



## Northern Area Planning Committee

**Date:** Tuesday, 30 June 2026  
**Time:** 10.00 am  
**Venue:** Stour Hall - The Exchange, Old Market Hill, Sturminster Newton, DT10 1FH

**Members (Quorum: 6)**

Richard Crabb (Chair), Carl Woode (Vice-Chair), Alex Brenton, Barrie Cooper, Les Fry, Sherry Jespersen, Carole Jones, Rory Major, Val Potheary, Belinda Ridout and Steve Murcer

**Chief Executive:** Catherine Howe, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact Democratic & Governance Services Meeting Contact 01305 224877 - [john.miles@dorsetcouncil.gov.uk](mailto:john.miles@dorsetcouncil.gov.uk)

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda. If you would like to attend this meeting and have any specific requirements please contact the Democratic Services Officer named above.

For easy access to all the council's committee agendas and minutes download the free public app called Modern.Gov for use on any iPad, Android, and Windows tablet. Once downloaded select Dorset Council.

### Agenda

| Item                                                                                                                                                                                                                                                                                           | Pages |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <b>1. APOLOGIES</b>                                                                                                                                                                                                                                                                            |       |
| To receive any apologies for absence.                                                                                                                                                                                                                                                          |       |
| <b>2. DECLARATIONS OF INTEREST</b>                                                                                                                                                                                                                                                             |       |
| To disclose any pecuniary, other registerable or non-registerable interests as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration. |       |
| If required, further advice should be sought from the Monitoring Officer in advance of the meeting.                                                                                                                                                                                            |       |

|            |                                                                                                                                                                                                                                                                                                                                                                                   |                  |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <b>3.</b>  | <b>MINUTES</b>                                                                                                                                                                                                                                                                                                                                                                    | <b>5 - 10</b>    |
|            | To confirm the minutes of the meeting held on 14 <sup>th</sup> April 2026.                                                                                                                                                                                                                                                                                                        |                  |
| <b>4.</b>  | <b>REGISTRATION FOR PUBLIC SPEAKING AND STATEMENTS</b>                                                                                                                                                                                                                                                                                                                            |                  |
|            | 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. <a href="#">Guide to Public Speaking at Planning Committee</a> |                  |
|            | The deadline for notifying a request to speak is 8.30am on 26 <sup>th</sup> June 2026.                                                                                                                                                                                                                                                                                            |                  |
| <b>5.</b>  | <b>P/FUL/2024/04104, LAND SOUTH OF, ATHELHAMPTON ROAD, PUDDLETOWN</b>                                                                                                                                                                                                                                                                                                             | <b>11 - 46</b>   |
|            | Erect 28 dwellings including access, parking, landscaping & associated infrastructure and ancillary works.                                                                                                                                                                                                                                                                        |                  |
| <b>6.</b>  | <b>WD/D/19/002710, LAND AT THE GEORGE ALBERT HOTEL &amp; SOUTHERN COUNTIES LEISURE, LONG ASH LANE, WARDON HILL, DORCHESTER, DT2 9PW</b>                                                                                                                                                                                                                                           | <b>47 - 128</b>  |
|            | Change of use of the land & erection of Holiday Lodges & Staff Accommodation units, together with installation of infrastructure to form a Holiday Lodge Park in lieu of the current land use of motor racing circuit, shooting ground & static caravan park.                                                                                                                     |                  |
| <b>7.</b>  | <b>P/FUL/2026/01516, JULIA'S HOUSE 34 SOUTH STREET DORCHESTER DT1 1DD</b>                                                                                                                                                                                                                                                                                                         | <b>129 - 142</b> |
|            | Siting of a statue depicting Susie the cat on a low plinth.                                                                                                                                                                                                                                                                                                                       |                  |
| <b>8.</b>  | <b>P/HOU/2026/01352, BLACK OAKS, 301 BOURNEMOUTH ROAD, CHARLTON MARSHALL</b>                                                                                                                                                                                                                                                                                                      | <b>143 - 156</b> |
|            | Erect garden summer house                                                                                                                                                                                                                                                                                                                                                         |                  |
| <b>9.</b>  | <b>TPO/2026/0004, CHURCH OF THE HOLY ROOD, CHURCH ROAD, SHILLINGSTONE</b>                                                                                                                                                                                                                                                                                                         | <b>157 - 174</b> |
|            | To give long-term protection to the Silver Birch tree shown as T1 on the Tree Preservation Order (TPO) map and schedule the tree is considered to enhance the amenity of the area                                                                                                                                                                                                 |                  |
| <b>10.</b> | <b>P/LBC/2026/02523, KEYNSTON MILL LANE BRIDGE, TARRANT KEYNESTON</b>                                                                                                                                                                                                                                                                                                             | <b>175 - 186</b> |

Take down the partially collapsed masonry arch and replace with a reinforced concrete arch (underneath the track) / reinforced masonry underneath the building wall.

**11. 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.

**12. EXEMPT BUSINESS**

**There are no exempt items scheduled for this meeting.**

This page is intentionally left blank



## **NORTHERN AREA PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON TUESDAY 14 APRIL 2026**

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

**Apologies:** Cllrs James Vitali

**Also present:** Cllr Shane Bartlett

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

Lucie Bruce (Senior Conservation and Design Officer), Joshua Kennedy (Democratic Services Officer), Philip Longhurst (Senior Planning Officer), Hannah Massey (Lawyer - Regulatory), Hannah Smith (Development Management Area Manager (North)) and Louis Wicks (Democratic Services Officer Apprentice)

**126. Declarations of Interest**

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

**127. Minutes**

The minutes of the meeting held on 17 March 2026 were confirmed and signed.

**128. 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.

**129. P/FUL/2025/05981, Land South of Common Road, Sixpenny Handley.**

The Senior Planning Officer presented the application for the erection of 11 affordable dwellings, including modifications to the vehicular access, the formation of parking areas, gardens and landscaped open space. The application had come to committee for determination because part of the site was on Dorset Council owned land.

The site location within Sixpenny Handley was shown, together with photographs of the site, the existing access arrangements and views from the public highway. Photographs of the surrounding area were also presented, along with a plan showing the relationship of the site to nearby heritage assets. It was confirmed that there were no designated heritage assets on or immediately adjacent to the site.

Flood risk mapping was displayed, showing some areas of surface water flood risk across the site, and it was noted that the site lay within the National Landscape. The proposed site layout was shown, demonstrating that the scheme would utilise the existing access. The scheme would deliver 11 affordable dwellings secured through a Section 106 agreement, meeting an identified local need, with one unit designed to be wheelchair accessible. The development was assessed against Policy LN4 as an exception site for affordable housing and Policy KS2, and it was noted that the site lay within a walkable distance of local services and amenities.

Members were advised that the Council could not currently demonstrate a five-year housing land supply and that the tilted balance therefore applied. The proposed density of approximately 27 dwellings per hectare was described as comparable with other development within the village and the housing mix was considered to align well with local needs. Elevations of the proposed dwellings were shown and the proposed materials included, brick, flint, timber cladding and natural slate roofs, which were considered appropriate materials for the area. Proposed floor plans were also presented.

A soft landscaping plan was shown, indicating appropriately sized front and rear gardens, boundary planting and landscaping throughout the site. It was explained that the scheme included sufficient parking provision. In total, 59 parking spaces were proposed, including 24 spaces to serve existing neighbouring dwellings.

The landscape impact assessment was explained, including the zone of theoretical visibility, which indicated that visibility would be limited to close proximity and elevated viewpoints only. When real-world obstructions were taken into account, visibility would be further reduced. Photographs were shown to demonstrate views from the wider area and it was concluded that the development would be perceived as part of the existing village rather than as an isolated or intrusive addition.

In relation to the Cranborne Chase National Landscape, it was noted that three rooflights were proposed and considered acceptable. Permitted development rights would be removed to prevent additional rooflights being added in the future, and the scheme was considered to integrate with the existing built form rather than introducing a new source of lighting.

The drainage strategy was outlined, showing that the site lay within Flood Zone 1 and that the dwellings had been positioned largely outside areas of identified surface water flood risk. Highway impacts were addressed, with crossing points proposed on either side of the site access. The layout was confirmed to allow for appropriate turning and manoeuvring by emergency vehicles and refuse vehicles.

Residential amenity impacts were considered acceptable, with the nearest neighbouring dwellings located approximately 18 metres away and further screened by planting. It was noted that the nearest SSSI was approximately 1 kilometre from the site, and no buildings or mature trees suitable for roosting bats were present. No ground-nesting birds had been identified on site, there was no evidence of great crested newts and only a single lizard was recorded.

The Senior Planning Officer concluded that the site was well related to a sustainable settlement and within walking distance of amenities, that there would be no harm to neighbouring amenity and that the development would not significantly detract from the setting of the National Landscape.

In response to questions from members, officers provided the following responses:

- The tilted balance had been engaged as Dorset Council were unable to demonstrate a 5-year housing land supply, therefore paragraph 11d of the NPPF applies stating that where there are no strong reasons to refuse the application the application should be granted unless there are significant demonstrable harms that outweigh the benefits.
- The development includes sufficient parking to serve the new residents and the residents of the existing properties, opposite to the application site.
- The dwellings would have allocated parking spaces, the organisation of which would fall to the applicant. There had been no objections on the basis of parking from the neighbours opposite or the school.
- There was not a registered provider currently in place for the affordable housing.
- It would not be possible to condition the use of automatic blinds as it would be difficult to enforce if occupiers of the homes did not use them.
- Light tunnels would result in similar levels of light being emitted as the currently proposed rooflights.
- There was a condition included in the recommendation that controlled exterior lighting.
- The Lead Local Flood Authority had reviewed the application and were content that drainage basins were sufficient for mitigating flood risk.
- The speed limit on the road accessing the site was 30mph.

Having had the opportunity to debate the merits of the application, several members expressed support for the application, although raised concerns about light pollution from the proposed rooflights and external lighting. The Development Management Area Manager confirmed that the condition controlling exterior lighting could be made more robust and an additional condition controlling the materials of the glazing of the rooflights could also be added.

It was proposed by Cllr Fry and seconded by Cllr Ridout, that the application be granted, with an additional condition requiring details and technical specifications of the materials used for the rooflights to be submitted for approval and an alteration to the wording of condition 17 to require a lighting scheme to be submitted and approved in writing by the Local Planning Authority, in order to control exterior lighting and protect the dark skies reserve.

Decision:

That authority be delegated to the Corporate Director for Planning, the Service Manager for Development Management & Enforcement or the Development Management Area Manager Northern Team to

- A) grant planning permission subject to conditions as set out in the appendix to these minutes and the completion of a Section 106 Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (S106

agreement) to secure Affordable Housing and one wheelchair accessible/adaptable unit.

OR

- B) Refuse permission for the reasons set out in the appendix to these minutes if the agreement is not completed by 14th October 2026 or such extended time as agreed by the Corporate Director for Planning, the Service Manager for Development Management & Enforcement or the Development Management Northern Area Manager.

130. **P/LBC/2026/00823, Lawn Bridge Lawn Bridge To Bridewell Lane - Road Motcombe.**

The Senior Conservation and Design Officer presented the application, which sought consent to carry out works and repairs to a wall and to replace sections of fencing. The application had been brought before the committee because the land was owned by Dorset Council.

A location plan was shown identifying the application site and the position of Lawn Bridge. Photographs were displayed showing the approach along the road, the bridge in its current condition and existing bollards.

The proposed works were outlined, which included the replacement of the fencing leading up to the bridge, underpinning the base of the wall, and the careful removal, consolidation and replacement of the stone parapet and coping. An elevation of the bridge was shown to illustrate the proposed repairs. It was explained that the works would require the temporary dewatering of a small section of the river in order to allow concrete to be poured into the bridge foundations.

In addressing biodiversity considerations, the Conservation and Design Officer confirmed that no protected species had been identified on the site. Appropriate mitigation measures would be implemented during construction, and it was specified that no vegetation or scrub removal would take place during the bird nesting season. Traffic management arrangements were also outlined, with a full road closure required for approximately six weeks. A diversion route was shown on a map to demonstrate how traffic would be managed during the works.

It was proposed by Cllr Fry and seconded by Cllr Potheary that the application be granted.

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

131. **Urgent items**

There were no urgent items.

132. **Exempt Business**

There was no exempt business.

**Decision List**

**Duration of meeting:** 10.00 - 11.28 am

**Chairman**

.....

This page is intentionally left blank

# Agenda Item 5

|                            |                                                                                                           |
|----------------------------|-----------------------------------------------------------------------------------------------------------|
| <b>Application Number:</b> | P/FUL/2024/04104                                                                                          |
| <b>Webpage:</b>            | <a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>               |
| <b>Site address:</b>       | Land South Of Athelhampton Road Puddletown                                                                |
| <b>Proposal:</b>           | Erect 28 dwellings including access, parking, landscaping & associated infrastructure and ancillary works |
| <b>Applicant name:</b>     | Lewis Wyatt (Construction) Ltd                                                                            |
| <b>Case Officer:</b>       | Ollie Brewer-Hughes                                                                                       |
| <b>Ward Member(s):</b>     | Cllr Parker                                                                                               |

1. **Reason application is going to committee:** In accordance with the Scheme of Delegation as the Officer recommendation is in conflict with the Parish Council's response and this is application is a Major.

2. **Summary of recommendation:**

GRANT subject to conditions as set out at the end of this report

To delegate authority to the Corporate Director for Planning, the Service Manager for Development Management & Enforcement or the Development Management Northern Area Manager to

- A) grant planning permission subject to conditions as set out at the end of this report and the completion of a Section 106 Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (S106 agreement) to secure:

- An offsite contribution to affordable housing
- The nutrient neutrality mitigation
- Viability mechanism
- Option to transfer the Parish Council or management company the Public Open Space

Or

B) Refuse planning permission for the reasons set out below if the S106 agreement is not completed by 6 months of the date of the permission or such extended time as agreed by the Corporate Director for Planning, the Service Manager for Development Management and Enforcement or the Development Management Northern Area Manager. The reasons for refusal for failure to secure the necessary obligations are set out in full at the end of this report.

3. **Key planning issues**

| Issue                    | Conclusion                                                                                                                                                                                                                                                                                                              |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Principle of development | The application site is allocated in the Puddletown Neighbourhood Plan for housing for 22 dwellings. The proposal is for 28 dwellings on a slightly larger site area than the allocation however principally it is considered that this location could support 6 additional dwellings given its position on the edge of |

| Issue                                                                        | Conclusion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                              | Puddletown.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Scale, design, impact on character and appearance                            | The proposed design responds well to the locality and the layout has been designed to ensure that the scheme is not overly dominated by private car parking. The design also provides suitable buffers to the surrounding landscape to ensure that the edge to the landscape beyond the site is softened.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Impact on the living conditions of the occupants and neighbouring properties | <p>The proposed development would ensure that all dwellings are compliant with the Nationally Described Space Standards (NDSS) and suitable private gardens would be provided for most units that would not be unacceptably overlooked. The proposed apartments at plots 1-4 would have access to a communal garden located to the rear of these plots and the two proposed flats over garages would not have their own separate garden however they would have access to the public open space proposed on the opposite side of the main street and for recreational purposes there are a number of public rights of way, including Hardy's Way, located in close proximity to the site.</p> <p>The proposed development would not have an adverse impact on the amenity of any existing neighbouring dwellings.</p> |
| Impact on heritage assets                                                    | The development would likely result in less than substantial harm to the setting of nearby Grade II* Listed Islington House due to the erosion of some of the rural setting of the heritage asset. There also likely would be less than substantial harm to The Schoolhouse / The Chapel / The Manse (Nos. 1-3 Athelhampton Road) which are situated adjacent to the site. There would likely be no identifiable harm to the Puddletown Conservation Area or non-designated heritage assets Nos. 4, 6 and 7 Athelhampton Road). The identified less than substantial harm is outweighed by the public benefits of the development.                                                                                                                                                                                    |
| Flood risk and drainage                                                      | The development would have a suitable drainage strategy and the flood risk to the site is compatible with the proposed development. The foul drainage details would also be considered acceptable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Economic benefits                                                            | Contribution to the local economy through the addition of 28 dwellings and temporary benefits during construction through local employment and spending in the local economy. The development would provide a contribution towards offsite affordable housing of £72,165 which would be below                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

| Issue                                       | Conclusion                                                                                                                                                                                                                                |
|---------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                             | the policy compliant level.                                                                                                                                                                                                               |
| Highway impacts, safety, access and parking | Offsite highways improvements are proposed to ensure safe access and egress and sufficient parking would be provided for the site. The highway impact of the proposal in terms of highway safety and trip generation would be acceptable. |
| Nutrient Neutrality                         | An offsite bespoke scheme would ensure nutrient neutrality would be achieved as detailed in the HRA and secured in a Legal Agreement.                                                                                                     |
| Biodiversity                                | The site would achieve more than the 10% Biodiversity Net Gain requirement on-site if this application is approved.                                                                                                                       |

#### 4. Description of site

The application site is located off Athlehampton Road on the edge of Puddletown. The application site currently forms agricultural land. The application site is located on the edge of the Puddletown Conservation Area. The landscape surrounding the application site is relatively flat to the north, east and west but it gradually rises to the south particularly towards Little Knoll Copse which is situated approximately 50m from the site.

#### 5. Description of development

The application site in consideration is seeking full planning permission for the construction of 28 dwellings.

#### 6. Background and relevant planning history

None Relevant to Application

#### 7. List of constraints

Puddletown Conservation Area - Distance: 8m (situated north of the site)

Poole Harbour Nutrient Catchment Area

Land Outside Defined Development Boundary

Policy ENV 3; Land of Local Landscape Importance; Land at Ilsington House and the Village Green - Distance: 8m

Landscape Character area - Chalk Valley and Downland; Cerne and Piddle Valleys and Chalk Downland

Potential groundwater flooding

Site of nature conservation interests (SNCIS): SY79/018 - Little Knoll Copse; - Distance: 52.51 (situated to the south of the site)

#### 8. Consultations

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

#### Consultees

**Natural England:** No Objection – subject to mitigation being secured

- Your appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites in question.

- Having considered the assessment and supporting information, and the measures proposed to mitigate for all identified potential adverse effects that might occur as a result of the proposal, Natural England advises that we agree with the assessment conclusions.
- Any permission must ensure all the agreed measures designed to avoid harm to the designated sites are completed in full and thereafter maintained.

### **Historic England:**

- The application site is located close to Ilsington House (Grade II\* Listed)
- There is a tree belt that provides a substantial and relatively historic visual buffer between gardens of Ilsington House and its agricultural hinterland during the summer months. However, in the winter months this buffer will be more visually permeable particularly to lighting at night
- Longer views from Ilsington House are currently of open landscape on three sides
- The proposal would bring development eastwards enclosing the garden to the south which would alter the historic relationship between the house and village
- There has already been some encroachment of this due to the village surgery being constructed on a stretch of previously undeveloped land adjacent to the application site
- The proposals will have no physical impact on the deserted medieval village at Bardolfeston
- There would be glimpses of views from Bardolfeston to the application site particularly in winter due to the loss of vegetation cover and increased use of street lighting. The extension of the village would also impact on the rurality of the monument however the impact is limited
- The use of high quality, natural and locally appropriate materials, the careful orientation and positioning of the built form, considered and minimal external lighting and extensive landscaping will be critical in reducing the visual impact of this development on the setting of Ilsington House.
- Both impacts would be less than substantial and on the lower end of the scale of harm that is less than substantial

**DC Archaeology:** Since the results of this evaluation were effectively negative, I advise that archaeology is not a constraint that needs to be taken into account when this application is determined.

