porch, bin store, new ramp and associated landscaping.		
Applicant name:	Swanage & Purbeck Development Trust		
Case Officer:	Cari Wooldridge		
Ward Member(s):	Cllr Suttle and Cllr Trite		
Publicity expiry date:	30 January 2025	Officer site visit date:	17/12/24
Decision due date:	3 February 2025	Ext(s) of time:	28/02/25
No of Site Notices:	1 – Junction of Chapel Lane with High Street – displayed 20 th December 2024 2 – Chapel Lane near cottages – displayed 20 th December 2024 3 – Queens Mead to south of site – displayed 30 th December 2024		
SN displayed reasoning:	The site notices have been displayed in prominent positions in the interest of maximising awareness of the application.		

1.0 The application site is land owned by Dorset Council.

2.0 Summary of recommendation:

GRANT subject to conditions.

3.0 Reason for the recommendation: as set out in paragraph 18 at the end of the report

- The location is considered to be sustainable, and the proposal is acceptable in principle, its design, and general visual impact.
- There is considered to be no harm to nearby heritage assets or Swanage Conservation Area.
- There is not considered to be any significant harm to neighbouring residential amenity.
- The proposal is acceptable in respect of flood risk, highway safety, trees, and biodiversity.

- The proposal will deliver community benefits by way of visual enhancement and improved accessibility.
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable - within the settlement boundary.
Scale, design, impact on character and appearance of the area and Dorset National Landscape	Acceptable within immediate context.
Impact on heritage assets	Acceptable impact on setting of heritage assets and Swanage Conservation Area.
Impact on neighbouring amenity	Acceptable – No demonstrable harm to neighbouring amenity.
Flood risk and drainage	Acceptable.
Highway impacts, safety, access and parking	Acceptable - subject to condition.
Impact on trees	Acceptable - subject to condition.
Biodiversity	Acceptable - subject to condition.
Community benefits	Acceptable.

5.0 Description of Site

- 5.1 The application site forms part of the Swanage 'Focus Centre' which is operated and delivered by the Swanage and Purbeck Development Trust. Located to the south of Swanage High Street, the wider site includes a Day Centre, a Children's Centre and a further building known as 'The Centre'. The group of buildings and land surrounding them will provide an inter-generational health and wellbeing complex for the local community including the delivery of children's and adults' services and wider usage of the Chapel Lane site for the community benefit by a range of organisations.
- 5.2 The application site includes the Children's Centre and land immediately surrounding the building including parking and vehicular access to the front; land to the east of the Day Centre; and an area of steps to the north of the Day Centre which provides access between parking and the building.
- 5.3 There are a number of trees within the wider area of land forming part of the Focus Centre (within the blue line) and also areas of landscaping and open space. To the east is Chapel Lane, Swanage Methodist Church and Hall (Grade II Listed), and several cottages accessed via the land. To the south, the land rises steeply, and the southern site boundary adjoins gardens serving bungalows on Queens Mead. To the north and west are residential properties on Queens Road and High Street. The

entire site is located within Swanage Conservation Area and the Dorset National Landscape.

6.0 Description of Development

6.1 The proposal is for minor extensions and alterations with associated landscaping around the Focus Centre (Swanage Day Centre & Children's Centre) in Swanage. The proposals include:

- A single storey store extension of approx. 24 sqm off the south elevation of the Children's Centre to be clad in timber to match existing.
- A bin store off the east elevation of the Centre building.
- A glazed canopy above pedestrian walkways between the Children's Centre, the Centre building, and the new store.
- A new ramp providing accessible access between the Day Centre and parking area at a higher level to the west.
- New window to serve meeting space on western elevation of Children's Centre.
- Air source heat pump on flat roof of Children's Centre
- New hard and soft landscaping including improved parking layout and new surfacing.
- Introduction of accessible paths and surfacing around the buildings and landscaping to improve connections.
- Provision of new bicycle stands to the east of the Day Centre.
- New retaining walls proposed to the north-west of the Children's Centre.