### **DC Conservation & Design Officer: No Objection**

- There are no designated heritage assets identified within the immediate extent of the site thus proposals are not considered to impact directly (physically) on the fabric of any encompassing assets
- Varying degrees of impact likely within the villagescape and therefore the setting encompassing designated and non-designated heritage assets
- We note that the application's red line extent formally conforms to the intentions of a site allocation extent associated with *housing* and *community* as identified within the 2019 – 2031 Puddletown Neighbourhood Plan as *Chapel Ground* (Map 7, pp. 35). Predicated on the extents approved land use, we have no objection to the principle of development in this area.
- Likely resultant less than substantial harm to the significance of identified encompassing heritage assets

- It is considered the benefits of the scheme would outweigh the identified harm
- Proposal will impact the following heritage assets:

|                                                                     | Grade | No harm  | Less than substantial harm | Substantial harm |
|---------------------------------------------------------------------|-------|----------|----------------------------|------------------|
| Ilslington House (1324049)                                          | II*   |          | <u>X</u>                   |                  |
| The Schoolhouse/ The Chapel/ The Manse (Nos. 1-3 Athelhampton Road) | ND    |          | <u>X</u>                   |                  |
| Nos. 4, 6 and 7 Athelhampton Road)                                  | ND    | <u>X</u> |                            |                  |
| Puddletown Conservation Area                                        |       | <u>X</u> |                            |                  |

### DC Environmental Assessment:

- HRA Prepared based on nutrient details submitted on 28 May 2026

### DC Economic Development and Tourism: No Objection

- We fully support this application as it will provide valuable jobs in the construction industry

### DC Environmental Protection:

- No information provided in regard to the effect of noise on the nearby environment from proposed plant. Either it should be confirmed the proposed complies with MCS or a noise assessment would be required (BS4142 assessment would be appropriate)
- The arrangements for foul water disposal should be clarified and whether septic tanks would be required. If so the Environment Agency would need to be made aware
- A Construction Environment Management Plan is recommended

### DC Highways: No Objection

#### Comments Received June 2026: No Objections

- The site is located within a sustainable village location, with opportunities to access local facilities. A school, convenience store, village hall and GP surgery are all within approximately 800m (around a 10-minute walk), with recreational facilities slightly further away but still within reasonable walking distance.
- The site is also served by nearby bus stops and offers opportunities for cycling, providing access to both local and wider destinations.
- The development is predicted to generate approximately 12 two way vehicle movements in peak hours. Junction modelling confirms the access, and vehicular movements can be accommodated within capacity with negligible delay or queuing.
- The development proposals include a package of off-site highway improvements to mitigate the impact of the development. These measures will deliver betterment for existing and future users
- The proposed uncontrolled pedestrian crossing points are considered acceptable given the relatively low level of vehicular traffic associated with the development and the modest number of pedestrian movements anticipated.

- The internal layout has been designed in accordance with guidance, comprising of a primary access road with a carriageway width of approximately 5.5m, leading to a series of cul-de-sacs, parking courts and shared surface areas.
- The layout incorporates footways where there is frontage development and provides a permeable network of pedestrian routes linking across the site and to external connections. Overall, the geometry is considered appropriate for residential environment, and a refuse collection vehicle can turn on site in a forward gear demonstrated by a swept path analysis.
- Any shared surface areas will need to have due regard for Inclusive Mobility with pedestrian facilities and provide tactile paving at crossing areas.
- The submitted parking layout plan demonstrates provision for a total of 75 parking spaces. This equates to an overall average of approximately 2.7 spaces per dwelling.
- The proposed off-site highway works, including the formation of the new primary access onto Athelhampton Road and associated pedestrian and secondary access connections, will be secured and delivered through a Section 278 Agreement with the Highway Authority.

#### **DC Housing Enabling:**

- The development would be better served providing a greater mix of affordable houses with less reliance on flats and apartments. This will help to create a balanced and sustainable development and will allow the affordable dwellings to be more pepper-potted around the site.
- The affordable housing statement proposes a tenure split of 8 rented and one intermediate dwelling which is acceptable. There are currently only two 3 bedroom affordable homes proposed on this site. These should both be provided as rented accommodation.

#### **DC Local Lead Flood Authority: No Objection**

- The documentation provides the necessary information required for the LLFA not to object to the proposed development subject to the conditions and informatives
- Overall the flood risk to the site is compatible with the proposed development

#### **DC Public Transport:**

- We are pleased that public transport has been considered for this location and Bus Shelters and stopping places have been included in the design. We suggest the developer makes contact with Dorset Council's Public Transport Team at [busstops@dorsetcouncil.gov.uk](mailto:busstops@dorsetcouncil.gov.uk) at a suitable point to discuss the shelter type and manufacturer as we have a 'standard bus stop' design which improves continuity from an ongoing maintenance and cleaning program.

#### **Crime Prevention Officer:**

- Recommend that the security and layout of the development meets the standards laid out in the Secured By Design Homes Guide 2024 [www.securedbydesign.com](http://www.securedbydesign.com) including the integrated bike store next to Plot 9.
- Also that all gates that lead to the rear of dwellings are key lockable from both sides as the majority of burglaries occur at the rear of premises.
- I note that there are parking bays located at the rear of dwellings. Parking layouts such as this are discouraged as they introduce access to the rear of houses and such areas are often unlit which can increase the fear of crime and can encourage anti-social behaviour. Where parking such as this is necessary then they should be within view of active rooms such as kitchen and living rooms and not from private rooms such as bedrooms and bathrooms. Communal parking should be lit to the relevant levels as recommended by BS 5489:1:2020

## **Dorset and Wiltshire Fire and Rescue:**

- At this stage of the application Dorset & Wiltshire Fire and Rescue Service is required to make comment relating to section B5 of Approved Document B. Essentially, this relates to the provision of reasonable facilities to assist fire fighters within the building and enable fire appliances to gain access to the building. Complying with these requirements, in advance of the formal Building Regulations consultation process, will assist with the process and are made without prejudice to it.

## **Puddletown Area Parish Council: No Objection (September 2024)**

- Puddletown Area Parish Council have no objection to this application.

## **Response March 2026 following Viability Report: Objection**

- Conflict with Puddletown Neighbourhood Plan through no on-site affordable housing provision
- Failure to deliver housing that meets local needs
- Undermining the purpose of the Neighbourhood Plan site allocation
- Preference for on-site affordable housing provision

## **Representations Received:**

*It should be noted that multiple representations of objection were received from the same household therefore these representations have been considered as one representation.*

## **Summary of Objections Received (1x Representation Received):**

- The application documents (namely the heritage statement prepared by Forum heritage are deficient
- The application does not conform with the Development Plan and there are no material considerations justifying departure from the Development Plan
- The Applicant has failed to demonstrate that the public benefits of the Proposed Development outweigh the harm to the nearby heritage assets
- Lack of notification of this application
- Boundary of the proposed development extends into the boundary of Ilsington House

## **Summary of Comments Received (3x Representation Received)**

- No objection subject to the access track discussed pre-planning that would run alongside the cul-de-sac being provided to ensure access to the site if there was a collision by where the development adjoins Athelhampton Road.
- Impact to cemetery should be considered

## **9. 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.

## **10. Relevant policies**

### **Development Plan Policies**

#### **Adopted West Dorset and Weymouth & Portland Local Plan:**

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

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV4 - Heritage assets
- ENV5 - Flood risk
- ENV9 - Pollution and contaminated land
- ENV10 - The landscape and townscape setting
- ENV 12 - The design and positioning of buildings
- ENV13 - Achieving High Levels of Environmental Performance
- ENV15 - Efficient and Appropriate Use of Land
- ENV 16 - Amenity
- SUS2 - Distribution of development
- HOUS6 - Other residential development outside DDB's
- COM7 - Creating a safe & efficient transport network
- COM9 - Parking provision
- COM10 - The Provision of Utilities Service Infrastructure

#### **Made Neighbourhood Plans:**

##### **Puddletown Neighbourhood Plan (Made June 2021)**

Policy 3 – Village Character

Policy 4 – Respecting the History of Puddletown

Policy 5 – Design

Policy 6 – Wildlife and Natural Habitats

Policy 7 – European and Internationally Protected Sites

Policy 8 – Flood Risk

Policy 10 – The scale and location of new housing development in Puddletown

Policy 11 – House Types

Policy 12 – Housing & Community Uses site allocation: Land at Athelhampton Rd

#### **Other Material Considerations**

##### **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 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 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 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.
- 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. 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.

- 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).

## **National Planning Practice Guidance**

### **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, with further consultation between 18 Aug – 31 October 2025. Being at a very early stage of preparation, the relevant policies in the draft plan should be accorded very limited weight in decision making.

### **Local Nature Recovery Strategy**

The Dorset Local Nature Recovery Strategy identifies local priorities for nature recovery and maps areas where action would be most beneficial. In planning decisions it is a material consideration, helping to ensure that development supports biodiversity enhancement and aligns with Dorset's agreed priorities for nature recovery.

#### All of Dorset:

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.

#### Housing land supply

Dorset Council is unable to demonstrate a 5-year housing supply as required by National Policy. In addition, the strategies for meeting housing needs in the adopted local plans are not designed to deliver the housing need under the Government's standard method and therefore, in accordance with NPPF footnote 8, the housing policies within the adopted Development Plan(s) are out of date and the presumption in favour of sustainable development applies. The emerging Dorset Local Plan is not sufficiently progressed and can be afforded very limited weight in decision making.

#### Housing Delivery Test (HDT)

The latest HDT results (2023 measurement) show that enough homes have been delivered within the local plan area to demonstrate 106% of the target.

## **11. 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. 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 vehicular access to the proposed properties has been carefully considered by Officers and amendments were sought to ensure that there would be sufficient turning space to allow vehicles to enter/exit parking spaces easily.
- Consideration was given to ensure that the proposed offsite and onsite works provided suitable pedestrian crossings that were accessible through the use of appropriate dropped kerbs

## **13. Public Benefits**

The proposals would provide a number of financial and non-financial benefits, including public benefits. These are summarised in the table below:

Off-site contribution to affordable housing

Spending in the local economy as a result of the development

CIL contributions

## **14. Planning Assessment**

### **14.1 Principle of Development:**

The site falls outside the settlement boundary of Puddletown however the Puddletown Neighbourhood Plan (NP) under Policy 12 allocates the application site for the construction of about 18-22 dwellings. The application site in consideration is located predominately within the allocation area however the site area extends beyond the allocation with the area behind nos.4-7 Athlehampton Road. On this basis, it is considered that principally housing in this location would be considered broadly acceptable.

The part of the proposed development that would be outside of the defined development boundary for Puddletown does not form part of any defined allocations. Therefore, whilst this may in part conflict with the spatial strategy of the Local Plan set out in Policy SUS2 which seeks to direct new housing to the most sustainable locations within development boundaries where there is ready access to services allowing for modes of transport other than the private car to be used day to day, it must be considered whether the dwellings outside of the allocation area would be

considered to be in an unsustainable location. In this instance, there is a footpath that runs adjacent to Athelhampton that extends into Puddletown which would allow walkable access to facilities such as the Doctors Surgery, Convenience Store, Library, First and Middle Schools. A bus stop is proposed to serve the site. Currently the village is served by two bus routes that connect the village to Dorchester and the surrounding areas. Therefore, the location of the development allows for options other than the private car to be utilised. The private car may be used for some further away journeys however the location of the site close to a range of services and facilities which would minimise their number. Paragraph 110 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural locations.

Therefore, it is considered that the dwellings that would be outside of the allocation would not be situated in a location that would be considered unsustainable. Principally therefore, this would be considered acceptable.

Policy 12 of the NP does not impose an absolute limit on the amount of development that would be acceptable. The level of harm that would result from the additional site area and number of dwellings. The Neighbourhood Plan was made on the 21<sup>st</sup> June 2021. After 21 June this year, the Neighbourhood Plan will not benefit from the provisions of Paragraph 14 of the NPPF which states that where the tilted balance under paragraph 11(d) applies and a Neighbourhood Plan has been made and became part of the development plan within the last 5 years, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. Further, there are material considerations that need to be considered such as the 5-year housing land supply that will be discussed in the following sections.

Further to this, Policy 12 includes specific requirements for the development to adhere to. A summary of the requirements is set out below:

- a) The type and size of dwellings accords with Policy 11, with at least 35% of the homes provided as genuinely affordable dwellings.
- b) An area within the site of at least 0.2ha, located at the junction of Athelhampton Road and Milom Lane, is made available for community use, with the transfer of land to an appropriate community body completed prior to the occupation of the first dwelling. Any building within this area would need to respect the potential inter-relationship with the Grade II\* Ilsington Manor to the north, and the surgery building to the west.
- c) Vehicular access will be provided directly off Athelhampton Road, with the junction designed to create adequate visibility to allow safe access / egress and to help slow traffic entering the village. An off-road east-west link for the Tolpuddle Martyrs Trail should be incorporated within the layout, and financial contributions will be required to improve pedestrian / cycle links into the village, to the satisfaction of the Highway Authority and in line with the aspirations set out in Policy 15.
- d) A drainage plan is secured to manage groundwater and surface water disposal from the site to the satisfaction of the Lead Local Flood Authority, in accordance with Policy 8. Puddletown Neighbourhood Plan: 2019 – 2031.
- e) A combined landscape strategy and biodiversity mitigation and enhancement plan is agreed with the Local Planning Authority, in accordance with Policies 2, 3, 6 and 7.
- f) The scale, design and layout of the buildings should respect the character of the village as set out in Policies 3 to 5 and the setting of the Conservation Area

g) An area of land of at least 600m<sup>2</sup> is provided for allotments (or for an alternative recreational use in agreement with the Parish Council) in a suitable location within easy walking distance (1km) of the site.

h) Any net new residential development will need to avoid giving rise to any adverse impacts on the integrity of Poole Harbour (a European site);

i) A comprehensive heritage strategy is agreed with the Local Planning Authority, in accordance with Policy 4.

In response to the above, the development would provide the following:

- a) This is assessed below in the affordable housing section. Due to viability considerations the development cannot provide 35% affordable housing onsite but can provide an offsite contribution of £72,165.
- b) The development proposes the provision of 0.3ha of public open space including a play area. The Applicants have confirmed that they are happy to include a cascade mechanism in the Legal Agreement for the transfer of the central public open space (excluding SuD's) area to the Parish Council as a land transfer agreement only. It is therefore considered that this would satisfy criterion (b).
- c) Vehicular access would be provided off Athlehampton Road. Further details of this are set out below within the Highways section of the report.

The neighbourhood plan proposes an east-west footpath running to the south of the site. The development proposes a footpath connection running east to west which would adjoin with Milom Lane where an uncontrolled crossing would be installed. A crossing would also be provided across Athlehampton Road which would provide a connection to a path proposed in the Neighbourhood Plan that would go to the east of Ilsington House.

In terms of contributions, the Highways Authority have not requested any contributions in relation to this application however offsite improvement works have been proposed as part of this application with works being carried out to provide bus stops on both sides of Athlehampton Road and uncontrolled crossing across Milom Lane and Athlehampton Road. The existing footway that runs in front of the site would also be widened and a shared cycle and pedestrian footway would be provided along the front of the development. These measures would be secured by a planning condition. On this basis, this criterion would be satisfied.

- d) Details of the drainage strategy are set out in the below report. The LLFA raise no objection, and a suitable drainage strategy has been provided.
- e) Details of the proposed landscaping and biodiversity enhancements and mitigation are set out below.
- f) Consideration of the design is set out below.
- g) The applicant engaged with the Parish Council on this matter prior to submitting the application however, no specific requirement was confirmed and no allotments are included in the application. A play area has been proposed instead along with an area of public open space which would be 0.3ha in size. This would conflict with criterion (g) which will be addressed further below.
- h) Details of an acceptable nutrient neutrality scheme proposed have been set out below.

- i) A comprehensive heritage assessment was submitted as part of this application. Further assessment of the impact to heritage assets is considered below.

### Housing Land Supply

Dorset Council is unable to demonstrate a 5-year housing supply as required by National Policy. The published supply is currently 2.53 years. In addition, the strategies for meeting housing needs in the adopted local plans are not designed to deliver the housing need under the Government's standard method and therefore, in accordance with NPPF footnote 8, the housing policies within the adopted Development Plan(s) are out of date and the presumption in favour of sustainable development applies. The emerging Dorset Local Plan is not sufficiently progressed and can be afforded very limited weight in decision making.

### Housing Mix

The proposed housing mix would consist of 2x 1-bed apartments, 4x 2-bed flats, 7x 2-bed dwellinghouses, 10x 3-bed dwellinghouses and 5x 4-bed dwellinghouses. None of the proposed units would be affordable homes following a viability review carried out by the Applicants and subsequently independently reviewed by the District Valuer Service (DVS) at HMRC which concluded that it would be unviable to provide on-site affordable housing. This is discussed further below.

The proposed development would have a density of around 13.3 dwellings per hectare (dph). Policy HOUS 1 of the West Dorset Local Plan sets out that 35% of dwellings should be affordable in West Dorset and Weymouth. Policy 12 of the NP similarly requires this level of affordable housing to be provided. Policy 11 of the NP also sets out that for major development that at least 30% of homes should be 1 and 2 bed dwellings and larger dwellings of 4 bedrooms or more should not exceed 20%. The proposed development would result in 46% being 1 and 2-bedroom properties and 18% of dwellings would have 4-bedrooms. Therefore, the proposal would be considered to be in accordance with Policy 11 of the NP and Policy HOUS 1 of the West Dorset Local Plan in this regard.

## **14.2 Design, Layout and Visual Impact:**

Policy ENV12 (Design) sets out development should be designed to achieve a high quality of sustainable and inclusive design. Proposals for development will be required to justify how the relevant aspects of development form address the relevant design principles and standards.

In respect of Design, Policy 12 of the Neighbourhood Plan sets out that the development should:

- Provide a positive frontage onto Athelhampton Road,
- Be of a mixed design and natural, organic layout and form appropriate to the rural setting and nearby undesignated heritage assets, avoiding multiple detached dwellings, executive styling and uniform placement and orientation of buildings and streets.
- Buildings are kept below the 64m contour, or if to the rear of the existing development along Athelhampton Road, are of a scale and size that is ancillary to those dwellings.

- The layout and spacing allows for views from within the village to Little Knoll Copse and the ridgeline to the south.

Further to this, Policy 11 of the Neighbourhood Plan sets out that larger dwellings (with 4-bedrooms or more) on sites of two or more dwellings should be limited to no more than a single unit. Policy 4 also sets out further design guidance in particular in relation to conserving heritage assets in the NP area.

The layout of the proposed development would ensure that buildings are kept below the 64m contour and it would also be partly behind existing development along Athlehampton Road. It is considered that the scale and size of these buildings that would be behind Athlehampton Road would be of an appropriate scale and size to those existing dwellings.

The layout of the development would also allow for views to Little Knoll Copse and the ridgeline to the south to be retained as demonstrated in the Design & Access Statement submitted with this application. The landscape would be altered from the existing however the design has been appropriately considered to minimise the impact to the landscape.

The proposed house types and the overall layout of the proposed development would appear similar to the house types found within the locality. The proposed scheme utilises a mix of styles however, overall, it is in-keeping with the rural character of the surrounding area. The proposed layout would result in the main access road leading off Athelhampton Road with connecting inner roads to allow permeability throughout the site.

Parking for the proposed dwellings would be located to the rear of some of the units within rear parking courts and for other dwellings there is a mix of driveway parking and front of house parking with unassigned spaces located along the main access road and the two cul-de-sacs. Whilst rear parking courts in cases can be less favourable in design terms due to the loss of potential private amenity space and some associations in more urban developments that it can create a greater fear of crime, in this instance a relatively small number of dwellings would utilise the rear parking area and it would be well surveilled by the proposed units as the units along the frontage would face windows facing towards this and the proposed flats would also look directly over the parking area. There would also be direct pedestrian access to the footpath that runs around the perimeter of the site adjacent to Milom Lane and on to the proposed footpath along Athelhampton Road.

Therefore, in design terms the rear parking area in this instance is considered appropriate and it ensures an appropriate design can be achieved particularly for the units fronting Athelhampton Road.

Along the proposed frontage the proposed apartments (plots 1-4) have been designed to appear as a pair of semi-detached dwellings where the middle two doors (used to access the first-floor apartments) appear akin to service doors that would lead to allow access to the rear. This ensures front the frontage that the proposed plots appear in-keeping with the surroundings. The proposed plots 1-4 along the frontage would be finished externally with red brick with a pitched slate tiled roof. The proposed window and door quoins would also have some stone detailing and brick arches as well as timber frame porches to plots 1 and 4.

Plots 5-7 would also be located along the frontage with Athelhampton Road which would have a more traditional farmhouse style with some modern elements added over time. Plot 5 would be finished externally with brick and flint and a plain tile or slate roof as well as timber porch. This would appear more akin to a Victorian farmhouse and then adjoining plots 6 and 7 would appear

as modern additions with plot 6 finished with a painted render and plot 7 red brick with side porch entrance.

The remainder of the frontage of the site would consist of public open space and the SuDS ponds. Officers worked with the Applicants to improve landscaping along the frontage with tree and hedge planting. Overall, along the frontage the proposed materials would appear in-keeping with the surrounding area.

Plots 8 and 9 would be situated on the edge of the site adjacent to the boundary with Milom Lane. The plots would be visible to the wider landscape to the west of the site due to their position within the site. The design would take some cues from a converted barn style with open bay parking spaces to the ground-floor. When viewed from the wider landscape to the west, the rooflines and eaves would likely be visible which would give the appearance of converted brick barns.

The dwellings proposed along the main street (plots 10-12 & 16-18) would consist of a mix of detached -and semi-detached dwellings that would be a mix of brick and brick & flint cottage style dwellinghouses. These dwellings would overlook the proposed open space to the front and their private gardens to the rear. Plot 18 would wrap around into a cul-de-sac along the southern edge of the site so when viewed from the main street, the proposed car port would be visible which would appear akin to a traditional barn attached to the rear of the property. The dwellinghouse itself appears as a more historic property that has been altered over time which helps it appear more settled within the wider landscape views to the south.

Plot 19 would also face towards the open fields to the south of the application site, and it has been designed to appear as a converted barn with open car port to the side and garage behind. Floor to ceiling windows in the middle of plot 19 would be the main feature of the dwelling and gives the building prominence within the development however it would appear in-keeping with the rural landscape beyond as it would help to reduce some of its massing when viewed from further away. When viewed with plot 18, the two dwellings would appear similar to how a converted farmstead might appear with a farmhouse and large converted barn. Plot 19 would be finished externally with brick and flint and would have a barn-clip style plain tile or slate roof.

Plots 24-26 would similarly overlook the open fields to the southern boundary, and these would be constructed in a similar style to the dwellings along the main street with the use of red brick and pitched slate or tiled roofs. Plots 27 and 28 would be located behind nos.6 & 7 Athelhampton Road. Plot 27 would be constructed from brick and flint and would have a curved design with brick front porch. The curved design would respond well to the surrounding landscape which curves around the existing houses at Athelhampton Road, and the overall design and materials would integrate effectively with the surrounding area. Plot 28 would have a similar design to the other dwellings proposed on the site consisting of a mix of brick and flint with an attached brick car port.

Plots 20-24 would front onto the proposed open space. The proposed dwelling types would be a similar design to those situated along the main street with a mix of brick and brick and flint dwellings with the general appearance and mix of styles integrating effectively with the surrounding area which consists of a mix of ages and designs of dwellings.

Plots 20-24 would likely be visible from Athelhampton Road although due to their position being set back behind the proposed open space, it would have a much lesser impact on views from Athelhampton Road. Proposed street trees along the main street and in front of plots 20-24 would also soften any views from Athelhampton Road. The proposed building heights have been kept relatively low at two-storeys and one 1.5 storey dwelling at plot 20. This combined with the fact the proposed development would be below the planning line and that the curved layout of plots 20-28

which would appear akin with the curved nature of the coppice behind, would ensure that the proposed development would not have a significant visual impact on the surrounding landscape.

The location of the open space towards the front of the site and the addition of footpaths through the site would allow good permeability with the surrounding landscape and views from Athelhampton Road towards Little Knoll Copse remain relatively uninterrupted. The majority of the development would be concentrated on the west side which is situated closer to the existing built form of Puddletown therefore when viewed from Athlehampton Road, views to the landscape beyond the site would be in large retained and the development would appear relatively low in massing. The outlook from Athlehampton Road would be altered from the existing however it is considered that the layout and design of the proposed development would ensure that this harm would be relatively low.

It should also be noted that a degree of landscape harm would have been accepted already due to the allocation set out in the Neighbourhood Plan. Whilst this is for 6 fewer dwellings than the proposal, it is considered that the addition of 6 further dwellings would not result in a significantly greater level of harm compared to the allocation in particular due to the fact that the design would ensure that the openness of the countryside beyond would be retained and views towards Little Knoll Copse would be retained.

The proposed development would result in 5no. 4 dwelling properties which is higher than the amount set out in Policy 11 however it is considered that the overall balance of the site which includes 13no. 1 and 2 bed flats & houses with the remaining 10 being 3 bed houses, would be acceptable for the site given the varied mix in housing and there being a good mix of smaller properties.

On this basis the proposal would be considered acceptable in accordance with Local Plan Policy ENV12 and Policies, 4 11 and 12 of the Puddletown Neighbourhood Plan.

### **14.3 Impact to Designated Heritage Assets:**

The proposed plots along Athelhampton Road are the most sensitive areas in terms of potential impact to the nearby listed building, Ilsington House which is Grade II\* Listed. There are currently slight views through the trees located along the boundary between Athelhampton Road and Ilsington House which would result in some intervisibility of the proposed development to Ilsington House.

The proposed outlook from Ilsington House would be altered from the current outlook. Currently the fields located opposite Ilsington House where the proposed development would be located have a limited impact on the characterisation of Ilsington House as it appears relatively clear in how the existing trees are situated that there is a clear divide between the rural landscape and Ilsington House. The trees are visible on the first edition OS Map (1888-1913) with the trees marking the boundary between Ilsington House and the landscape beyond. The layout of Ilsington House shown on this OS Map shows clearly the formal gardens set out around Ilsington House and then the informal gardens beyond prior to the tree belt that is located along the boundary with Athelhampton Road. The gardens of Ilsington House would have been carefully laid out to ensure the house had views over its formal gardens with distant rural views beyond. Therefore, the setting of the land that forms the application site would likely have had a lesser role in the setting of the house as opposed to the land on the north side of Athelhampton Road.

In this instance it is considered that the proposed development would likely result in less than substantial harm to the setting of Ilsington House. Historic England and the Council's Conservation Officer both concluded that the development would result in less than substantial harm to the designated heritage asset for these reasons. The harm is considered to be no greater than this as the existing rural landscape plays a limited role in the setting of Ilsington House which is noted for its significance in its design and notable history within Puddletown. Historic England state that the resulting harm would be at the lower end of the scale.

The neighbours at Ilsington House commissioned an independent heritage impact report which concluded that the proposal would impact negatively on Ilsington House and that the submission was lacking in detail. However, whilst it is noted there would be some views from the site to/from Ilsington House, it is considered, as set out above, that the harm resulting from this would be no greater than less than substantial at the lower end.

The comments from Historic England raise that careful consideration would need to be given to the materials and the design of the proposed development. The Officers sought some design amendments to the development, particularly for the plots along the frontage, to ensure that the proposal integrated more effectively with its surroundings. Officers consider overall that the design of the proposed development is high-quality and that the proposed materials would be in-keeping with the surroundings. The exact external material details would be secured via a condition attached to this decision if this application is approved.

The Puddletown Conservation Area is situated directly opposite the application site on the other side of Athelhampton Road. The application site is screened to the Conservation Area by an existing tree belt situated alongside Athelhampton Road on the northern side of the carriageway. Therefore, views from the Conservation Area to the application site would be limited. Any views from the west when approaching from Puddletown would also be relatively limited due to other existing development and trees screening views. Therefore, resulting in no harm.

As set out in para 212 of the NPPF, great weight should be afforded to the conservation of heritage assets and the more important the asset, the greater the weight that should be applied. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In this instance, Ilsington House is Grade II\* Listed therefore the conservation of this should be afforded greater weight.

The development would result in less than substantial harm to the setting of Ilsington House. As set out in para 215 of the NPPF, where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Policy ENV4 and Policy 5 of the Neighbourhood Plan also require heritage assets to be conserved and any identified harm to be appropriately weighed against any public benefits of a development. Officers conclude that the identified harm would be outweighed by the public benefits of the scheme through delivering 28 homes within a location that has good connectivity to services and the provision of a contribution towards affordable housing.

#### **14.4 Impact to Non-designated Heritage Assets:**

The group of buildings, Nos. 1-3 Athelhampton Road, are situated to the north east of the site and are situated directly adjacent to the site boundary. Due to the age of these buildings and their architectural merit, it is considered that these buildings are non-designated heritage assets

(NDHAs). The setting of these buildings is currently characterised by their rural surrounding which would be partly eroded. The buildings are currently characterised by the fact that they have open fields beyond. The development proposes the construction of dwellinghouses behind nos.1-3, the open views that characterise the dwellings in wider settings would be partly lost as a result of the development proposed. - Due to this partial erosion of the setting, it would be considered that the proposal would result in harm to the setting of these NDHAs. The scale of harm would be considered to be moderate on this basis which will be taken into account as part of the planning balance.

#### 14.5 Affordable Housing Viability:

This application underwent a viability assessment in accordance with paragraph 59 of the NPPF (2025) and the guidance set out in the PPG in regard to viability for decision makers.

The following key inputs were taken into account:

|                                                                                          |                    |
|------------------------------------------------------------------------------------------|--------------------|
| Total Build Costs                                                                        | £5,355,582         |
| External Works Budget                                                                    | £1,214,060         |
| Abnormal Works incl 5% contingency                                                       | £1,418,236         |
| Administration & Development Allowance<br>(includes CIL, affordable housing, legal fees) | £2,068,423         |
| Benchmark Land Value                                                                     | £800,200           |
| Overhead & Development Profit at 17.5%                                                   | £1,720,085         |
| <b>Total Gross Development Costs:</b>                                                    | <b>£12,665,151</b> |
| <b>Total Gross Development Value:<br/>(total from the predicted sale)</b>                | <b>£11,257,498</b> |
| <b>Residual Land Value: (Gross Development Value minus Gross Development Costs)</b>      | <b>-£1,157,901</b> |
| <b>Development Residual Value: (Residual Land Value mins Benchmark Land Value)</b>       | <b>-£1,958,151</b> |

The site is allocated in the Neighbourhood Plan for around 22 dwellings which includes the provision of 35% of these dwellings as affordable housing. The viability assessment carried out by the developer sets out that the changing economic circumstances, particularly in terms of the increase in construction costs, since the site was allocated in the Neighbourhood Plan have resulted in the development not being viable if affordable housing was provided at a policy

compliant level as well as the required CIL contributions and the nutrients mitigation. The summary of this is set out below.

|                           | <b>Plan Stage Review<br/>Sep-19</b> | <b>Athelhampton Road<br/>Jan-25</b> |
|---------------------------|-------------------------------------|-------------------------------------|
| Main Works                | BCIS Median Rate                    | BCIS Median Rate                    |
| External Works            | 20%                                 | 22.67%                              |
| Abnormal & Off Site Works | 7.60%                               | 19.38%                              |
| Contingency               | 5%                                  | 5%                                  |
| Professional Fees         | 10%                                 | 8%                                  |
| Bank Charges              | 6%                                  | 7.75%                               |
| Sales & Marketing         | 3%                                  | 2.5%                                |
| Profit                    | 20%                                 | 17.50%                              |
| Planning Gain             | £10,127 pu                          | £20,533 pu                          |

Following an independent review by the District Valuer Service (DVS), the following conclusions were made:

At the assessment date, the DVS surveyor concludes that when assessed with regards to full planning policy requirements (comprising 35% affordable housing, S.106 contributions of £281,662 and CIL contributions of £383,078), the above scheme is not viable.

Through a gradual reduction of policy contributions, the DVS surveyor considers that the maximum amount of financial contribution that can be viably provided is CIL contributions of £498,451, S278 contributions of £50,000, nitrate mitigation contributions of £191,484 and a surplus of £72,165 towards Affordable Housing.

The applicant's appraisals have been produced using recognised software and follows the residual methodology. This is where the viability is derived from the value of the completed development minus the development costs, including profit, construction costs, fees and interest to leave a residual for land. This is compared to the advisor's opinion of an appropriate Benchmark Land Value of £800,200 to determine the viability and deliverability of the scheme. This is in line with the requirements for viability assessments as set out in the PPG.

The below assumptions were made as part of the viability assessment:

- a) The site is held on an unencumbered freehold or long leasehold basis.
- b) The site is readily accessible by public highway and is or can be connected to all mains services.
- c) The site would not occasion any extraordinary costs with regard to Environmental or ground Factors including but not limited to Mining Subsidence, Flood Risk or Asbestos.
- d) That the Council's Local Plan policies, or emerging policies, including for affordable housing are up to date.
- e) That the applicant's abnormal costs, where adequately supported, are to be relied upon to determine the viability of the scheme, unless otherwise stated in our report and/ or otherwise instructed by the Council, and that are no abnormal development costs in addition to those which the applicant has identified

As set out by the DVS, if a scheme includes 35% on site affordable housing, CIL payment of £383,078 and combined S106/Highways/policy contributions of £281,662 and adopts a fixed profit of 15.79% of GDV then the output is the Residual Land Value. This is then compared to the Benchmark Land Value of £800,200 to determine the viability of the scheme. The DVS full policy appraisal generates a residual land value of £387,340 which is below the BLV of £800,200. This appraisal can be found in appendix (i) of the DVS report. Overall, a scheme fully compliant with local plan policies (35% on site affordable housing, £281,662 of contributions) is unviable on this basis.

The second appraisal that the DVS considered removed all affordable housing and £40,178 off site Affordable Housing contributions have also been removed, CIL payment is increased to £498,451, overall profit is increased to 17.50% of GDV. Otherwise, the scheme is based on all the same inputs as above. The modelled financial contribution can be viably provided while still achieving the agreed BLV which is £800,200. It is therefore the opinion of the DVS that the scheme can viably support CIL contributions of £498,451, S278 contributions of £50,000, nitrate mitigation contributions of £191,484 whilst generating a surplus of £72,165 that can contribute towards offsite Affordable Housing.

The Applicants accepted this position that the development could proceed with no on-site affordable housing but with the CIL payment, S278 contribution, nutrients contribution and off-site affordable housing contribution.

The lack of affordable housing on-site would conflict with the Neighbourhood Plan Policy 11 and Policy HOUS1. Policy HOUS1 criterion iii), however, sets out that a lower level of provision will only be permitted if there are good reasons to bring the development forward and the assessment shows that it is not economically viable to make the minimum level of provision being sought. Furthermore, Policy 11 of the Neighbourhood Plan states that the mix of house types may be varied if there is clear evidence that site specific constraints or viability would otherwise prohibit development. It does on to state that any change to the mix should demonstrate how genuinely affordable homes for the Puddletown Neighbourhood Plan area have been maximised as far as possible.

Officers are satisfied that following the review by the DVS that the development would be unviable if a policy compliant level of affordable housing was provided as well as other required contributions and the required CIL charge. On this basis it would be considered that Policy HOUS1 criterion iii) and Policy 11 of the Neighbourhood Plan would be satisfied.

The DVS recommend conditions to allow viability to be reviewed if construction does not start within a prescribed period and also to enable the viability to be reviewed after the abnormal and construction costs have been tendered. In addition, the viability review would only apply to the assessed use and there would be the ability to reassess the viability upon an application for change of use class. This would be secured in the s106 Legal Agreement.

#### **14.6 Amenity for Future Residents:**

Each of the proposed dwellings would have a separate private garden which would also provide suitable space for the potential future extension of the proposed dwellings to meet any future occupiers space needs. The proposed apartments at plots 1-4 would have access to a communal garden located to the rear of these plots. The two proposed flats over garages would not have their own separate garden however they would have access to the public open space proposed on the opposite side of the main street and for recreational purposes there are a number of public rights of way, including Hardy's Way, located in close proximity to the site.

All of the proposed main habitable room windows of the proposed dwellings would also have reasonable outlooks and would likely receive sufficient natural daylight. The proposed main bedroom for plot 9 would have an outlook towards the side elevation of plot 8 which would be considered to be a less desirable outlook in particular when compared to the other proposed units however the main living area, dining area and kitchen would all have a reasonable outlook looking over the proposed parking areas and towards the proposed open space. Therefore, on this basis as the main living areas would have a reasonable outlook and all the windows serving main habitable rooms would likely have adequate natural light, it is considered acceptable in this instance. Overall, this would be considered acceptable in accordance with Policy ENV 16 of the West Dorset Local Plan and the NPPF.

#### **14.7 Amenity for Existing Neighbouring Dwellings:**

The proposed development would be located adjacent to the existing dwellings 1-7 Athelhampton Road. The proposed plots 20 and 26 would be located around 10m to the garden area of neighbouring nos.2, 3 and 4. The gable end of both of the proposed dwellings would face towards the neighbouring dwellings. The end gable of the garage for plot 26 would also be located a similar distance away from the boundary with neighbouring no.3. It is considered that there likely would be some degree of loss of light to the garden areas of the neighbouring dwellings however the proposed dwellings would be located a reasonable distance away from the boundaries which would ensure that the loss of light would not be significant. In addition, it is considered that this level of separation would help ensure that the proposed dwellings would not be significantly overbearing to the neighbouring dwellings. There would also be no increased in overlooking to the neighbouring dwellings as no windows from the aforementioned plots would be situated on the end gable walls that would face towards the neighbouring dwellings.

Plots 27 and 28 would be located around 4m from the boundary with neighbouring dwellings no.4 and no.6 Athelhampton Road. However, whilst this may result in a greater degree of overshadowing to the gardens of the neighbouring dwellings, it is considered that as the proposed dwellings would affect the very end part of the gardens of the neighbouring dwellings, that this would not have a significant detrimental impact on the amenity of the neighbouring dwellings. The proposed single-storey car port would be located on the boundary with no.7 however due to its relatively low height it would be considered that this would not have a significant impact on the amenity of the neighbouring dwelling in terms of being overbearing or overshadowing.

The proposed dwellings at plots 27 and 28 would be located around 13m from the boundary with neighbouring nos.6&7 when measured from the proposed first-floor windows on the rear elevation of the proposed dwellings. Therefore, it would be considered that the proposed would not result in a significant increase in overlooking to the neighbouring dwellings.

Overall, this would be considered acceptable in accordance with Policy ENV 16 of the West Dorset Local Plan.

In terms of disruption from construction to any existing nearby residential dwellings, it is considered that a condition could be attached to the decision restricting working hours and a condition requiring a construction traffic plan to be submitted would be attached to the decision, if this application is approved.

#### **14.8 Highways:**

The proposed development would result in the creation of a vehicular access leading off Athelhampton Road. The proposed vehicular access was considered acceptable from a Highways safety perspective by the Highways Authority. The proposed layout would also include a tabletop ramp close to the entrance to the site to help control vehicular speeds at this point where traffic would be entering/exiting the site on to Athelhampton Road.

Off-site improvements to Athelhampton Road would also be secured with this application if it is approved. These works would consist of refreshing existing yellow slow markings. The addition of new dragons teeth road markings on the approach to the 30mph zone, the refresh of the 30mph gateway road markings and the existing 30mph gateway feature would be retained and the hedgerows cut back to ensure that the gateway signs are clearly visible. One bus stop island would be created close to the entrance to the site which would involve moving the northern highway edge back and the existing bus stop on the southern side of the highway would be relocated west along Athelhampton Road. An uncontrolled pedestrian crossing would be added across Milom Lane and an uncontrolled crossing would be added across the entrance to the site. A shared footway and cycleway would be created along the southern edge of Athelhampton Road outside of the application site. Officers have recommended that this is secured via condition.

The proposed parking provisions for both cars and cycles is also considered to be satisfactory. The proposed internal road layout and footpath layout was also revised following the initial comments from the Highways Authority to ensure that the proposed layout would be adoptable if the applicants decided to apply for adoption from Dorset Highways.

Officers recommend that conditions are attached to the decision which would secure the access, highway layout, turning and parking areas being constructed prior to occupation, the first 15m of the proposed junction from Lower Road being completed prior to construction work on the site commencing, cycle parking provision being completed prior to occupation, a construction traffic management plan and for the provision of a 2m footway either side of the access road and a crossing point onto Lower Road.

The proposed parking provision and highways improvements would be in accordance with Policy COM9 of the West Dorset Local Plan and Policy 12 and 15 of the NP.

#### **14.9 Surface Water Drainage and Flooding:**

Policy ENV5 of the West Dorset Local Plan sets out risk of flooding should be minimised through steering development towards the areas of lowest risk and avoiding inappropriate development in

the higher flood risk zones and ensuring development will not generate flooding through surface water run-off and/or exacerbate flooding elsewhere.

The site of the proposal is shown to fall within Flood Zone 1, as indicated by the Environment Agency's (EA) indicative flood maps and as such is at no modelled fluvial flood risk. The EA's Risk of Flooding from SW (RoFfSW) mapping confirms there is no modelled risk of surface water flooding on site up to the 1-in-1000 year rainfall event.

The site is located within an area identified as being within the groundwater flood area warning however following further on-site testing through the drilling and monitoring of three boreholes between September 2021 and May 2022, it was concluded that the risk of groundwater flooding on the site is low.