7.0 Relevant Planning History

6/1976/0634 - Decision: GRA - Decision Date: 30/11/1976
Erect a wooden hut for use as storage shed.

6/1981/0963 - Decision: GRA - Decision Date: 08/02/1982
Erect wooden hut for use as storage shed (renewal).

6/1996/0537 - Decision: GRA - Decision Date: 25/10/1996
Erect extensions to improve existing Day Centre facilities and covered set down area

6/2005/0902 - Decision: GRA - Decision Date: 21/11/2005
To extend existing road access and create a new entrance to the centre to facilitate a one way traffic system through the site.

6/2005/0902_1 - Decision: GRA - Decision Date: 21/11/2005
To extend the existing road access and create a new entrance to the centre to facilitate a one way traffic system through the site.
File now held in DHC

6/2008/0768 - Decision: NOB - Decision Date: 12/01/2009

The erection of a small timber framed building with some works to the landscape immediately adjacent to provide a Sure Start Centre.

6/2008/0768_1 - Decision: GRA - Decision Date: 04/02/2009

The erection of a small timber framed building with some works to the landscape immediately adjacent to provide a Sure Start Centre

8.0 List of Constraints

LB - CLARENCE COTTAGE AND EAST BOUNDARY WALLS TO GARDEN listed building grade G2. HE Reference: 1152179 (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

LB - Grade: II Listed Building: THE METHODIST CHURCH AND HALL IMMEDIATELY EAST AND BOUNDARY WALLS TO WEST AND NORTH List Entry: 1152670.0; - Distance: 11.79 (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

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

Application is within Swanage Statutory Settlement Boundary

Wessex Water Treatment Works Catchment

Dorset Council Land Freehold : Swanage Connect, High Street, Swanage - Reference FH002250 and Swanage Childrens Centre, High Street, Swanage (05829 05830 05831 05832 05833 05834) - Reference FH003408

Dorset National Landscape (formerly known as Area of Outstanding Natural Beauty (AONB)) (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)

Site of Special Scientific Interest (SSSI) impact risk zone

Risk of Surface Water Flooding Extent 1 in 100 plus 20%/40% allowance

Risk of Surface Water Flooding Extent 1 in 1000

Radon: Class: Class 1: Less than 1% - Distance: 0

Scheduled Monument: The old prison and pump (List Entry: 1002727.0) - Distance: 146.05

9.0 Consultations

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

Consultees

1. Natural England

No comments received.

2. Dorset Council - Highways

Proposal served by existing access off High Street.

Amended drawing submitted for turning and parking area within the site curtilage.

Cycle store facility provided to encourage active travel and location lends to sustainable transport links.

Given existing trip credits Highway Authority has no objection.

Conditions recommended. (Conditions 7 &8)

3. Dorset Council - Dorset Waste Team

No comments

4. Dorset Council - Conservation Officer

No objection.

Given the position of the proposed works within the site the proposals would have no harmful impacts on the character or appearance of the Swanage Conservation Area, or the significance of the adjacent Grade II listed Methodist Church and its setting.

4. Dorset Council – Trees

Proposed works are relatively minor and located away from any significant trees with the exception of the extension to footpath.

The submitted Treecall Report broadly suggests sufficient protection for the retained trees.

Condition recommended. (Condition 2)

5. Swanage Town Council

Support. No objection to proposals.

7. Swanage Ward 1 – Cllr Suttle

No comments received.

8. Swanage Ward 2 – Cllr Tritte

No comments received.

Representations received

Two site notices were displayed by the applicant on 20/12/24. A further two notices were displayed by the case officer on 30/12/24.

On 30/12/24 an email was received from a neighbour to the application site advising that the application address was incorrect. Following confirmation of the correct address from the planning agent on 13/01/25, the application address was amended to Focus Centre, 107 High Street, Swanage, BH19 2NB.