The proposed method of surface water drainage would be to discharge to the River Piddle. A surface water sewer would be installed from the site and across third party land to the river. The applicant has received in principle approval for this from Wessex Water. The LLFA confirmed that the proposed method of surface water drainage and the flood risk from the development would be acceptable. The LLFA recommended several conditions which would be attached to the decision if this application is approved.

Overall, Officers consider this is acceptable in accordance with Policy ENV5 of the West Dorset Local Plan and Policy 8 of the NP.

#### **14.10 Foul Drainage:**

In terms of foul drainage, foul flows generated by the proposed development would route through a new foul water network towards the existing adopted foul sewer within Athelhampton Road (~90m west of the site). Wessex Water confirmed within pre-application discussions with the applicants that the capacity is adequate to accommodate the proposed development.

Two drainage basins would be situated on-site. The eastern basin would have a depth of 1.6m with the depth being graded by 0.2m every 0.6m. Therefore, the gradient of the basin would be well graded to ensure it would be suitable from a safety perspective. Wooden steps have also been proposed from the top of the basin to the bottom. The basin would be dry apart from in rainfall events exceeding 1in30 (excluding climate change). The second basin would be slightly larger at 3m depth and would be permanently partially filled with water. A pump situated adjacent to the basins would control flows between the basins and to the proposed overflow network.

#### **14.11 Biodiversity and Ecology:**

Biodiversity Net Gain (BNG) came into place in England via revisions to the Environment Act 2021 on 12 February 2024. Any application submitted after this date is subject to BNG aside from those specifically excluded. The minimum percentage requirement (e.g. 10%) should be applied to all area and/or linear unit types found within the development site red line boundary and should be applied irrespective of whether the habitat in question was directly or indirectly impacted by the development. All high distinctiveness habitats require re-creation on a like-for-like basis should

they be lost, whereas there is more flexibility for lower distinctiveness habitat types in terms of what habitat can be delivered if they are lost.

A BNG statement should be submitted with information pertaining to:

- The pre-development biodiversity value
- Steps taken to minimise adverse biodiversity impacts
- The proposed approach to enhancing biodiversity on-site
- Any proposed off-site biodiversity enhancements (including the use of credits) that have been planned or arranged for the development

If planning permission is approved for a development, applicants then must submit a Biodiversity Net Gain Plan to the LPA prior to the commencement of works. This standard condition is not applied to decision notices as part of the list of conditions as this is secured by legislation. There is also no requirement for applicants to submit a Biodiversity Net Gain Plan prior to determination however draft plans can be discussed with the LPA.

The submitted Biodiversity Impact Assessment and BNG Statement confirms that 10% BNG could be achieved with an overall net gain of 11.19%.

The submitted Bat Survey identified an off-site bat roost at Little Knoll Copse which is located over 40m from the site and will be retained however the Survey recommends a series of measures to ensure that there are no adverse impacts on this roost. The survey also assessed an existing tree that is due to be removed which was considered to have low roosting potential however a soft felling approach is recommended in the survey to ensure the protection of any bats. The application site overall was considered to be of moderate local value for foraging and commuting bats.

The submitted Ecological Appraisal sets out that the site is dominated by habitats of limited nature conservation interest and subject to the measures recommended in the appraisal for habitat retention, protection, creation and enhancement, there would be no reduction in ecological interest of the site or its surroundings. Little Knoll Copse is however situated close to the site which is designated as Ancient Woodland. A buffer zone between the proposed dwellings and the edge of the site has been proposed to help ensure the conservation of any habitats supported by the Copse. Future residents would also be provided with information surrounding living close to a Site of Nature Conservation Interest (SNCI).

In terms of on-site ecological enhancements, the Ecological Appraisal makes the following recommendations:

- Enhancement of hedgerows and connective habitats, including:
  - Enhancement of existing hedgerows through sensitive management, infilling of gaps and establishment of adjacent complimentary habitats including meadow and rough grassland, scrub and tree planting, to enhance connective habitats across the site;
  - Re-instatement of traditional management techniques such as laying, pollarding and coppicing of retained mature hedgerow shrubs and trees (where appropriate) to improve their longevity and enhance structural diversity; and
  - Strengthen linear habitat corridors within and across the site through use of native species-rich hedgerow, scrub and tree planting as boundary features and to delineate

property/ area curtilages. Where possible these should complement on- and off-site areas of connective habitat.

- Creation of new sympathetically designed wetland habitats such as ponds, ditches, swales and wet grasslands, either as standalone features or as part of the site surface water drainage strategy;
- Inclusion of other habitats of high nature conservation interest within areas of open space, including rough and meadow grassland and native species-rich scrub habitats, ideally in locations where they complement existing habitats and/or improve connectivity around the site and the wider area;
- Prioritising the use of native species typical of the local area in landscape planting where appropriate to do so and avoiding invasive species and cultivars. Where possible these should be sourced from stock of local provenance;
- Use of nectar and pollen-rich and fruit and nut-producing species within formal landscaping schemes to benefit species including birds, invertebrates, Dormice, bats and foraging Badgers;
- Provision of bat roosting opportunities and bird boxes on new buildings and existing trees;
- Provision of log and brash piles around hedgerow, scrub and ditch edges to provide habitat for invertebrates, amphibians and reptiles;
- Where appropriate, ensure presence of gaps in boundary fencing to allow movement of wildlife such as Hedgehogs around the site; and
- Sensitive use of lighting to avoid adverse effects on nocturnal wildlife (e.g. restrictions on lighting in public areas to the minimum levels required for safety, use of hooded and bollard lighting, low UV bulbs, presence detectors, timers etc.)

The recommendations set out in the appraisal would be secured via an appropriately worded condition if this application is approved. With the successful implementation of the recommendations, the proposed development would be considered to be in accordance with Policy ENV2 of the West Dorset Local Plan and Policy 6 of the NP.

#### **14.12 Nutrient Neutrality:**

The application site is located within the Poole Harbour catchment. Poole Harbour is designated as an SPA and Ramsar site. Within the Poole Harbour catchment, mitigation has been delivered since 2017 through the Nitrogen Reduction in Poole Harbour Supplementary Planning Document (SPD) (April 2017). It is not considered appropriate to continue to use the SPD as the approach to calculating nutrient loading and mitigation requirements is no longer consistent with the up-to-date understanding of nutrient pollution.

When Natural England updated their advice for the Poole Harbour catchment in March 2022, phosphorus was added alongside nitrogen as nutrients of concern. After this announcement planning decisions on development proposals where an increase in nutrient loading was likely could only be granted if the proposal included appropriate phosphorus mitigation. On 25 January

2024, the Secretary of State designated Poole Harbour as a nutrient sensitive catchment for both nitrogen and phosphorus.

For all planning applications determined after the 31 July 2024, applicants or developers for qualifying development in Poole Harbour's catchment must secure nutrient mitigation for their development proposal. Mitigation can be secured:

- on-site, or through other land owned by the applicant or developer (as an example mitigation may include changes in land management to offset impacts or a new wastewater treatment works managed by a [NAV](#) water company)
- through an agreement with an accredited third-party mitigation provider
- through an agreement with Dorset and BCP Council acting in their capacity as a nutrient mitigation provider

In all instances, the mitigation will need to be secured in perpetuity through the necessary legal agreements or planning condition and details of the mitigation measures must be presented by the applicant or developer as part of their nutrient neutrality statement.

In this instance, a bespoke nutrient neutrality scheme has been proposed which would involve the removal of an area of agricultural land situated offsite out of agricultural use and planting a natural willow bed. Due to the position of the offsite location within Flood Zone 3, it has been considered by Environmental Assessment and Natural England to be suitable for willow planting as part of a fallow land scheme. A fallow management scheme and nutrient neutrality assessment technical note have been submitted by the Applicants to the LPA. Environmental Assessment have prepared the HRA in respect of these documents and consulted Natural England who raised no objections to the Appropriate Assessment subject to the mitigation being secured via an appropriate mechanism. The details of this and to secure its management in perpetuity would be appropriately secured in a s106 Legal Agreement. This would be in accordance with the requirements of the Habitat Regulations.

#### **14.13 S106 Heads of Terms and CIL:**

##### **Heads of Terms:**

- The appropriate nutrient neutrality mitigation
- The offsite affordable housing contribution of £72,165
- Viability mechanism to provide a greater contribution to affordable housing if viability improves. The viability scheme would only apply to the assessed use and there would be the ability to reassess the viability upon an application for change of use class
- Option to transfer the Parish Council or management company the Public Open Space

Policy HOUS1 The level of affordable housing required reflects the viability of development land in the local area, and will be:

- 25% in Portland;
- 35% in Weymouth and West Dorset

Policy 11 of the Neighbourhood Plan sets out that where open market housing is proposed affordable housing will be sought, unless the proposal is for replacement or subdivision of an existing home. Policy 11 of the Neighbourhood Plan requires 35% affordable housing (equivalent to 9.8 dwellings).

In this case the application has been through a viability review which was independently reviewed by the DVS. The review by the DVS concluded that based on their Surveyors input on costs and predicted sales data that a contribution to affordable housing offsite and the CIL charge could be provided.

The application site is located within a CIL charge area therefore it would be liable to pay CIL on all new floorspace created by the proposed development.

### Education

In terms of education, there are options within the vicinity of the application site with Puddletown CofE First School and St Mary's CofE Middle School being the closest. The proposed development would be providing a contribution towards Primary and Secondary education through being CIL liable which would help to offset the impact of the proposed development on the local schools and would contribute towards either the renovation of the existing school(s) or construction of a new school.

### **14.14 Conclusions:**

The proposed development of 28 dwellings would be located within a location outside of the settlement boundary of Puddletown however an existing allocation for about 18 to 22 dwellings that is set out in the Puddletown Neighbourhood Plan provides in-principle support for the proposed development. The red line boundary of the proposal exceeds that of the allocation and the number of units is greater than the allocation however it is considered that the 6 additional proposed dwellings would not have an adverse impact on the surrounding landscape or to the nearby heritage assets. The larger site area would also be considered to not have a significantly greater impact either. On this basis, whilst the conflict with the spatial policy is noted, it is considered that the Neighbourhood Plan allocation would outweigh this. The proposed development would have good access via Athelhampton Road into Puddletown. This would allow future occupants to utilise methods of travel other than the private car, such as by walking. There are also bus stops within Puddletown to provide access to the wider area.

The proposed development would result in a degree of visual harm due to the fact it would be altering the existing landscape however the proposed development has been well-designed to ensure that the materials reflect the local vernacular and that the development does not have a significant adverse impact on the surrounding landscape. The proposal has been designed to respond to features in the landscape such as Little Knoll Copse and key views from Athelhampton Road towards the Copse have been retained. The proposed parking layout and dwelling layout also helps to reduce the visual massing of the development so that when viewed from street level, it appears to have a lesser dominance of cars. It should also be noted that a degree of visual harm was already accepted due to the existing allocation for up to 22 dwellings in the Puddletown Neighbourhood Plan.

Moderate weight should be afforded to the identified harm that would result from the proposed development to the aforementioned non-designated heritage assets, and it should be appropriately weighted within the planning balance.

The proposed development would also conflict with the Puddletown Neighbourhood Plan through the fact that it would not be providing any affordable housing onsite due to issues surrounding viability, however Policy 11 of the Neighbourhood Plan does acknowledge that the mix of house types may be varied if there is clear evidence that site specific constraints or viability would otherwise prohibit development, and that any change to the mix should demonstrate how genuinely affordable homes for the Puddletown Neighbourhood Plan area have been maximised as far as possible. This conflict should also be provided moderate weight.

The proposed development would provide a meaningful contribution towards to the 5-year Housing Land Supply. Currently there is not a 5-year Housing Land Supply and the presumption in favour of sustainable development applies in accordance with paragraph 79 of the NPPF. Therefore, it is considered that significant weight should be afforded to this benefit.

The proposal would also result in some short-term benefits in terms of economic benefits during the construction of the proposed development and it would likely result in some longer-term economic benefits from future residents. These benefits likely would be relatively limited in scale so low weighting should be afforded to these benefits.

The proposal would also result in an off-site contribution towards affordable housing. The proposed development would also result in CIL contributions being provided towards maintain and improving the local infrastructure which would help to offset the impacts of the proposed development on services such as the NHS and local schools.

## **15. Environmental implications**

The construction phase will involve emissions from processes and vehicles/plant at the site. Once occupied any petrol/diesel vehicles of occupiers will produce emissions. However, this must be balanced against the fact that the site is sustainable with public transport access options available and would provide a contribution to affordable housing.

The proposed development would also have to accord with Building Regulations which require developers to consider and analyse the suitability of high-efficiency alternatives, such as heat pumps and renewable sources. Building Regulations also require new build dwellings to accord with certain levels of insulation and efficiency.

## **16. Summary of issues and the planning balance**

Overall, part of the site lies outside of the allocation that is set out in Policy 12 of the NP and as such the number of dwellings proposed is greater than the amount allocated in the Neighbourhood Plan. The development would also provide below the policy requirement level of affordable housing which would conflict with Policy 11 of the NP and the development would result in less than substantial harm to a Grade II\* designated heritage asset. There would also be conflict with the NP surrounding the fact no allotments or alternative offsite recreation facility have been proposed. However, there are material considerations that outweigh this conflict in terms of the significant contribution towards the Council's 5-year Housing Land Supply of which significant weight should be afforded. The development is also well-located on the edge of Puddletown and in most part within an area allocated for housing in the NP. The proposed development, on balance, is considered to be in accordance with the development plan taken as a whole, and there are no material considerations that would indicate otherwise. On this basis, the proposed development would be considered acceptable and it is recommended that planning permission should be granted.

## 17. Recommendation

To delegate authority to the Corporate Director for Planning, the Service Manager for Development Management & Enforcement or the Development Management Area Manager (Northern Area) to:

**A) Grant, subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Legal Services manager to secure the following:**

- Nutrient Neutrality offsite mitigation
- Affordable Housing Contribution
- Viability mechanism to provide a greater contribution to affordable housing if viability improves. The viability scheme would only apply to the assessed use and there would be the ability to reassess the viability upon an application for change of use class
- Option to transfer the Parish Council or management company the Public Open Space

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).

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

172\_DI\_11.5 A Location plan

172\_DI\_19.2 3 Block plan

172\_DI\_15.14 15 Site Layout Plan

FOG T2-HA-B A Plot 8-9 - Plans and Elevations

QrG5-B-V Quadruple Garage plans and elevations

Bra-B-C Plot 15 - Plans and elevations

Gla-B-C Plot 16 - Plans and elevations

Pul-BF-I A Plot 17 - Plans and elevations

4-2679-Spec2-B-Plot 18 Plot 18 - Plans and elevations

4-2292-Barn-BF A Plot 19 - Plans and elevations

Bry-B-C-Bra-BF-C-Spe Plot 20-22 Plans and elevations

Kno-B-C-lwe-B-I1-V A Plot 23-24 Plans and elevations

TwG2-B-V Twin Garage Plans and elevations

Ibb-B-C-Kin-B-C-V Plot 25-26 Plans and elevations

Reg-B-C-V Plot 27 Plans and elevations

Mor-BF-C-V Plot 28 Plans and elevations

FB-HA-B-Spec A Plot 1-4 Plans and elevations

Kno-BF-C-Gla-B-C-CP-Gla-BS-C Plot 10-12 Plans and elevations

Bry-B-C Plot 13-14 Plans and elevations

SG2-B Single garage plans and elevations

1036-HA-BF-822-HA-R Plot 5-7 Plans and elevations

172\_DI\_18.3 4 Boundary Materials Plan  
 172\_DI\_21.2 3 Building Heights Plan  
 172\_DI\_22.2 3 Dwelling Mix Plan  
 172\_DI\_20.2 3 Parking Layout Plan  
 172\_DI\_17.4 5 Roof Plan  
 172\_DI\_23.4 5 Scheme Masterplan  
 01-PDL-1001 B Preliminary drainage layout  
 01-PDL-1002 B Preliminary off-site stormwater outfall  
 813.44 / 09G Landscape General Arrangement  
 01-PHL-2001 C Preliminary Access Plan  
 01-ATR-101 B Vehicular Swept Path Analysis - Refuse  
 01-PHL-3003 B Preliminary site levels - highway profiles  
 01-PHL-3002 D Preliminary site levels - Sheet 2 of 2  
 01-PHL-3001 D Preliminary site levels - Sheet 1 of 2  
 01-ATR-102 B Vehicular swept path analysis - fire tender  
 01-PHL-2002 B Proposed highway adoption plan

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

3. Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Planning Authority. The CTMP must include:

- construction vehicle details (number, size, type and frequency of movement)
- a programme of construction works and anticipated deliveries
- timings of deliveries so as to avoid, where possible, peak traffic periods
- a framework for managing abnormal loads
- location of construction site access
- contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- 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 route to the site
- a route plan for all contractors and suppliers to be advised on
- temporary traffic management measures where necessary

The development must 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.

4. Prior to the commencement of the development, hereby approved, a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the

development, and providing clarification of how drainage is to be managed during construction and a timetable for implementation of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The surface water scheme shall be implemented in accordance with the approved details including the timetable for implementation.

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

5. Prior to the commencement of the development, hereby approved, details of maintenance & management of both the surface water sustainable drainage scheme and any receiving system shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These shall include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

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

6. Prior to the commencement of the development, hereby approved, a site-specific Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust, emissions and site lighting. The plan shall include, but not be limited to:

1. Procedures for maintaining good public relations including complaint management, public consultation and liaison
2. Arrangements for liaison with the Council's Pollution Control Team
3. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
  - 08:00 Hours and 18:00 Hours on Mondays to Fridays
  - 08:00 Hours and 13:00 Hours on Saturdays
  - at no time on Sundays and Bank/Public Holidays.
4. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
5. Mitigation measures as defined in BS 5228-1:2009+A1:2014 shall be used to minimise noise disturbance from construction works.
6. Procedures for emergency deviation of the agreed working hours.
7. Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.
8. Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To mitigate, and reduce to a minimum, adverse impacts on health and quality of life arising from pollution as described within paragraphs 198-201 of the National Planning Policy Framework (December 2024).

7. Prior to the commencement of development above damp-proof course level, details (including colour photographs) of all external facing materials for the walls and roofs of the proposed dwellinghouses 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.

8. Prior to the commencement of development above damp-proof course level, details (including colour photographs) of all boundary treatments 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.

9. Prior to the commencement of development above damp course level, hereby approved, a soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the first 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 10 years.

Reason: In the interest of visual amenity.

10. Prior to the commencement of development above damp course level, hereby approved full details of hard landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include where appropriate : proposed finished levels or contours, means of enclosure, car parking layout, other vehicular and pedestrian access and circulation areas, hard surfacing materials, minor artefacts and structures (e.g. furniture, play equipment, signs, lighting, refuse or other storage units, proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc), retained historic landscape features and proposals for their restoration where relevant. The development shall be carried out in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design and maintenance of existing and/or new landscape features.

11. Prior to the installation of the proposed air source heat pumps, details of the noise levels of the proposed air source heat pumps should be submitted and approved in writing by the Local Planning Authority. The details shall confirm whether the proposed heat pumps comply with MCS Standards and the exact positions of the proposed air source heat pumps should be provided.

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

12. Prior to the first occupation of the development, hereby approved, details of measures to limit the potential consumption of wholesome water use by persons occupying the new dwelling to 120 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 in writing by the Local Planning Authority. 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 for the lifetime of the development.

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

13. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number 172\_DI\_15.16 must be constructed. 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.

14. Before the development hereby approved is occupied or utilised the following works must have been constructed to the specification of the Planning Authority:

- Footway widening along the site frontage;
- Enhancement of the Athelhampton Road gateway feature and traffic calming measures;
- Relocation and upgrading of bus stops, including shelters and passenger facilities;
- Provision of pedestrian crossing facilities on Athelhampton Road; and
- Improvements to the Milom Lane junction, including narrowing of the bellmouth and

pedestrian crossing provision.

**(broadly in accordance with drawings 01-PHL-2001 B and agreed with the 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.

15. Before the development hereby permitted is occupied, details of the tactile paving at pedestrian crossing points within the internal layout of the estate road shall be submitted to and approved in writing by the Local Planning Authority, implemented in accordance with the approved details.

Reason: To provide safe and suitable crossing points within the internal layout of the estate road to align with Inclusive Mobility guidance.

16. Before the development hereby approved is occupied or utilised, the submitted Travel Plan must be implemented and operational.

Reason: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site.