1 letter of comment was received on 21/01/25 from the same neighbour which noted no objection to the proposal but again requesting that the application address be amended

It was not considered necessary to re-advertise the proposal with the correct address as the nature of the proposed development and siting of the Focus Centre within an otherwise residential area of Swanage was considered sufficient to avoid any confusion over the site location.

10.0 Duties

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for a development which affects a listed building or its setting, there is a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

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 (formerly known as Areas of Outstanding Natural Beauty)

11.0 Relevant Policies

Development Plan

Adopted Purbeck Local Plan:

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

Policy V1: Spatial strategy for sustainable communities

Policy E1: Landscape

Policy E2: Historic environment

Policy E4: Assessing flood risk

Policy E5: Sustainable drainage systems (SuDs)

Policy E10: Biodiversity and geodiversity

Policy E12: Design

Policy I2: Improving accessibility and transport

Policy I3: Green infrastructure, trees, and hedgerows

Adopted Swanage Local Plan:

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

Policy STCD: Swanage Townscape Character and Development – Area of High Townscape Value

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

Swanage 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 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 11 'Making effective use of land'

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

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

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

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

Section 15 'Conserving and Enhancing the Natural Environment' - In National Landscapes (formerly known as Areas of Outstanding Natural Beauty), paragraph 189 requires great weight to be given to conserving and enhancing the landscape and scenic beauty. Paragraphs 192-195 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Section 16 'Conserving and Enhancing the Historic Environment' - Paragraph 212 says that 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. The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 216).

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.

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024 (extended to end of 2025 with the agreement of Dorset Council Cabinet 17/12/2024)

District Design Guide SPD

Swanage Conservation Area Appraisal

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 extensions, alterations and landscaping will improve the accessibility of the buildings through the introduction of new pathways, a glazed walkway canopy, and a new ramp to replace existing steps between the site and the car park. The proposals will remove existing disadvantage and will support the provision of the inter-generational health and wellbeing complex for the local community.

14.0 Financial benefits

None relevant.

15.0 Environmental Implications

The proposal will provide modest environmental benefits in the form of improved hard and soft landscaping and the provision of cycle stand facilities.

16.0 Planning Assessment

16.1 The main planning considerations for this application are:

- Principle of development

- Scale, design and impact on the character and appearance of the area and the Dorset National Landscape
- Impact on heritage assets
- Impact on neighbouring amenity
- Flood risk and drainage
- Highway impacts, safety, access and parking
- Impact on trees
- Biodiversity
- Community benefits

Principle of development

16.2 The Focus Centre is located within Swanage settlement boundary and the principle of the development is acceptable in accordance with Policy V1: Spatial strategy for sustainable communities and the settlement hierarchy of the Purbeck Local Plan 2024.

Scale, design and impact on the character and appearance of the area and the Dorset National Landscape

16.3 Although surrounded by houses and the adjacent Grade II Listed Chapel and Hall, the character of the Focus Centre site is that of an established community centre consisting of low-level buildings within areas of landscaping and open space. The buildings are set back from High Street and Chapel Lane with open areas of hard standing and car parking separated from enclosed areas to the rear by a mixture of boundary fencing and Purbeck Stone walling. The proposed extension, walkway canopy, minor alterations to elevations, air source heat pump, and alterations to the hard and soft landscaping areas would be well contained within the grounds of the centre and would not appear out of character within the setting.

16.4 The proposed store extension off the south elevation of the children's centre building will be single storey in height with a flat roof and timber cladding to match existing. The extension would be viewed against the existing building, would not be visible within the street scene and is considered to be of an acceptable scale, design and appearance. A new glazed canopy is proposed to provide a covered walkway between the store extension, the Children's centre and the Centre building. This is also low level in height and will provide an improved and accessible link which will be largely screened by the two buildings. An air source heat pump would be installed on the flat roof serving the north side of the Children's Centre building and would be well screened by the existing buildings. The timber screened bin store and improved areas of hard and soft landscaping, including new walling and retaining walls, will enhance the setting of the site and that of the adjacent listed buildings whilst improving accessibility for all users of the community facility. Details of the canopy support structure including colour finish are not provided with the application. It is considered that this, together with details of the 1.2 m high wall between the Day Centre and Children's Centre can be secured by condition.

16.5 Given the siting of the proposals within the settlement boundary and the established community centre site, it is considered that the proposal will not result in harm to the visual landscape character of the Dorset National Landscape.

16.6 The proposal is considered to comply with Policy E1: Landscape and E12: Design of the Purbeck Local Plan 2024.

Impact on heritage assets

16.7 The site is located within Swanage Conservation Area and lies adjacent to the Grade II Listed Swanage Methodist Chapel and Hall to the east. The Council's Conservation Officer has raised no objection to the proposal noting in their response that the position of the proposed works within the site would have no harmful impacts on the character or appearance of the Conservation Area or the significance of the Grade II listed Methodist Church and its setting. The proposal is judged to comply with Policy E2: Historic environment of the Purbeck Local Plan 2024.

Impact on neighbouring amenity

16.8 The site forms an established community use within a town location. Although residential properties surround the community centre, the proposed alterations and extensions are well related to the existing buildings and would not result in an intensification of the existing use. The proposed air source heat pump would be centrally located within the site with any noise mitigated by the existing buildings, the distance to neighbouring residential properties, and background noise within the immediate area. As such, no additional harm to neighbouring amenity has been identified. The proposal is judged to comply with Policy E12: Design of the Purbeck Local Plan 2024.

Flood risk and drainage

16.9 The Council's Level 1 Strategic Flood Risk Assessment identifies that the site lies within Flood Zone 1 and is not susceptible to groundwater flooding. However, sections of the access and parking to the east of the buildings and adjacent to Chapel Lane are subject of surface water flood risk at the 1 in 30 and 1 in 100-year extents including 20% and 40% climate change allowances. There is no change in the use of the site or increased vulnerability to flood risk.

16.10 The proposed store extension and walkway canopy result in small additional surface areas and the submitted plans and application form advise that the additional surface water will be disposed of to the main surface water sewer passing through the site. Alterations to hard landscaping consist of the replacement of existing hard surfacing and tarmac and will not result in a worsening of surface water. The proposal is not considered to increase flood risk to the site or surrounding area and as such complies with Policy E4: Assessing flood risk and E5: Sustainable drainage systems of the Purbeck Local Plan 2024.

Highway impacts, safety, access and parking

16.11 The centre is served by an existing vehicular access off High Street and Chapel Lane. No alterations to the access are proposed. However, it is proposed to re-surface parking areas and provide cycle stands. In response to comments received from the Council's Highway Engineer, the plans were amended to accommodate required parking space length and width together with sufficient space between the cycle stands. The Engineer has been reconsulted on the amended plans and notes that the proposal will be served by the existing access of High Street and that amended drawings are acceptable. The proposal includes cycle store facilities which will encourage active travel, and the location lends to sustainable transport links. As the site has existing trip credits, no objections are raised. However, the Highway Authority recommends conditions in respect of the turning / manoeuvring and parking construction and cycle parking. The proposal is judged to comply with Policy I2: Improving accessibility and transport of the Purbeck Local Plan 2024.

Impact on trees

16.12 The red line of the application site is tightly drawn around the proposed development and a single tree is proposed for removal to allow for the store extension. A number of trees are also present within the wider site (blue line). The application is supported by an Arboricultural Impact Assessment and Method Statement and a Tree Protection Plan. This has been subject of consultation with the Tree Officer who had confirmed that the proposed works are located away from any significant trees and the submitted tree details include sufficient protection for trees to be retained. The Tree Officer has recommended a pre-commencement meeting condition on the decision and for the development to be undertaken in accordance with the submitted details.