17. The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements in the ecology report titled Ecological Appraisal, by Hankinson Duckett Associates and dated July 2024.

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

- i) the recommendations detailed in section 8 of the approved ecology report have been completed in full, in accordance with any specified timetable, unless otherwise agreed in writing with the Local Planning Authority (LPA), and
- ii) written evidence demonstrating compliance has been submitted to and approved in writing by the LPA.

The development shall subsequently be implemented entirely in accordance with the approved ecology report and thereafter the approved mitigation, compensation and enhancement measures must be permanently maintained and retained in accordance with the approved details.

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

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

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

#### Informative Notes:

1. In addition to this permission, the junction works referred to in the 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](mailto:highwaysdevelopment@dorsetcouncil.gov.uk), or in writing at Highways Development team, Economic Growth and Infrastructure, Dorset Council, County Hall, Dorchester, DT1 1XJ.
2. The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under Section 38 of the Highways Act 1980, the applicant should contact Dorset Council's Highways Development team. They can be reached by telephone at 01305 225401, by email at [highwaysdevelopment@dorsetcouncil.gov.uk](mailto:highwaysdevelopment@dorsetcouncil.gov.uk), or in writing at Highways Development, Economic Growth and Infrastructure, Dorset Council, County Hall, Dorchester, DT1 1XJ.
3. The applicant should be advised that the Advance Payments Code under Sections 219-225 of the Highways Act 1980 may apply in this instance. The Code secures payment

towards the future making-up of a private street prior to the commencement of any building works associated with residential, commercial and industrial development. The intention of the Code is to reduce the liability of potential road charges on any future purchasers which may arise if the private street is not made-up to a suitable standard and adopted as publicly maintained highway. Further information is available from Dorset Council's Highways Development team. They can be reached by email [highwaysdevelopment@dorsetcouncil.gov.uk](mailto:highwaysdevelopment@dorsetcouncil.gov.uk), or in writing at Highways Development team, Economic Growth and Infrastructure, Dorset Council, County Hall, Dorchester, DT1 1XJ.

4. 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](mailto:highwaysdevelopment@dorsetcouncil.gov.uk), or in writing at Highways Development team, Economic Growth and Infrastructure, Dorset Council, County Hall, Dorchester, DT1 1XJ.
5. The developer is responsible for coordinating and booking their own road space for utilities and construction works to minimise disruption to the highway network. Guidance is available here: <https://www.dorsetcouncil.gov.uk/w/highway-works-for-new-developments>

**OR**

**B) Refuse permission for the reasons set out below if the agreement is not completed by 30 December 2026 (6 months from the date of committee) or such extended time as agreed by the Corporate Director for Planning, the Service Manager for Development Management & Enforcement or the Development Management Area Manager (Northern Area).**

In the absence of a completed legal agreement by 30 December 2026, or such extended period as may be agreed in writing by the Head of Planning, the Local Planning Authority cannot be satisfied that the development would deliver the necessary planning obligations. The proposal therefore fails to secure:

- The appropriate nutrient neutrality mitigation
- The offsite affordable housing contribution
- Viability mechanism to provide a greater contribution to affordable housing if viability improves.
- Option to transfer the Parish Council or management company the Public Open Space

As a result, the development would fail to mitigate its impacts and would place unacceptable pressure on local services and infrastructure.

|                            |                                                                                                                                                                                                                                                               |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Number:</b> | WD/D/19/002710                                                                                                                                                                                                                                                |
| <b>Webpage:</b>            | <a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>                                                                                                                                                                   |
| <b>Site address:</b>       | Land At The George Albert Hotel & Southern Counties Leisure, Long Ash Lane, Wardon Hill, Dorchester, DT2 9PW                                                                                                                                                  |
| <b>Proposal:</b>           | Change of use of the land & erection of Holiday Lodges & Staff Accommodation units, together with installation of infrastructure to form a Holiday Lodge Park in lieu of the current land use of motor racing circuit, shooting ground & static caravan park. |
| <b>Applicant name:</b>     | Lambe Planning and Design Ltd                                                                                                                                                                                                                                 |
| <b>Case Officer:</b>       | Penny Canning                                                                                                                                                                                                                                                 |
| <b>Ward Member(s):</b>     | Cllr Haynes                                                                                                                                                                                                                                                   |

## 1. Reason application is going to committee

- 1.1. The application is reported to committee in light of the neighbouring Parish Council objections and in agreement with the Service Manager for Development Management and Enforcement.

## 2. Summary of recommendation

A: To grant planning permission subject to conditions, as set out in para 16 of the report.

## 3. Key Planning Issues

| Issue                    | Conclusion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Principle of development | Given the provision of facilities on site to serve the development, together with the presence of an existing holiday use, the principle of a tourism use in this location complies with the policies and Spatial Strategy as set out within the adopted Local Plan. With no net increase in established residential units on site, and an understanding that some on-site presence would be required from a security perspective, the provision of two staff units at the site complies with the adopted rural exceptions policy. Further, owing to insufficient demonstrable need for the existing sporting facilities, policies do not warrant their retention. As such, the principle of development is accepted in policy terms, having regard to Policies |

| Issue                                                           | Conclusion                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                 | SUS2, ECON7, COM5 and HOUS6 of the West Dorset Weymouth and Portland Local Plan.                                                                                                                                                                                                                                                                                                                                                                                       |
| Impact on landscape character and the Dorset National Landscape | Owing to the well screened boundaries, and proposals to further enhance boundary treatments; and owing to the appropriate treatment of lodges and lighting, the impact of the development on the wider landscape would be acceptable having regard to policy ENV1 of the adopted Local Plan. There are exceptional circumstances and public interest benefits in accordance with NPPF para 190. Overall, the proposal would not harm the National Landscape.           |
| Flood risk and drainage                                         | The proposed development is considered to be acceptable having regard to the impacts on flood risk, subject to conditions, in line with Local Plan Policy ENV5                                                                                                                                                                                                                                                                                                         |
| Impact on contamination                                         | Sufficient information has been submitted to demonstrate that the proposed development would not pose an unacceptable risk of pollution to groundwaters from non-mains foul drainage, thereby safeguarding the source protection zone 1. The proposed development likewise successfully demonstrates that it would not have a harmful impact upon potable water supplies. Thus it accords with policy ENV9 of the West Dorset Weymouth and Portland Local Plan (2015). |
| Highway impacts, safety, access and parking                     | The traffic generated from the proposed development would be unlikely to exceed the capacity of the permitted uses at the site, and the volume of traffic using the site would not exceed the capacity of the junction or A37. As such, the proposed development is considered to comply with Local Plan policy COM7 and para 116 of the NPPF having regard to highway safety and efficiency.                                                                          |
| Biodiversity                                                    | The impacts of the development on protected species and habitats at the site would be minimised to an acceptable level                                                                                                                                                                                                                                                                                                                                                 |

| Issue                                                                        | Conclusion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                              | <p>through securing a LEMP and CEMP in line with the submitted EclA which secures appropriate mitigation and enhancement.</p> <p>Sufficient information has also been provided to demonstrate that the impacts of nitrogen generated from the development can be successfully mitigated to prevent likely significant adverse impacts on the integrity of Poole Harbour, designated a Special Protection Area (SPA) and a European Protected Wetlands (RAMSAR) site. Subject to securing mitigation under a Section 106 legal agreement, the proposed development consequently passes the Appropriate Assessment and accords with the provisions set out in Policy ENV2 of the Local Plan.</p> |
| Impact on the living conditions of the occupants and neighbouring properties | The impacts on the residential amenity of the area are also considered acceptable, in line with Local Plan policy ENV16.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

#### 4. Description of Site

4.1. The application site is accessed by the A37 and located at Warden Hill. The site comprises the former shooting ground at the Southern Counties complex, an existing racing circuit together with clubhouse, a holiday park comprising approx. 41 static caravans at present, with space for a further 12 static caravans, and a touring site, retail stores/café, car parking areas, telecommunication masts, and the George Albert Hotel and Spa.

4.2. The site sits in an elevated position within the wider landscape and is bound to the east by a bridleway, and to the west by the A37 trunk road. To the north is a lane which connects the A37 with some of the nearby rural villages, and currently offers a further two accesses into the site. Surrounding the site is largely agricultural land, with the exception of a solar park located to the north east.

4.3. The site falls within the Dorset National Landscape (DNL) (formerly known as Area of Outstanding Natural Beauty (AONB)), situated at an elevated position within the rural landscape, and straddles two distinct Landscape Character Areas identified as the Upper Frome Valley and Cerne & Sydling Valley.

4.4. As a whole, the site's current land uses can be described as follows:

- Holiday park;
- Go-karting circuit;
- Former shooting ground;
- Gun shop, antique store, and tea room;

Car parking areas;  
Telecommunication masts;  
George Albert Hotel and Spa; and  
Bungalow and warden's caravan.

- 4.5. The only uses that are proposed to remain within the site as part of the proposed development are the George Albert Hotel and Spa, and the holiday use, which is proposed to be redeveloped and expanded.
- 4.6. The existing racing circuit, retail units including a gun shop and antique store, and the redundant shooting school within the site would be re-developed or replaced as part of the proposals.
- 4.7. The site boundaries frequently comprise high existing berms and are generally well landscaped, which restricts views in and out of the site.

## **5. Description of Development**

- 5.1. The applicant is seeking consent for 226 holiday lodges (amended from the previous 313 lodges originally sought), together with 2 staff units (amended from the previous 8 originally sought) to provide onsite accommodation for employees, and associated landscaping, including the provision of a wildlife pond and formal lake. All existing structures would be demolished, with the exception of the Hotel, clubhouse and water tower. This would see the removal of the existing holiday park, comprising approximately 41 units and a dwellinghouse, the garage buildings, shop and spectating and commentator stands associated with the racing circuit, the removal of the gun shop, antique store and café, and the removal of the open stands/shed associated with the shooting ground.
- 5.2. It is proposed that the lodges would be constructed of timber and stained in a range of muted environmental colours, to be agreed. The holiday lodges, as shown on the submitted plan, would be sited on average between 7m and 9m apart, with a distance of 7.5m to 8m between units seen most frequently; this is when measured at their nearest points. The agent refers within the Design and Access Statement to units being sited 10m to 15m apart. These distances can be seen between some lodges, but they are not a common feature of the park. Generally, such separation distances are only seen when measuring units at their furthest points, and discounting their external decking area, and so such measurements need to be read in that context, with an understanding that the gaps between units are variable depending on the positioning of units on their plots, and all units are shown to include an external decked area extending the length and width of the units. The units would be interspersed throughout the site, with small recreational areas and pathways connecting spaces, and some of the existing berms retained offering separation between different parts of the site; others are proposed to be removed. The boundary of the proposed holiday park would be landscaped, providing an ecological corridor, extending between 30m to 50m in width along the site's eastern boundary. It is also proposed to provide a purpose built bat roost and swallow nesting structure, whilst maintaining and preserving the existing water tower as a bat roost.

- 5.3. The retained clubhouse is proposed to provide on-site facilities to serve the holiday park, including a takeaway, convenience store/farm shop, and café/bar/restaurant and would sit adjacent to a small recreation area and lake. The adjacent hotel would provide additional facilities open to users of the holiday park, including a spa, jacuzzi, steam room, sauna, beauty treatment, restaurant and bar.
- 5.4. To support the use, it is proposed to replace the existing package treatment plant (PTP) on site. The existing PTP is located to the west of the site (north of the hotel) and largely comprises underground features, with the covers visible on the surface. The replacement PTP would be located in the place of the existing PTP but would comprise above ground features including two cylindrical tanks, two cabinets and an instrument to record flow. A works inlet screen is also proposed shown sunken within a chamber, but with a protruding element. The cabinets would measure approx. 1.1m x 0.4m, with a height of 1.2m; and approx. 2m x 1.8m with a height of 2m. Both cylindrical tanks would measure approx. 6m tall; one would have a diameter of approx. 7.7m and the other would have a diameter of approx. 10.3m.
- 5.5. The holiday park would be served by the existing A37 access, with the two other existing accesses from the lane to the north closed off. Two additional pedestrian accesses would be created onto the bridleway to the East.

## **6. Relevant Planning History**

- 6.1. There is an extensive planning history in respect of the site, which was first established as a WWII hospital site, and has been subject to various permissions over time. It is not considered relevant to site all these here, and some of those uses are no longer present at the site. In order to provide the most relevant overview of the site as it is seen today, the following planning history is provided in respect of the following uses.

### **6.2. Existing holiday park**

- 6.2.1. Following consent in the late 70s for use of the site for seasonal caravans, application 1/E/92/000259 saw the release of earlier restrictive conditions limiting the site to seasonal holiday use only; a condition remained on that consent preventing any individual caravan or tent remaining on site for more than 21 days. A further application (1/D/09/1347) saw the release of this restrictive condition, establishing the site as a permanent holiday site, offering occupation all year round, restricted by condition for holiday purposes only. The permission related to the use of the site for the siting of static caravans, touring caravans, and tents. The application at the time was retrospective and related to 20 pitches for static units, and land for a maximum of 40 pitches for touring/tented camping, though the permission does not limit the number of caravans beyond any limitation enforced by separate site licensing restrictions.

### **6.3. Existing residential accommodation on site**

- 6.3.1. The only lawful permanent residential accommodation on site relates to the bungalow and warden's unit.

- 6.3.2. The warden's unit on site, which relates to the unit directly to the east of the northern site entrance to the holiday park, has resulted from a protracted planning history, and has been situated on the land for approximately 40 years, having first been granted consent in 1979 under reference 1/E/79/000093. It was originally approved as temporary accommodation in advance of a permeant dwelling on site (this relates to the bungalow referred to below). The mobile home was subsequently retained by a succession of temporary consents – the last one of which was approved in 1998 (1/E/98/000580), which expired on 30 November 2003. Between 2003 and 2009 the caravan remained on site in breach of planning control, until it was regularised as a rural workers dwelling, accepted in recognition of the length of time the unit had been on site and the personal circumstances of the occupants, under application 1/D/09/1029. The warden's unit is subject to a restrictive condition limiting the occupation of the mobile home to a person employed as a warden of the Clay Pigeon Caravan Park
- 6.3.3. The bungalow, which is located within the holiday park, adjacent to the southern entrance, was granted outline consent under application 1/E/81/0480, and was subsequently granted detailed consent under application 1/E/83/0314 as an essential rural workers dwelling. The consent was subject to a condition to this effect, limiting the occupation of the dwelling to a person directly involved in the administration of the caravan site.

#### 6.4. Hotel

- 6.4.1. The hotel was granted consent under application 1/D/08/1862, as a country club in association with the Shooting Ground, enabling the hosting of World Cup competitions. Various applications have since been approved to allow the extension of the hotel facilities.

#### 6.5. Go-kart racing track

- 6.5.1. The earliest planning record in respect of the go-kart track is in 1964. Further consents throughout the 60s, 70s, 80s, and 90s seek to continue the use of the site as a go-kart track with ancillary buildings, on a temporary basis. The latest consent (application 1/E/96/00033) gave permission for the permanent use of the site, subject to restrictive conditions seeking to minimise the impacts of the development, particularly in respect of light and sound pollution.
- 6.5.2. The associated garage structure was approved under application 1/E/96/00033, and the karting clubhouse, which is proposed to be retained and re-used, was granted consent under application 1/D/11/1148 providing shower and changing facilities, store, staff room and office space, medical room, laundry room, shop area, a small kitchen and a sitting area with servery.

#### 6.6. Clay Pigeon shooting ground

- 6.6.1. The use of the land for clay pigeon shooting dates back to 1977. The clay pigeon shooting ground has now been vacant since 2015 as a consequence of viability issues associated with the contaminated land issues at the site. This relates to lead shot deposited in soils in affected fields, and the outcome

was to cease shooting activities over the affected land, which eventually lead to its closure.

- 6.6.2. Since the use of the shooting ground ceased, permission was later granted for use of the former shooting ground, alongside an adjacent field, for use for ground mounted solar panels for energy generation. This was approved under application WD/D/14/3367 with the benefits of energy production weighing heavily in favour of the application. Since permission has been granted, the adjacent field is now occupied by ground mounted solar panels, however, the former shooting ground remains as undeveloped grassland.

#### **6.7. Other uses**

- 6.7.1. The gun shop, antique store and café are contained within the original pavilion building resulting from consents in the late 70s, and which has later been extended and modified under subsequent permissions. The planning history in respect of these elements is not clear without further investigation, and not probably critical to the consideration of the current application, with the retail and café uses well established.
- 6.7.2. Application P/FUL/2021/01497 approved a new telecommunications mast outside of the application site. This mast renders the telecommunications mast on the application site obsolete.

### **7. Constraints**

- Poole Harbour Catchment Area
- Surface water flooding
- Groundwater Source Prot. Zones
- Public Right of Way adjacent to the site.
- Area of Outstanding Natural Beauty/Dorset National Landscape: statutory protection to conserve and enhance the natural beauty of the landscape - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000.
- Landscape Character Areas: Upper Frome Valley; Cerne & Sydling Valley.
- Outside of any defined development boundary

### **8. Duties**

- 8.1. 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.

Section 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) when making any decision which affects such land.

### **9. Development Plan policies**

- 9.1. Adopted West Dorset and Weymouth & Portland Local Plan (2015): The following policies are considered to be relevant to this proposal:

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV5 - Flood risk
- ENV9 - Pollution and contaminated land
- ENV10 - The landscape and townscape setting
- ENV 12 - The design and positioning of buildings
- ENV 15 - Efficient use of land
- ENV 16 - Amenity
- SUS2 - Distribution of development
- SUS3 - Adaptation and re-use of buildings outside defined development boundaries
- ECON6 - Built tourist accommodation
- ECON7 - Caravan and camping sites
- HOUS6 - Other residential development outside DDB's
- COM5 - Retention of recreational facilities
- COM7 - Creating a safe & efficient transport network
- COM9 - Parking provision

## 9.2. Neighbourhood Plans - Not applicable

## 9.3. Other Material Considerations:

- Design Guide Supplementary Planning Guidance – Sets out additional guidance in respect of the design of development and the criteria against which design should be assessed.
- Landscape Character Assessment
- Dorset National Landscape Management Plan 2026-2031
- Dorset Local Nature Recovery Strategy (2025)
- 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.
- WDDC Design & Sustainable Development Planning Guidelines (2009)
- National Planning Policy Framework (Dec 24):  
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.

Relevant NPPF sections include:

- Section 4. Decision taking: 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 indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:

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

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

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 189). Paragraphs 192-195 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Housing land supply (relevant only in respect of the staff accommodation proposed to be provided on site)  
Dorset Council is unable to demonstrate a 5-year housing supply as required by National Policy. In addition, the strategies for meeting housing needs in the adopted local plans are not designed to deliver the housing need under the Government's standard method and therefore, in accordance with NPPF footnote 8, the housing policies within the adopted Development Plan(s) are out of date and the presumption in favour of sustainable development applies.

When considering impacts of the development, it is important to note that as per para 12 of the NPPF, *"the presumption in favour of sustainable development does not change the statutory status of the development plan as*

*the starting point for decision-making*". As such policies within the adopted Local Plan unrelated to housing provision can still be given weight in the decision making process.

- Housing Delivery Test (HDT)

The latest HDT results (2023 measurement) show that enough homes have been delivered within the local plan area to demonstrate 106% of the target.

#### 9.3.1. 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).

#### 9.3.2. The Dorset Council Local Plan

The Dorset Council Local Plan Options consultation took place between January and March 2021, with further consultation between 18 Aug – 31 October 2025. Being at a very early stage of preparation, the relevant policies in the draft plan should be accorded very limited weight in decision making.

The emerging Dorset Local Plan is not sufficiently progressed and can be afforded very limited weight in decision making.

### **10. Consultation Responses**

10.1. **Natural England** – have approved the Appropriate Assessment, confirming that they are satisfied that the development demonstrates nutrient neutrality. The outstanding objection in respect of this matter can therefore be considered to have been met.

10.2. **Environment Agency** – raise no objection.

10.3. **Dorset National Landscape Team** - raise no objection. The DNL Team are supportive of the amendments to the internal layout and consider the proposed development to offer a rare opportunity to achieve a new tourist facility within the AONB/National Landscape, using previously developed land and removing detracting features. Concern is raised relating to ground preparation and necessary remedial works due to contamination which is likely to have a significant bearing on the success of the project. The DNL Team also offer advice in terms of phasing, seeking the early implementation of those elements

of the scheme which support the successful integration of the development within its sensitive setting.