Ecology

16.13 A negative bat check certificate has been submitted with the application concluding that bats and their roosts will not be impacted by the proposed single storey store extension or the walkway canopy. The survey recommends that in order to comply with the NPPF in respect of biodiversity gain, either one bird box or one bat box should be installed on the external walls of the property. This can be secured by way of condition ensuring that the proposal also complies with Policy E10: Biodiversity and geodiversity of the Purbeck Local Plan 2024.

16.14 The proposal is not subject of Biodiversity Net Gain as the development is below the de minimis threshold impacting on less than 25 square metres of onsite habitat that has biodiversity value.

Community benefits

16.15 The proposals will provide a needed store, a covered walkway, and improved hard surfacing and landscaping to improve links between the buildings at the centre and ensure accessibility to all in the local community who will use the inter-generational

wellbeing and health complex. This accords with paragraph 128 of the NPPF which advises that local planning authorities should support proposals that make more effective use of sites that provide community services. It also aligns with the objectives of Policy I7: Community facilities and services of the Purbeck Local Plan 2024 which seeks to support the growth of and retain community infrastructure.

17.0 Conclusion

For the above reasons the proposal accords with the Purbeck Local Plan 2024 as a whole and is recommended for approval subject to conditions.

18.0 Recommendation: Grant subject to conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
22125.08 B Site Location and Block Plan
22125.16 B Proposed Site Plan
22125.17 A The Children's Centre - Proposed Floor Plan
22125.18 A The Children's Centre – Proposed Elevations Sheet 1 of 2
22125.19 A The Children's Centre – Proposed Elevations Sheet 2 of 2
22125.20 A The Centre - Proposed Floor Plan
22125.21 A The Centre - Proposed Elevations Sheet 1 of 2
22125.22 A The Centre - Proposed Elevations Sheet 2 of 2

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

3. The development hereby permitted shall be undertaken in accordance with the Arboricultural Impact Appraisal and Method Statement prepared by Treecall Consulting Ltd ref: DS/24524/AC dated 13.11.2024. This condition shall not be discharged until an Arboricultural supervision and monitoring statement, the contents of which are to be confirmed at a PRE-COMMENCEMENT meeting between the Tree Officer, Arboricultural Consultant and Site Manager, is submitted to and approved in writing by the Local Planning Authority on completion of development.

To safeguard trees which are important to the visual amenities of the area.

4. Prior to installation, details (including colour photographs) of the walkway canopy structure including material, external finish, and colour shall have been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such details as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development within Swanage Conservation Area.

5. Prior to construction, details of the 1.2 m high boundary wall between the Day Centre and Children's Centre as detailed on the Proposed Site Plan 22125.16 B shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the walling shall be erected in accordance with the agreed details.

Reason: In the interest of visual amenity within Swanage Conservation Area.

6. Prior to first use of the development hereby approved, a bat or bird box shall be installed on the external walls of the property as detailed in Phase 1 bat survey by LC Ecological Services dated 14th November 2024.

Reason: To enhance biodiversity.

7. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number 22125.16 B must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

8. Before the development is occupied or utilised the cycle parking facilities shown on Drawing Number 22125.16 B must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

Informative Notes:

1. Biodiversity Net Gain

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.5 Self and Custom Build Development, meaning development which:

i) consists of no more than 9 dwellings;

ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

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

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

3. The applicant is advised that prior to the development being brought into use, it must comply with the requirements of Building Regulations Approved Document S: Infrastructure for the charging of electric vehicles.

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

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

5. The applicant is advised that Wessex Water have published guidance notes about their surface water policy for minor development. The policy encourages developers to consider the most effective methods of directing surface water back to the environment in accordance with the Sustainable Drainage Systems hierarchy. Where necessary, applications to Wessex Water for a surface water connection can be made online.

<https://www.wessexwater.co.uk/services/building-and-developing/building-a-new-house-or-extension>

6. 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.