- 10.4. **Dorset Police Architectural Design** – raised initial concerns in relation to the security and management of the holiday park, particularly bearing in mind the lack of surveillance to secondary accesses to the site, and the wider park.
- 10.5. **WPA** - raise no objection subject to conditions requiring appropriate site investigation, risk assessment and a scheme for remediation in respect of land contamination.
- 10.6. **Sport England** - while initially raising no objection, in light of the comments received from Motorsport UK, Sport England object to the proposal due to the loss of the race track.
- 10.7. **Environmental Health** - has no comment to make.
- 10.8. **The Landscape Officer** requests further information and raises significant concerns over a number of site issues ranging from phasing, soil management, the lack of an acceptable Landscape and Ecological Management Plan (LEMP), use of materials for the lodges, and concerns surrounding the achievability of the scheme.
- 10.9. **Economic Development and Tourism Team** – No objection. On balance the proposal is broadly supported in economic development terms, with potential to enhance the visitor economy and generate employment. However, the overall level of benefit would be strengthened by clearer evidence on job numbers, quality of employment and year-round economic activity, as well as clearer understanding of the net impact compared to existing uses.
- 10.10. **Natural Environment Team** – No objection, subject to conditions.
- 10.11. **Highways Authority** - raise no objection, subject to conditions.
- 10.12. **Technical Services** - no comment.
- 10.13. **Lead Local Flood Authority** - raise no objection, subject to conditions.
- 10.14. **Dorset Waste Partnership** – no objections.
- 10.15. **Rights of Way Team** - raise no objection.
- 10.16. **Sydling St. Nicholas Parish Council** supports the proposal subject to the following:
  - Closure of the Batcombe Lane (Warden Hill Road) site entrances on commencement of development;
  - Maiden Newton Fire Station remaining open;
  - Compliance with Dark Skies Policy and strict light pollution measures;
  - Greater environmental mitigation;

The Parish Council also acknowledge the potential loss of a valuable UK motor racing facility.

10.17. **Batcombe and High Stoy Parish Council** object for the following reasons:

- Insufficient demand for a holiday park in this location
- Excessive number of lodges proposed resulting in a high density development;
- Road Safety due to increase in movement at the junction with the A37, and impact on Stile Way due to increased traffic movement;
- The site is remote from key conurbations and tourist attractions alike;
- Unacceptable light pollution and glare;
- Use of public transport is unviable due to distance from bus stops, and lack of safe footways;
- Impact on visual amenity;
- Additional hedge and tree planting would be required;
- Impact on local infrastructure;
- Elevated site, subject to poor weather conditions makes the site unsuitable and unviable. This coupled with the sites remote location makes the site unsustainable;
- Concern that statements within the Design and Access Statement are misleading;
- Walking and cycling within the area requires accessing unsafe roads;
- Impact on existing residents on site;
- Impact on existing broadband mast on site.

10.18. **Frome Valley Parish Council** object for the following reasons:

- Insufficient demand for a holiday park in this location;
- At full capacity there could potentially be 1560 people occupying the lodges, 320 cars, plus a further 50 staff members on site, with 50 cars, plus potentially 78 hotel guests, with 39 cars. At 75% occupancy this still equates to 1170 lodge guests, with 240 cars, 50 staff members and their cars, and 58 hotel guests, with 29 cars. The volume of people would be too many to cope;
- Impact on the natural beauty of the area and impact on views within the area;
- Impact on highway safety and the highway network; disagreement with Transport Statement;
- Lack of detail relating to the provision of facilities;
- Rural location, meaning guests would need to travel to attractions and towns, contrary to section 9 of the NPPF;
- Impact from light pollution;
- Lack of public transport;
- Concern that statements within the Design and Access Statement are misleading;
- Loss of national quality racing track at the Clay Pigeon Raceway;
- Impact on the amenity of local residents

10.19. Following the submission of amended plans a further representation was received from Frome Valley Parish Council maintaining their objection, particularly on highway safety grounds.

10.20. A full copy of the consultee comments made can be viewed on the Council's website [www.dorsetcouncil.gov.uk](http://www.dorsetcouncil.gov.uk).

#### 10.21. **Representations**

10.21.1. 40 third party representations were received in respect of the proposed development as originally submitted.

10.21.2. 1 comment has been received supporting the proposed development for the following reasons:

- Generate tourism and employment within the local community
- Design pleasing and in-keeping with the environment
- The loss of the go-karting circuit and use for holiday purposes would result in less noise pollution within the AONB (Dorset National Landscape).

10.21.3. 38 comments have been received raising the following material planning concerns:

- Design and Access Statement misleading
- Referencing the site as brownfield land, the site is not fully developed.
- Fails to comply with the principles of the NPPF and Local Plan policies seeking to protect the natural environment
- Not a sustainable location, 16km in any direction from any town, remote from facilities, and some distance from the coast and other tourist destinations. Lack of public transport, nearest bus stop (with the exception of a school service bus stop) would be Cerne Abbas some distance away. Limited safe walking/cycling opportunities
- Impact on the rural area, and AONB (National Landscape). Loss of tranquillity through increase of light and traffic movement. Concern regarding light pollution and impact on dark night skies. Visual impact of the development impacting upon the character of the area. The site is not considered to be well screened
- The site is of high density and the development is over development of the site. Opportunity to provide high quality natural open space for play/dog walking within the site has not been realised
- Highway safety concerns including concerns regarding the volume and speed of traffic along the A37, the number of accidents in this location, constrained local lane network, and concerns that contrary to the Transport Statement, which accounts for the operational use of the shooting ground and events, additional traffic would be generated within the locality due to current uses generating lower traffic levels.
- Loss of national quality go-karting circuit
- Job losses from existing uses at the site have not been taken into account
- Impact on residential amenity
- No added value to the community. Impact on other tourist providers within the locality. Impact on existing infrastructure including local medical services.
- No demand
- Impact on occupants of mobile homes
- Site highly contaminated
- Concern regarding the viability of the scheme, particularly regarding the site's remoteness from tourist facilities, and the poor weather conditions experienced at this elevated site

- Impact on the local aquifer due to significant drainage required. Impact from waste disposal system.
- Concern regarding loss of telephone mast
- Impact from solar panels
- Impact from signage

10.21.4. An objection has also been received from CPRE, having regard to the impact of the development on the Dorset AONB (National Landscape) dark night skies as a consequence of the level of lighting indicated within the lighting assessment.

Following the submission of amended plans, a further 27 representations were received from 21 third parties, 12 of which had previously made representation.

10.21.5. The comments received raised the following material planning concerns:

- Inaccurate reporting
- Fails to comply with the principles of the NPPF and Local Plan policies seeking to protect the natural environment
- Not a sustainable location, 16km in any direction from any town, and some distance from the coast and other tourist destinations. Lack of public transport, nearest bus stop (with the exception of a school service bus stop) would be Cerne Abbas some distance away. Limited safe walking/cycling opportunities. Lack of on-site facilities would add congestion to local villages.
- Impact on the rural area, and AONB (National Landscape). Loss of tranquillity through increase of light and traffic movement. Concern regarding light pollution and impact on dark night skies. Visual impact of the development impacting upon the character of the area.
- The site is of high density and the development is over development of the site.
- Highway safety concerns including concerns regarding the volume and speed of traffic along the A37, the number of accidents in this location, constrained local lane network, including service vehicles, and concerns that contrary to the Transport Statement, which accounts for the operational use of the shooting ground and events, additional traffic would be generated within the locality due to current uses generating lower traffic levels.
- Impact on residential amenity and amenity of area.
- Impact on other businesses and tourist providers within the locality. Impact on existing infrastructure including local medical services.
- No demand, unattractive location.
- Concern regarding the viability of the scheme and potential impacts upon phasing/completion. Structure of phasing plan resulting in non-compatible uses running alongside each other.
- Lack of security.
- Concern over future uses.
- Concern over noise impacts.

10.22. Since the initial committee notification letters were sent a further 79 third party comments have been received, including a comment from Motorsport UK (the regulatory body for four wheeled motorsport), the Association of British Kart Clubs (the body that supports Motorsport UK affiliated sporting kart clubs), the

Land Access and Recreation Association (an umbrella organisation of motor recreation and motor sport bodies seeking to protect, promote and facilitate motor recreation) and a number of other racetrack providers.

10.23. 76 third party letters object to the proposal raising the following material planning concerns:

- Loss of the go kart circuit, which forms part of the foundation of British motorsport, forming part of the grassroots pathway into the sport, and offering opportunities through National Schools Karting Association (NatSKA). The track is also capable of hosting national-level events and is used for competitive racing relating to various British Kart championships. Its loss would result in the erosion of British grassroots motorsport infrastructure.
- The track and sport provides opportunities for young people to enhance a range of skills beyond racing, including science, technology, engineering and mathematics (STEM), as well as discipline, respect, teamwork and sportsmanship and mental health benefits.
- Alternative venues do not adequately address the loss owing to the accessibility of the Warden Hill track, and the specific and unique technical challenges (elevation, track surface, and 1,387m sprint/hill-climb configuration) which is vital for national standard competition.
- Loss of an affordable racing venue.
- The track is not surplus to requirements and its loss as a sporting venue would conflict with the NPPF aims.
- Loss of direct economic contribution from users of the track, impacting local hotels and services.
- Once lost, such facilities are very difficult to replace.
- Loss of heritage value, having supported world class talent that has contributed to British sporting success.
- It is also noted that due to widespread use of the facility countrywide, awareness of the application and its implications on the raceway are likely to be low amongst the wider sporting facility and subsequently concern is raised that representations received are not representative of the wider sporting community affected by the potential loss.
- The site does not lend itself well to a holiday park owing to the weather conditions and its isolated unsustainable location, and would add additional traffic to the roads.
- Impact on hedgehogs.

10.24. Motorsport UK, the Association of British Kart Clubs (ABKC), and the Land Access and Recreational Association (LARA) object to the proposals raising the following material planning concerns:

- The venue is of sporting significance with all current British Formula One drivers having competed there during their karting careers, giving the track heritage value.
- The venue hosts various British Kart Championships and plays an active role in the sports infrastructure as an established competition venue, attracting more than 1,150 Motorsport UK entries across the 2024-2025 seasons.

- The track is run under a Motorsport UK permit and holds a Motorsport UK Track Licence demonstrating compliance with Motorsports UK's safety and track requirements, making it a crucial pathway for the development of national athletes within British Motorsport, and their development to international pathways.
- The site has a specialist role as an owner-driver karting and competition facility. To rely on other leisure karting centres, which support hobby karters as suitable replacements materially understates the specific role that Clay Pigeon performs within the regional and wider karting ecosystem in fostering and developing British sporting talent, creating national and international motorsport drivers.
- The reduction of established owner-driver competition venues in this part of the country would further weaken access to grassroots and competitive karting and diminish regional access to the sport.
- Clay Pigeon Raceway is one of just thirty-three officially licenced Kart tracks in the UK, and the nearest alternative is forty-five miles away from Clay Pigeon Raceway. It is one of two licenced tracks in the South West (the other being Dunkerswell).
- Science, Technology, Engineering and Mathematics (STEM) opportunities are provided by the venue.

10.24.1. A full copy of third party comments can be viewed on the Council's website [www.dorsetcouncil.gov.uk](http://www.dorsetcouncil.gov.uk).

## **11. Human rights**

11.1. Article 6 - Right to a fair trial.

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

11.3. The first protocol of Article 1 Protection of property

11.4. 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. Public Sector Equalities Duty**

12.1. 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.

12.2. 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 PSED.

- 12.3. In this case, the site's location some distance away from the nearest settlement and away from local transport hubs, means that guests and staff would be reliant on having access to a car to visit the site. Surrounding routes do not benefit from public footways and nonetheless there is no settlement, designated bus stop or train station located within a reasonable walking distance of the site. Consequently, the site's isolated location from any settlement or transport hub would have direct implications for guests and staff with protected characteristics, particularly those with reduced mobility owing to the lack of choice of transport modes to access the site. Once on site, a range of facilities are to be made available, including a café/restaurant/bar and takeaway, laundry, convenience shop, and spa facilities, and these would be within reach of the lodges to which they would serve, reducing the impacts of the site's isolated location on arrival, though not eliminating them due to the lack of transport options to travel off-site. For staff, two lodges would be provided on-site to provide 24hour surveillance, negating the need to commute to the site. This would however only be available for two staff members.
- 12.4. In terms of the layout and design of the park, the proposed lodges would all comprise single story level accommodation. The lodges would be raised approximately 1.5m from the ground and in this regard a condition would be placed on any consent regarding access details to ensure a reasonable proportion of the lodges would have ramped access having regard to Inclusive Mobility. Parking is proposed for each lodge and located within reasonable proximity of the lodge to which it is served. Access roads are shared routes but considered to be of a suitable width, and given the nature of the internal roads the shared use in this instance is considered to be acceptable. Details of final ground levels would be required prior to commencement where consideration would be given to Inclusive Mobility Guidance having regard to slope ratios and the need to ensure the development is accessible to those with protected characteristics. The site on the whole (and with the exception of the current bunds) is relatively level so it is considered that reasonable site levels can be achieved.
- 12.5. It is also recognised that the proposed use would prevent the ongoing use of the kart track. This facility provides sporting opportunities for those with protected characteristics, including young people who gain STEM skills at the site, learn discipline, respect and focus through racing and benefit in terms of their mental health and social interaction. Third parties note the importance of ensuring that such opportunities are available for young people to promote and provide opportunity for a healthy lifestyle away from screens. The points raised are well understood and are not to be dismissed.
- 12.6. In terms of the closure of the Clay Pigeon raceway, the agent advises that irrespective of the application for planning permission, the track will close at the end of the racing season, therefore the application for planning permission would be immaterial to its closure. It is considered relevant nonetheless to consider the impacts, given (a) the contribution such facilities make to those with protected characteristics, and (b) that even in the event of its closure, the proposed development would ultimately prevent its reopening in the future by

the removal of the track itself. In this regard the proposed development would have a direct impact on persons with protected characteristics, reducing the opportunities available to young people interested in racing to develop specific skills.

- 12.7. Taking all matters into account, the proposal would result in some disadvantage to persons with protected characteristics, particularly in relation to access to the site and the loss of the existing recreational facility. These disadvantages are partially mitigated through the design of the development and provision of on-site facilities, but are not entirely removed. The impacts have been consciously considered and weighed in the decision-making process. In light of this assessment, it is considered that the Local Planning Authority has had due regard to the requirements of section 149 of the Equality Act 2010. Whilst the proposal does not actively advance equality of opportunity, it is not considered that it would result in unlawful discrimination or impacts of such severity as to justify refusal on equalities grounds. Granting permission would therefore be consistent with the Public Sector Equality Duty.

### **13. Public Benefits**

- 13.1. It is considered that the development would be likely to generate both construction phase employment and ongoing operational jobs associated with site management, maintenance, housekeeping and hospitality services. The agent has confirmed that the holiday park would provide a year-round use, providing continuity of employment and permanent positions, as opposed to seasonal roles. This, together with the inclusion of staff accommodation would likely improve job accessibility and retention, challenges often associated with rural tourism. The agent confirms that the holiday park is estimated to provide in the region of 88 full time jobs, plus additional part time positions. The more consolidated tourism offer across the site would also support the use of the hotel, which is currently impacted by the other uses on site, particularly the raceway which can lead to complaints. The George Albert Hotel employs over 50 full and part time staff, and it is hoped that the proposed holiday park would support the hotel use and allow it to diversify to provide additional and expanded ancillary facilities to support the proposed lodge park, and in turn additional jobs. The agent advises that collectively the proposed scheme would support at least 138 direct jobs on site when operational. The proposal also presents potential for indirect employment benefits through increased demand for local services and supply chains. Consequently, it is considered that the proposed development would provide employment benefits.
- 13.2. The proposal would also allow investment in the visitor economy, replacing a mix of existing leisure uses with a more consolidated tourism offer and it is considered that the purpose built tourism holiday accommodation has the potential to strengthen Dorset's tourism offer and increase visitor spend in the local area throughout the year. Based on an independent national tourism study, the agent estimates that the proposed scheme would generate spends into the local economy of approx. £5.8m annually. It is thus considered that the proposals would have economic benefits in respect of the local tourism trade and increased spending by visitors locally, as well as employment.

- 13.3. While the agent does not provide detail on the number of employees currently at the site, it is not expected that the site in its current form would support the equivalent number of employment roles. The agent also advises that existing employees at the site would be offered alternative employment within either lodge park and its facilities or within the hotel such that job losses are expected to be low.
- 13.4. A further public benefit of the proposal is the consolidation of uses and infrastructure on site (including the removal of disused structures and telecommunication masts), the loss of insensitive uses (having regard to noise generated from the raceway) within the National Landscape, and the proposed enhancement of site boundaries (to be secured by condition), including the closing up on the two accesses along the northern extent of the site, currently providing views of the existing varying uses and associated paraphernalia. These would present an enhancement to the National Landscape and visual quality of the area.

#### **14. Environmental Impact Assessment**

- 14.1. An Environmental Impact Assessment (EIA) Screening Opinion was adopted in 2019 ahead of submission of the application, following a formal request. Consideration was given to the characteristics of the development, the location of the development and the characteristics of the impact. Following consideration of the relevant selection criteria for screening Schedule 2 development presented in Schedule 3 of the EIA Regulations, it was concluded that subject to mitigation measures being set out, the proposed development would not be likely to have significant environmental impacts.
- 14.2. The mitigation measures set out the need for full land contamination conditions to be applied to any grant of consent to ensure that elevated levels of contaminants do not result in significant impacts upon the environment, human health and building materials. Matters relating to land contamination are considered in para 15.4 of the report and addressed within the submitted Phase 1 and Phase 2 desk study and Site Investigation Report; Supplementary Site Investigation and Updated Contaminated Land Risk Assessment; Site Investigation and Risk Assessment Update; and Framework Construction Environmental Management Plan (F-CEMP). WPA land contaminant consultants and the Environment Agency have been consulted on the application and raise no objection, subject to conditions. Recommended conditions 20 (water efficiency); 24 (soil importation); 27, 28 and 29 (land contaminations) are designed to address matters of contamination in accordance with specialist advice and the recommendations of the EIA screening opinion.
- 14.3. The mitigation measures also include the need to secure a Biodiversity Mitigation and Enhancement Plan (BMEP) certified by the Natural Environment Team. The Screening Opinion sets out what (at the time of writing) the BMEP would be expected to secure. A certified BMEP is before the Council, and since its submission/certification further survey work has been carried out to address the passage of time since initial survey work was carried out, and an updated Ecological Impact Assessment (EclA) has been

submitted and reviewed by the Natural Environment Team, who are satisfied with its contents. The EIA screening opinion acknowledges that the ecological measures contained within the screening opinion may be subject to change given the upcoming ecological surveys and discussions with the Natural Environment Team. Deviating from the recommendations made at the time of the Screening Opinion, the proposal no longer proposes 9 ponds but seeks to provide 2 ponds within the development. This is considered to be a betterment to the scheme by the Natural Environment Team, and as such, the deviation in this regard is not considered to alter the conclusions of the EIA Screening Opinion. Matters of ecology and the impacts upon bats, which are specifically mentioned within the Screening Opinion, are addressed within section 15.6 of the report, and recommended conditions 20 (landscape and ecological management plan); 24 (construction and Environmental Management Plan); and 31 (lighting strategy) are designed to address and mitigate impacts on biodiversity, including bats, in accordance with specialist advice. While the above conditions seek to secure the measures set out in the EclA as opposed to the BMEP, this is on the advice of the Natural Environment Team who are satisfied that the measures contained within the EclA are reflective of those contained within the certified BMEP and are more up to date, hence the EclA should be secured in this instance.

- 14.4. It is considered that the Screening Opinion adopted for the site remains relevant in terms of its assessment of the sensitivities of the site and the characteristics of the development, and the proposed scheme is considered to appropriately address the recommendations of the screening opinion such that, in the context of the EIA Regulations, the development would not be likely to have significant environmental impacts and does not comprise 'EIA development'.

## **15. Planning Assessment**

### **15.1. Principle of development:**

#### **15.1.1. Spatial Strategy**

- 15.1.2. The Parish Council, and third parties alike, have objected to the application with concerns that the site is an unsustainable location to support the proposed development, situated some distance from any main settlement and not easily accessible by modes of transport other than the car. The Parish Council specifically refer to the provisions of Section 9 of the NPPF (promoting sustainable transport) as not being met.

- 15.1.3. Section 9 of the NPPF relates to promoting sustainable transport. In this regard para 110 states the following:

- 15.1.4. *Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and*

*rural areas, and this should be taken into account in both plan-making and decision-making.*

15.1.5. In accordance with the NPPF, Policy SUS2 of the West Dorset Weymouth and Portland (WDWP) Local Plan sets out the spatial strategy for the wider area and seeks to distribute a large proportion of development to sustainable locations. Outside defined development boundaries the policy seeks to strictly control development, restricting development to the prescribed types within the policy itself. These uses include tourism, as proposed under the current application.

15.1.6. Policy ECON7 sets out the policy provision specifically relating to caravan and camping sites, and states the following:

- i) New caravan and camping sites should be well located in relation to existing facilities or make appropriate provision for facilities on site. Farm diversification projects (for agricultural and other land-based rural businesses) for new caravan and camping sites will be supported, provided they are in keeping with the rural character and the development makes an on going contribution to the business that is diversifying.*
- ii) Proposals for the expansion, intensification or reorganisation of existing sites must clearly demonstrate that development forms part of a long term management plan to improve the quality and appearance of the accommodation and site.*
- iii) All development (including the change of use from touring to static units) must not, individually or cumulatively, have a significant adverse impact on the distinctive characteristics of the areas landscape, heritage or built environment. Proposals in the Heritage Coast are unlikely to be supported.*
- iv) Development proposals must include an appropriate landscape scheme and provision for its ongoing maintenance*

15.1.7. Provided within the holiday park would be the retained clubhouse which offers facilities including WCs and shower facilities, first aid room, offices, staff facilities, laundry, plant room, kitchen with servery, and shop, including the sale of food and drinks. It is proposed to operate a café/restaurant/bar and takeaway, and to expand the shop to provide a convenience store/farm shop. Holiday Park guests would also be able to share the existing hotel facilities, which include spa, jacuzzi, steam room, sauna, beauty treatment rooms, and a restaurant and bar.

15.1.8. It is acknowledged that many holiday makers to the site are likely to want to travel to visit nearby settlements and tourist attractions, and the site's location away from other sustainable transport hubs means there would be reliance on the car to access the site and other tourist destinations. However, considering the proposal against the above policy provisions, the site would have access to appropriate facilities, despite its remote location from any main settlement, in accordance with policy ECON7 (i); and whilst opportunities to maximise sustainable modes of transport are limited in this

location, it is considered that through provision of facilities on site, the need to travel has been reduced, in accordance with the provisions of Para 110 of the NPPF.

- 15.1.9. It is also relevant to note that use of part of the site for holiday purposes already exists. In this regard there is policy support for the expansion, intensification or reorganisation of existing sites under Policy ECON7 (ii). Whilst the nature of the resulting lodge park differs to the touring and caravan provision currently offered at the site, the use of the site as a caravan site is a material planning consideration which weighs further in favour of the principle of a holiday lodge park at the site, subject to a long term management plan to improve the quality and appearance of the accommodation. The proposed tourism use would also complement the existing provision offered by the hotel at the site.
- 15.1.10. The concerns raised in respect of the site's location away from main settlements and public transport routes are understood. However, in light of the above, the principle of a holiday park in this location would be acceptable in terms of the adopted spatial strategy, subject to the impact of the development, particularly having regard to the visual and landscape character of the site and area, bearing in mind its sensitive location within the National Landscape. This is considered later in the report.
- 15.1.11. **Use of Previously Developed Land**
- 15.1.12. The applicants have identified one of the benefits of this proposal as being the use of previously developed land, and it is considered appropriate to consider this in more detail. The NPPF's definition of previously developed land is as follows:
- 15.1.13. *Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*
- 15.1.14. Part of the site has been occupied by a small range of shooting stands for some time, but the ground coverage of those stands is relatively limited. The vast majority of the former shooting ground is undeveloped and remains as grassland. The existing caravan site and the racing course and associated buildings occupy the other portion of the site with associated fixed surface infrastructure or buildings. The surrounding land is generally laid to grass, subdivided by berms. In this case, part of the site would be considered as previously developed land, although arguably not the site in its entirety.

- 15.1.15. Policy ENV15 of the WDWP Local Plan seeks to encourage the efficient and appropriate use of land and encourages the re-use of previously developed (brownfield) land provided it is not of high environmental value. The NPPF at section 11 also seeks to ensure the effective use of land and gives substantial weight to the value of using suitable brownfield land within settlements, or where it relates to meeting housing needs. Neither of these circumstances relate to the site. In turn, the NPPF states that Local planning authorities should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers. Dorset Council has produced a Brown Field Register, but the site is not included.
- 15.1.16. The thrust of local and national policy is to reuse land that has already been compromised by the effects of development, where the land is not of high environmental value, and with a particular emphasis on the suitability of the site for housing, the delivery of which is a high priority for the Government. Part of the site would be considered to be brownfield land, although the loss of the existing uses would have to be weighed in the balance, yet the extent of development proposed does not reflect the balance between the built up areas of the site, and the undeveloped areas. The proposed development does not seek to develop the site for housing and would not be considered a suitable location for housing in any event as a consequence of its remote location away from any settlement. Furthermore, given the site's location within the National Landscape, it could be regarded as 'high environmental value' for the purposes of interpreting the policy advice. As such, the reuse of some of the previously developed parts of the site could be considered a benefit of the scheme, but given the site circumstances and policy interpretation, this would not weigh heavily in the balance, and due regard should be given to the loss of open undeveloped land that would result. This missed opportunity to provide a significant element of open space to support the holiday use proposed and to reduce the built form in this sensitive location, lacks an understanding of the site's sensitive position and an opportunity to moderate the impacts of development.
- 15.1.17. It is also worth noting, that the supporting information makes a number of references to provisions under the Caravan Sites and Control of Development Act 1960. Whilst the guidance provided is a useful consideration, it should be made clear that planning permission is required for the development proposed, and density and visual amenity are material planning considerations.
- 15.1.18. **Loss of recreation facilities**
- 15.1.19. Other material planning considerations relate to the loss of recreational facilities at the site.
- 15.1.20. In this regard, the proposed development would result in the loss of the clay pigeon shooting ground and the Clay Pigeon racing track. The clay pigeon shooting ground has been vacant for several years as a consequence of

viability issues associated with the contaminated land issues at the site. The racing track is however still in operation, and is a unique facility offering an 815 metre outdoor circuit track and the ability to race at up to 60mph. The track is open to members of the public Mondays-Thur 10:00-17:00, but otherwise operates as an owner-driver karting facility used for British and National Championships including the British Kart Championships (BKC), National Kart Championships (NKC) and National Schools Karting Association (NatSKA) championships (the seed of grassroots karting). Other competitions available at Clay Pigeon raceway include Access Karting championships, Club 100 championships, and UK kart series and British ProKart championships, Armed Forces Karting (AFK) Championships, and F.A.T competitions. The track was the home circuit of Jenson Button and Lando Norris and was the circuit where Lewis Hamilton won his first race. It is clear from third party comments received, that the circuit has significant heritage value in British motor racing and offers a unique technical grassroots track for young people aspiring for success in British motorsport.

15.1.21. Policy COM5 of the Local Plan seeks the retention of recreational facilities. It is written in the context of traditional sporting facilities such as playing fields and open space, but the principles behind it are considered to be relevant. In brief, the relevant parts of the policy state the following (please refer to the Local Plan for a full version of this policy):

15.1.22. *Development on, or change of use of open spaces of public value and recreational facilities (including school playing fields) will not be permitted unless:*

- *The development proposed is ancillary to the use of the site and the proposal will either support or improve the recreational and amenity value of the site ... ; or*
- *The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the ... recreational facilities; or*
- *Alternative and/or suitable replacement outdoor or indoor provision of equal or better recreational quality or value is provided ... and there is a clear community benefit; or*
- *It can be demonstrated that the ... land [is] surplus to requirements and there is no need for ... recreational uses which could reasonably take place at the site.*

15.1.23. Due to the unique nature of this facility, there is no 'needs assessment' which specifically requires such a facility, but this should not in itself render the facility as unworthy of retention. The specialist nature of such a facility does however rely on a specific and more widespread audience, and need should be considered in this context.

15.1.24. Having regard to recreation provision, Policy COM5 echoes the key principle as set out in para 103 of the NPPF, which states:

- 15.1.25. *Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.*
- 15.1.26. To assist in making a judgement, para 104 of the NPPF, written in the context of open space, sports and recreational buildings and not specifically related to motorsports facilities, identifies three 'tests', each of which are considered below on the basis that these offer a broad principle for considering the proposed loss of racetrack:
- 15.1.27. *Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
- 15.1.28. **a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or**
- 15.1.29. Shooting Ground
- 15.1.30. The Shooting Ground has now been closed for several years, and there is no guarantee that by retaining the land the shooting ground would re-open in the future. When considering the provision of a solar park on the former shooting ground in 2015, limited evidence was received to indicate an overriding need to retain the land following its closure. Planning permission was subsequently granted, albeit the site was not used for the intended purposes, leaving the site still vacant today.
- 15.1.31. Whilst no thorough assessment has been made regarding the need for the facility, having regard to the above considerations, and the passage of time since its closure, with no prospective purchaser that the Council is aware of, the recreational use of the shooting ground could arguably be considered surplus to requirements, and its loss accepted under para 104 of the NPPF.
- 15.1.32. Go-karting facility
- 15.1.33. The agent has provided an assessment of the existing go-karting facility. In doing so, the agent refers to the business as making only a small profit, offering no income to the landowner. The agent consequently assesses the business as unviable, although no detailed viability assessment has been provided to verify this position. The agent has consequently confirmed that the racetrack will close at the end of the 2026 racing season.
- 15.1.34. The agent also notes the raceway is a private business and not in public ownership, and suggests that it does not therefore offer a public or community facility. The private ownership of the company does remove any control from the Council, and it is true that the council cannot prevent its closure, but it certainly does not prevent the facility from being a community sports facility, its very use by members of the public and karting club members renders it so. In fact, from reviewing the website and social media page, and having regard to the large volume of representations received in the last couple of months, the racetrack is a valued facility, still in operation

and, from a statement on their website, has no intention to move from the site, although the operator may have little control in this regard given the applicant's intention to close the facility.

- 15.1.35. The intention to close the facility does not render the site surplus to requirements and does not in itself demonstrate a lack of viability; to better assess this consideration has to be given to need, and this has to be considered in the context of the type of facility it is.
- 15.1.36. It is noteworthy that 75 comments have been received raising significant concerns over the loss of the track, including an objection from Motorsport UK, the national governing body for four-wheel motorsport, the Association of British Kart Clubs (ABKC) (the body that supports Motorsport UK affiliated sporting kart clubs), and the Land Access and Recreation Association (LARA) (an umbrella organisation of motor recreation and motor sport bodies seeking to protect, promote and facilitate motor recreation). Prior to notifying interested parties of the recommendation and intention to report the application to committee, very few third party comments had been received raising concern over the loss of the raceway. It is suggested by third parties that this is a consequence of its wider audience such that awareness of the application countrywide is likely to be low and representations received were unlikely to be representative of the wider sporting community affected by the potential loss. Since then, there have been a large number of objections received raising significant concerns over the loss of the facility, highlighting its importance and role in providing access to British motorsport, providing STEM and other life skills to young people, and offering a foundation to British and National championships.
- 15.1.37. There is no needs assessment for this type of facility, to assess need, it is relevant to consider what alternative provision exists. To better assess this the agent has provided details of other racing facilities in the area. In this regard, the nearest racing courses are Haynes Track located in Sparkford, Somerset (approx. 29km away), which offers a much smaller 400m track and allows speeds up to 50mph and South Coast Karting which offers a 580m racing track located in Christchurch, Dorset (approx. 64km away). These are understood to be leisure karting sites, which differ significantly in nature from the grassroots owner-driver karting and competition facility at Clay Pigeon raceway, and are understood to offer less technically demanding tracks and lower speed racing. While it is understood that Clay Pigeon raceway opens to members of the public on certain days of the week, offering a leisure opportunity, on the whole Clay Pigeon operates as a driver-owner course for those wishing to pursue the sport competitively, offering STEM support and a foundation for those which seek to progress in British motorsport. Weekend fixtures thus evolve around competition, with a clear commitment to providing championships for young drivers wishing to access the sport. In this regard, Haynes Track and South Coast Karting are not considered comparable sites due to the difference in their offering, their focus being on leisure.

- 15.1.38. Dunkeswell Raceway (formerly Mansell Raceway) located at Dunkeswell, Devon (approx. 69km away) offers a 750m track and allows speeds up to 60mph, and like the Clay Pigeon raceway site is a licensed driver-owner facility that host Motorsport UK permitted events, in addition to their leisure offer. Dunkeswell do not currently appear to offer NatSKA championship racing, an offering which third parties rate the Clay Pigeon site highly for participating in, offering opportunity for young people to gain access into the sport, but Dunkeswell do partake in BKC and NKC competitions, Club 100 championships (though it is noted they are cancelled this season at Dunkeswell) and F.A.T competitions, and are a recognised grassroot circuit that provides opportunities for young people to develop talent. The review of what championships the various clubs take part in is of course subject to change and only referenced as a guide for comparison. It is also noted that driver-owned races at Dunkeswell are limited to 9 full weekends per calendar year, together with 15 additional Saturdays per year (33 race days in total), with limitations on hours of operation. A recent planning application seeking to extend operating hours was refused, but it is not considered that this would prevent the club from continuing to provide a foundation for motorsport in its current capacity. While Motorsport UK have been contacted for further comment in light of their concerns regarding access to the sport within the region, no additional comments have been made as part of the current application for planning permission. It is nonetheless noted that as part of the recent planning application at Dunkeswell, Motorsport UK confirmed that Dunkeswell is committed to delivering educational benefits through related initiatives and driver development programmes. Driver tuition days, run in partnership with the Association of Racing Kart Schools (ARKS), ensure that all participants are trained to a high level of competence and safety, and clearly Motorsport UK recognised Dunkeswell as an important grassroot track.
- 15.1.39. In light of the above, Dunkeswell is considered to provide the nearest broadly comparable offering for driver-owner motorsport. It is accepted that there are differences in circuit challenges, and differences in fixtures. It is nonetheless clear that both clubs provide opportunities within the south west region to enter the sport, gain important life skills for the future and foster talent within British Motorsport.
- 15.1.40. From the above assessment it can be concluded that within approximately a 1 hour drive, another broadly comparable karting facility can be found, having regard to the Dunkeswell Raceway, albeit offering a slightly smaller track. While this would add to the distance required to travel to access a raceway, a matter that needs to be weighed in the balance, in terms of the geographic catchment for such facilities, this is generally considered an acceptable distance to travel, with many track users often having to travel 1 ½ to 2 ½ hours to access a track. In this regard, Dunkeswell is well sited to serve the south west region, and it is on this basis, Sport England did not initially raise an objection to the loss of the facility at the Clay pigeon site. Since a review of comments received, including those comments received from Motorsport UK, Sport England, though not a statutory consultee, now

object to the proposal, acknowledging the concerns raised regarding the loss of the facility.

- 15.1.41. The agent has made clear the applicant's intention to close the raceway at the end of the sporting season. With most raceways, including this one, in private ownership it does add complexity to the issue, and because tracks are not subsidised they are reliant on private funding/use. In this regard, the one advantage of the proposed closure at Warden Hill is that the loss of this site would transfer the use to other raceways creating a potentially more resilient financial base for those other sporting sites. Nonetheless, it has become clear from the representations received that Clay Pigeon raceway is valuable not only because of its offering, but for what it represents in terms of its strong links to professional formula 1 racers within British Motorsport.
- 15.1.42. To be clear, the Local Planning Authority has no control over its closure, and cannot prevent this. Refusing the application would not necessarily alter the intentions of the applicant to close the facility. By granting permission, the land use would nonetheless be permitted to alter and the raceway facility could be replaced by other development resulting in its ultimate loss, which is a material planning consideration.
- 15.1.43. The loss of the unique recreational facility clearly has to be weighed in the balance. Its heritage value is a material planning consideration, but cannot on its own justify need. It is also recognised that the raceway without doubt offers enhanced opportunities for young people to gain access to the sport and this is demonstrated in the letters of support received. However, in the context of raceways, and expected distances to travel, it is difficult to justify the need for the facility given another owner-driver grassroots raceway exists within a reasonable geographical catchment serving the region. On this basis, it could be concluded that the track is surplus to requirements, but it is finally balanced given the facility is clearly a valued one
- 15.1.44. **b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or**
- 15.1.45. **c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use**
- 15.1.46. Having regard to the final two tests, these are not met as the proposed development is not for alternative sports or recreational provision, they would not be relocated, and there would be no replacement provision elsewhere. These tests do not need to be met owing to the first test being met.
- 15.1.47. In light of the above considerations, it is accepted that, to an extent, the loss of the clay pigeon shooting ground has already occurred as a result of viability issues resulting from the conditions at the site leading to its closure.

Since its closure, Officers are unaware of any interest to reopen the shooting ground, and as previously accepted in 2015, there is insufficient need for the use demonstrated to require its retention.

- 15.1.48. The use of the site as a raceway is slightly different, as the use is still in operation. The agent advises of its planned closure, and given its private ownership this removes any control that the Council may have. Its closure would not necessarily see the track lost however, or prevent its re-opening in the future. Nevertheless, it is considered that there is a sufficient supply of other similar sporting facilities within a reasonable catchment area; on this basis, on balance the site could be considered surplus to requirements.
- 15.1.49. The loss of the circuit would also present some benefits, by removing a use which can generate noise from a National Landscape location. This is a material consideration when considering the impact from the loss of the go-karting facility. Impacts on the National Landscape will be considered in more detail in the remainder of the report, but the proposal as a whole would present opportunities to remove redundant infrastructure on site, including disused buildings and telecommunication masts, and man-made bunds, and would enhance the landscaped boundaries of the site, including reinstating the northern accesses with hedgerow, presenting both visual and ecological benefits. Careful soil management would address land contamination issues, and the replacement of the track with tourism accommodation would also present a more compatible use that would support the on-going operation of the hotel on site. Currently it is understood that the leisure use of the hotel is compromised by the noise generated from the raceway. These matters weigh in favour of the proposal.
- 15.1.50. As such, the loss of the recreational facilities is considered to broadly accord with the allowances made under the final bullet point of policy COM5, and the tests set out under para 104 of the NPPF, though it is considered that these matters are finely balanced.
- 15.1.51. **Provision of permanent accommodation on site**
- 15.1.52. The applicant also seeks to provide 2 staff units on site to provide onsite accommodation for employees, in the form of 3 bed self-contained lodges. This has been amended since the original submission of the application, which sought the provision of 8 staff units on site. The proposal to include self-contained staff accommodation has been queried by the Parish Council and third parties.
- 15.1.53. Policy HOUS6 of the WDWP Local Plan seeks to restrict development within the open countryside subject to a set of special circumstances; one of which relates to rural workers dwellings. The policy states the following:
- 15.1.54. *iv) New housing for rural workers (full time workers in agriculture, horticulture, and other rural businesses), located outside the defined development boundaries, will be permitted provided that it can be*

*demonstrated that there is an essential need for a worker to live at or near their place of work.*

15.1.55. The preamble to the policy offers some context behind this provision where it states:

15.1.56. *... there will be some circumstances where the viability of an agricultural, forestry, or other enterprise for which a rural location is essential, depends upon a worker being resident on site to oversee the operation of the enterprise. In considering proposals for rural workers' dwellings, the councils will need to establish that the accommodation is essential to the functional requirements of the business. It will also be necessary to establish that the business is financially sustainable in the long term, particularly where the proposal is for a permanent dwelling. The councils will also give consideration to the availability of alternative accommodation on the holding or nearby; and whether a dwelling on the holding has been sold recently on the open market. The size of the proposed dwelling should also be appropriate to the needs of the business and positioned where it will effectively meet the functional needs. A temporary dwelling may be acceptable in the case of new businesses that cannot yet show financial soundness but where it has been established that there is a functional requirement for on-site accommodation.*

15.1.57. The NPPF in turn states at para 84:

15.1.58. *Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

15.1.59. *a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside; .....*

15.1.60. In order to assess the need for the rural workers dwelling the above tests have been broken down and assessed below:

15.1.61. ***Is a rural location essential for the enterprise?***

15.1.62. It is not considered essential that a holiday park be located in a rural location, although there is some acceptance that finding a site of the scale proposed within a settlement boundary would be difficult.