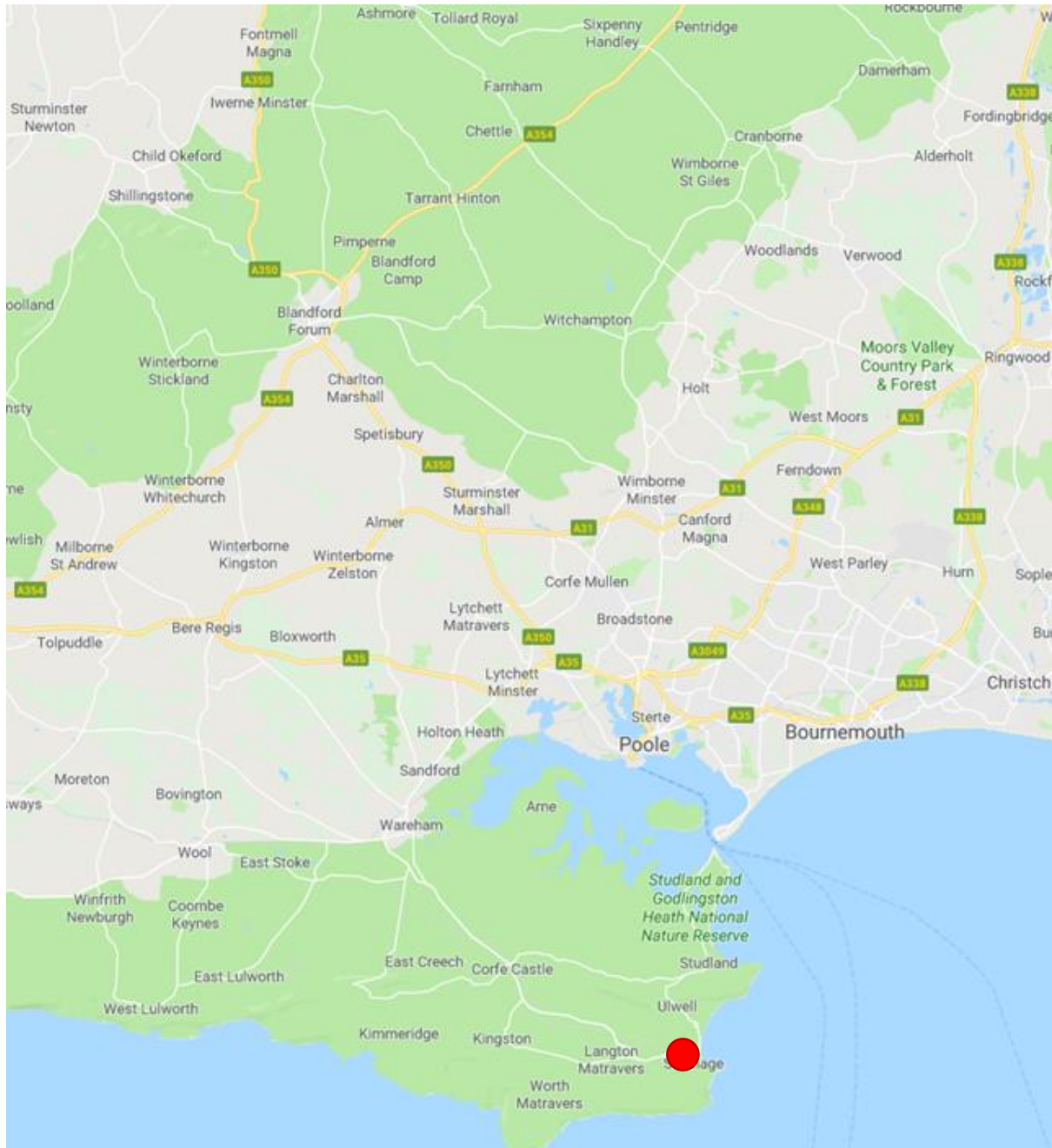
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● Approximate Site Location

Application reference: P/FUL/2024/07033

Description of development: Erect new store extension, canopy, porch, bin store, new ramp and associated landscaping.

Site address: Focus Centre, 107 High Street, Swanage, BH19 2NB



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