15.1.63. The policy does not seek to differentiate between the levels of remoteness within rural locations, and whilst it is challengeable to consider that a rural location is essential, it is accepted under Policy SUS2 that such uses (for new employment, tourism and leisure related development) can be sited within countryside locations, and with this in mind, together with consideration of the scale and position of the site adjacent to the existing hotel, it is not considered pertinent in this case to argue that a rural location is not essential.

- 15.1.64. ***Is the accommodation essential to the functional requirements of the business?***
- 15.1.65. Two units of permanent residential accommodation have been established on the site. The granting of consent for the bungalow on site, limited to an employee of the existing holiday park, already demonstrates acceptance that there is some essential need for a warden to be present on site to assist in the effective management of the caravan park and the former Southern Counties Shooting Ground. In respect of the second permanent mobile home on the site, this was a little more questionable; with officers recommending refusal based on lack of need, prior to committee approving the application in recognition of its long run of temporary permissions and the circumstances of the occupier. Part of the applicant's case at the time was in relation to the holiday park, but also the security of guns being held on site in association with the former clay pigeon shooting activities.
- 15.1.66. Policy HOUS6 supports the replacement of dwellings, but only within the curtilage of the existing property, which is not the case here. Nevertheless, it was established in the early 80s that there is some functional need to be present on site to ensure the successful running of the holiday park. Indeed, the agent has confirmed that 24hr staff would be required on site to provide 24hr on site security, to provide high quality support and a 24hr service to visitors including emergency repairs, making travel arrangements, managing deliveries, cleaning and servicing, and to deal with late/early arrivals and departures. It is questionable whether all these offers would need to be 24hr, but it is accepted that for security reasons and emergency situations, some 24hr presence would be required. Recognising the proposed holiday park would be at a greater scale than the current caravan park on site and noting the presence of 2 rural units of accommodation presently at the site, it is accepted that a functional need could be demonstrated for 2 workers units. There would be no net increase in residential accommodation across the wider site as a result of this.
- 15.1.67. Bearing in mind the potential to offer surveillance from the hotel, and the acceptance of two units on site to manage the existing holiday park, it is considered that two units would be sufficient to satisfy the functional need on the site and address security concerns, noting the two northern accesses to the site are proposed to be closed.
- 15.1.68. ***Is the business financially sustainable in the long term?***
- 15.1.69. Some limited detail of the viability/financial business case for the proposal has been submitted, which indicates a profit would be realised in the first few years. In recognition of the existing accommodation on site, together with the temporary lodge form in which the staff units are proposed, it could likely be demonstrated that 2 units on site would be financially sustainable.
- 15.1.70. ***Availability of alternative accommodation on the holding or nearby?***
- 15.1.71. From a desk based search no properties under the £1million price bracket are currently for sale within 1 mile of the site, with the nearest properties being located within a 3 mile radius.

15.1.72. ***Has a dwelling on the holding been sold recently on the open market?***

15.1.73. No dwelling has been sold on the site recently to the Officers knowledge.

15.1.74. Having considered the above, and referring back to the policy wording itself, sufficient justification has been provided to demonstrate that there is an essential need for 2 permanent staff lodges on site, and it is a material consideration that there would be no net increase in the number of residential units on site. As such, the proposed development is considered to comply with policy HOUS6 of the Local Plan, and para 84 of the NPPF. A condition would be placed on any consent securing the occupancy of the two staff lodges to a rural worker connected with the use of the holiday park.

15.1.75. **Climate Implications**

15.1.76. It is proposed that the site would be served by facilities provided on-site, including use of an existing building, to be converted, and use of the hotel facilities, providing a shop and leisure facilities on site; thereby reducing the need for holiday occupants to travel during their stay.

15.1.77. It is also proposed that the scheme would incorporate sustainable drainage, and grey water harvesting systems, with water saving taps and showers provided and dual flush toilets. Every holiday lodge would also have a single EV bollard with two car charging sockets, and a further 40 EV charging stations would be provided within the car park. All holiday lodges would be manufactured to exceed British Standard 3632.

15.1.78. A lighting scheme would comprise low level bollard luminaires utilising low energy fittings which would operate from dusk until 11pm only. Wall mounted luminaires to the lodge entrance will operate via movement detection only.

15.1.79. **Conclusion: Principle of development**

15.1.80. In order to establish the principle of development, various material considerations have been taken into account. These include consideration of the adopted spatial strategy and policy ECON7 having regard to the provision of a new and/or extended holiday use some distance from any settlement; consideration of the weight to be applied to the site's part brownfield condition; the loss of the existing recreational facilities that would result from the proposed change of use of land; and the need for 24hr surveillance at the site for security purposes. Weighing in favour of the proposal is its location close to existing and proposed facilities, together with the presence of an existing holiday use at the site, the presence of two established residential units on the site and the understanding that some 24hr presence would be of benefit from a security perspective, and the lack of demonstrable need for the existing recreational facilities. In this regard, the provisions of policies ECON7, COM5 and HOUS6 are met, and subject to the environmental and other impacts of the development, the principle of development is accepted. The part undeveloped nature of the site weighs less favourably, and critical to considering matters further, are

considerations of the implications of developing within a National Landscape; a matter which shall be considered next.

**15.2. Impact on the visual amenity and AONB/National Landscape**

- 15.2.1. The National Parks and Access to the Countryside Act 1949, and the Countryside and Rights of Way Act (CROW) 2000, sets out the general duty of Local Planning Authorities in relation to AONB's/National Landscapes and para 85 (1) states the following:
- 15.2.2. *In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.*
- 15.2.3. This duty was updated in Dec 2023 by the Levelling Up and Regeneration Act (LURA), which amended the 'duty' placed upon relevant authorities to 'have regard' to conserving and enhancing the natural beauty of the AONB, to a 'duty' to 'seek to further the purpose of' conserving and enhancing the natural beauty of the AONB, placing a more proactive duty upon public bodies to ensure the primary purpose of the designation 'to conserve and enhance natural beauty' is at the forefront of decision making. This duty applies to designated National Landscapes (former AONBs; the terminology of which is considered interchangeable having regard to local and national policy references).
- 15.2.4. Policy ENV1 of the WDWP Local Plan seeks to safeguard the natural beauty of the landscape. In this regard, policy ENV1 states the following:
- 15.2.5. *Development which would harm the character, special qualities or natural beauty of the Dorset Area of Outstanding Beauty or Heritage Coast, including its characteristic landscape quality and diversity, uninterrupted panoramic views, individual landmarks, and sense of tranquillity and remoteness, will not be permitted.*
- 15.2.6. Policy ENV1 requires consideration of the objectives of the Dorset AONB/National Landscape Management Plan (NLP). In this regard, objectiveC1(a) of the 2025 NLP seeks that development conserves and enhances the National Landscape, and in doing so the Plan only offers support to development that does not conserve and enhance the National Landscape if it is necessary and in the public interest, with major proposals subject to detailed consideration of exceptional circumstances and public interest grounds. Objective C2(a) seeks that high quality assessments are made of proposals and seeks to refuse proposals that are harmful to landscape character unless the benefits clearly outweigh the protection afforded to the National Landscape. Objective C4 relates to preventing and mitigating harm to the landscape and visual character of the area. To achieve this C4(a) refers to removing, and avoiding new, features detrimental to landscape character, tranquillity and special qualities, to protect and enhance views, and to conserve and enhance dark night skies. Objective C4(c) seeks to limit inappropriate forms of major development

within the National Landscape while supporting the use of previously developed land.

- 15.2.7. Policy ENV10 is also relevant, and seeks to ensure development provides for the future retention and protection of trees and other features that contribute to character and is supported by sufficient hard and soft landscaping to successfully integrate with the character of the area.
- 15.2.8. To further assist, para 189 of the NPPF states the following:
- 15.2.9. *Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, 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...*
- 15.2.10. Para 190 of the NPPF goes on to state (in line with objective C1(a) of the National Landscape Management Plan):
- 15.2.11. *When considering application for development within ... Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
  - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
  - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*
- 15.2.12. It is first relevant to consider whether the proposed development would constitute ‘major development’ within the AONB/National Landscape. The NPPF does not define or seek to illustrate the meaning of the phrase “major developments” and the courts have rejected the argument that the definition used in the Town and Country Planning (Development Management Procedure) Order (DMPO) 2010 Article should apply across any policy document, procedural rule or Government guidance where the context is town and country planning. *Aston v Secretary of State for Communities and Local Government* [2013] EWHC 1936 (Admin) helped affirm this. Its categorisation as a “major” application for the purposes of the DMPO are therefore irrelevant in determining whether it falls to be considered within the context of paragraph 190 of the NPPF.
- 15.2.13. The NPPF, at footnote 67, nevertheless seeks to offer guidance on making this judgement and states:

- 15.2.14. *For the purposes of paragraphs 190 and 191, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.*
- 15.2.15. Having regard to the above, it is considered that this proposal does amount to major development in its local context. The proposal would see approximately 18.6 hectares of land densely occupied by lodges alongside the existing George Albert Hotel within a partially developed, and partially open landscape. This type and density of development on an elevated hill top would be at odds with the less intensely developed designated landscape, characterised by undulating fields with small settlements nestled into the countryside. Having regard to the nature, scale and rural setting of the proposed development it is considered that it would in this case qualify as ‘major development’. That would certainly appear to be the view of Natural England and the Dorset National Landscape Team, as referred within their consultation responses.
- 15.2.16. Proceeding on this basis brings us back to paragraph 190 of the NPPF and the premise that “*planning permission should be refused ... except in exceptional circumstances and where it can be demonstrated [that proposals] are in the public interest.*” To assist in making this judgement paragraph 190 identifies three key considerations to have regard to, each of which are considered below.
- 15.2.17. **a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;**
- 15.2.18. There is no standardised needs assessment with respect to holiday parks, but some judgement can be made by considering the contribution and impact that such a facility might make on the local economy. In order to better consider this, the agent has provided a Demand and Needs Statement and Financial Assessment, prepared by the South West Research Company Ltd.
- 15.2.19. The report considers the existing holiday offering within the area. The assessment found 24 holiday parks located within a thirty minute drive of the application site, but found only one holiday park to have a comparable offering in terms of its accommodation type, scale and focus on nature and associated activities as opposed to a coastal experience, Wareham Forest Lodges near Poole, which has approx. 160 lodges. Acknowledging the lack of other similar operators offering this type of lodge accommodation, the report suggests that the local tourism product, particularly within the West Dorset area, would be enhanced through the proposed development, with the potential to attract new visitors to the area, and greater spend locally.
- 15.2.20. The report advises that holiday parks in rural areas are well documented as playing a significant role in supporting the local economy and reports the South West as the UKs most popular holiday destination. The economic

impact estimated to be associated with visitors to the proposed new development, assuming it achieves average levels of occupancy, shows that:

*When the economic impacts already being output by the existing site are considered and deducted from the economic outputs estimated for the proposed new development, a net additional output of approximately £4.6 million business turnover in the local economy is generated supporting approximately 113 FTE jobs based upon Cambridge Model data.*

- 15.2.21. The proposed holiday park is proposed to offer high quality tourist accommodation and would in turn complement the existing George Albert Hotel and Spa facility, which is currently compromised by noise generated from the raceway, allowing the existing tourism facility to diversify, and adding further economic benefit by supporting an existing business. The agent confirms that the holiday park and hotel would collectively provide at least 138 direct jobs on site.
- 15.2.22. The considerations within the Statement demonstrate that the proposed development has the potential to enhance the local accommodation offering currently available for visitors in what is a growing sector for UK tourism, and an important part of Dorset's rural economy. Having regard to the impact of the development on the local economy, and both national and local policy objectives to support the economy, it could be construed that there is demand for such a facility within the local area, and with no other similar sites coming forward, the site would respond to this demand.
- 15.2.23. In terms of the need, the evidence surrounding such a conclusion is not robust. Nationally, the NPPF at para 88 (c) seeks to support sustainable rural tourism and leisure development which respect the character of the countryside. Locally, support is offered by Policy ECON7. The policy support is in recognition of the contribution leisure facilities make to the rural economy, which is further supported by the Statement and Financial Assessment, but does not on its own demonstrate need for such facilities. It is therefore difficult to conclude based on the evidence put forward that the development truly addresses need.
- 15.2.24. However, it is considered that the proposal would contribute positively to the wider economy through providing increased all year round tourism provision within the area, and would provide employment opportunities, both directly through employment at the Park, and indirectly through supply chains, which is materially relevant to para 190 part (a) considerations. While the agent does not provide detail on the number of employees currently at the site, it is not expected that the site in its current form would support the equivalent number of employment roles.
- 15.2.25. Concern has been raised by third parties relating to the impacts upon local businesses and tourist providers. The proposed holiday park would however be of a very different nature to other hospitality providers in the locality. It is not considered that the economic impact upon smaller

providers would be significant given the different markets they would occupy within the tourism sector but, in any case, it is not for the planning system to control or influence competition within the market, and this would not be a reason to refuse the application.

- 15.2.26. Although there would be some loss of facilities at the site which currently contribute to the economy, the economic benefits of the proposal would be likely to outweigh the impacts of losing the existing businesses on site, from an economic perspective. The provision of a more compatible use adjacent to the hotel would assist in its successful running and allow the existing hotel to diversify. With the planned closure of the racing track at the end of the current season, the site would otherwise remain dormant, with the exception of the hotel and small retail elements of the site, which on their own only make a limited contribution upon the local economy.
- 15.2.27. It is in recognition of the economic benefits that tourism proposals bring to the area that forms the very basis for Local Plan policies such as policy ECON7 supporting such development within rural locations, emphasising the importance and contribution of such proposals on the rural economy. It is considered that, while 'need for the development' has not been soundly evidenced, significant weight should be placed upon the economic benefits of the proposal when considering the planning balance.
- 15.2.28. **b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way;**
- 15.2.29. There is clearly no compelling geographical reason for holiday parks to be sited within AONBs/National Landscapes. Many such developments have been built on land outside of designated landscapes, both within the Dorset Council area, and across the country.
- 15.2.30. The submitted Demand Statement does makes a number of pertinent points emphasising the appeal of focussing holiday parks within the natural environment, and compiles evidence from a number of reports. It reports that of the total 1.7bn annual tourism spend in Dorset in 2016, 74% was motivated by visiting the natural environment (£1.3bn). 39% of the annual tourism spend in Dorset (£677m) was also estimated to be associated with outdoor active recreation and so includes things such as fishing, walking, cycling, horse riding, watching wildlife and exploring the countryside. These figures demonstrate the appeal of such development within countryside locations, and as acknowledged above, tourism is an important part of Dorset's rural economy. The above does not demonstrate a need to be within the designated AONB/National Landscape but does present a compelling case to site the use within a countryside location.
- 15.2.31. No details of cost have been provided in terms of developing outside of the designated area nor have details been provided regarding the viability of the site, taking into account the contaminated land issues, compared to development on other sites outside of the AONB/National Landscape. Para 1.07 of the Design and Access Statement indicates some of the key

considerations when considering site selection, but no details of any sequential approach have been submitted, or reasons for discounting other non-designated sites.

- 15.2.32. With regards to the above, it is acknowledged that to find a site within a reasonable catchment of the site, and outside of the designated AONB/National Landscape, of a sufficient size and nature that would be appropriate and available for such a use, without significant harm to the natural beauty of the area, would be challenging, particularly given the large portion of Dorset designated as AONB/National Landscape or Heritage Coast.
- 15.2.33. In terms of site selection, the agent acknowledges that the proposal is site specific having regard to the brownfield nature of part of the site and having regard to the existing caravan provision at the site, which would be replaced by the upgraded and larger proposal. In this regard, the agent considers the proposal to be an expansion of the existing use at the site, as opposed to a new use being introduced.
- 15.2.34. Whilst the site would result in a complete overhaul of the existing caravan park, ultimately replacing and changing the existing provision, and the increase in caravans would be substantial (representing a 556% increase in caravans), it would extend an existing established use at the site, and there is provision set out in policy ECON7 to support the expansion and improvement of existing sites. This weighs in favour of the selection of the application site for the proposed holiday park.
- 15.2.35. Other considerations cited by the agent include the sites accessibility on a main road, its relation with the existing tourism development on site (both in terms of the existing caravan park and hotel), its location in terms of neighbours and the desire to find a visually unobtrusive site.
- 15.2.36. Whilst the site would arguably utilise some greenfield land, part of the site would utilise brownfield land, which currently is heavily contaminated and contains uses less compatible with the AONB/National Landscape setting, namely the go-karting facility. The site's mature hedgerows and elevated position would minimise the impact of the development on wider views across the AONB/National Landscape. This is because looking towards the site from lower ground, only the vegetated boundaries of the site are visible, with no vantage points from higher land providing views down into the site. The proposed tourism use would also be compatible with the existing tourism use of the site, with particular reference to the existing caravan site and hotel use, and has good accessibility.
- 15.2.37. With no sequential test having taken place in terms of site selection, and no detailed analysis provided in terms of the scope for developing outside of the designated AONB/National Landscape, it cannot be concluded with any certainty that there are no other suitable sites outside of the designated area, albeit Officers are not aware of any such sites. Indeed, it is acknowledged that it would be difficult to find a suitable site of a

comparable size to site such a proposal. In turn, it is not considered that the tourism 'need' for such a large site could be easily met by other means. The site's existing use as a tourism provider, its location adjacent to a major road, and the benefits associated with the loss of other less compatible uses (noting noise from the raceway detrimentally impacts the hotel use and National Landscape qualities), do weigh in favour of its siting.

**15.2.38. and c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.**

15.2.39. Impacts upon the environment include potential impacts related to land and groundwater contamination. These matters are addressed within the submitted technical reports, and with appropriate conditions applied to any grant of consent it is considered that significant impacts upon the environment resulting from contaminated land and/or groundwater can be successfully moderated. See para. 15.4 of the report for further consideration regarding contamination. Impacts upon ecology are considered at para 15.6 of the report and are addressed within the updated Ecological Impact Assessment (EclA). Subject to conditions it is considered that any detrimental effects on biodiversity, including protected species and habitat sites, can be moderated such that the proposal would have an acceptable impact. Environmental impacts resulting from the location of the development, away from sustainable transport hubs and in a location where reliance on the car would be high are to some extent off-set by the provision of facilities on site and provision of electric car charging facilities. While the impacts of this can be moderated to some extent, they cannot be eliminated, and these impacts should be weighed in the balance.

15.2.40. There are two key aspects to consider when assessing the impact of the development on the landscape character and AONB/National Landscape; that is, the direct impacts of the holiday park itself on the natural beauty of the area, and the impacts of losing other uses from the site. These impacts are considered having regard to Local Plan policy ENV1 which seeks to safeguard the National Landscape from harm and to protect, and where possible secure enhancements to, landscape character.

15.2.41. The proposed holiday park would be of a significant scale, and is undoubtedly located within a sensitive location, being an elevated position within the AONB/National Landscape. It should also be noted that only part of the site is occupied by structures, and so the development would utilise brownfield land, but it would also result in a large open undeveloped part of the site being occupied by a high density of holiday lodges. The use of previously developed land is a material planning consideration but not a determinative factor, and does not reduce the great weight that should be afforded to designated landscapes. The supporting information refers to the site as being of low density and refers to the guidelines set out under the Caravan Sites and Control of Development Act 1968 as a comparison, which indeed permits higher densities. Whilst a useful comparison tool, the purpose of the Act is to protect occupiers of caravans, and make other

provisions for the benefit of such occupiers; it does not attempt to factor in material planning considerations, which go beyond protecting the occupier, and allows, amongst others, consideration of impacts to amenity, biodiversity, and visual impacts, including impacts upon areas designated as AONB/National Landscape. The scale and density of development is a matter raised by both third parties and the Parish Council, and has also been raised by consultees, including Natural England and the National Landscape Team. Having regard to the site's context and the existing density of structures on the site, the development could be regarded as high density. Consideration needs to be given to the resulting harm from both the change in land use, changes to the nature and character of the site, and density; and the ability to moderate those impacts.

- 15.2.42. Having regard to the above, concern relates to the minimalist approach to landscape and ecological enhancement, such that the proposed change would adversely erode the physical and perceptual qualities that underpin the areas undeveloped rural character, tranquillity and remoteness. The National Landscape Team originally commenting on the application stated the following:
- 15.2.43. *Within 9.1 of the LVIA it is concluded that “the proposed development can be accommodated within this setting without resulting in a significant, long term, adverse impact upon the character of the Site, its immediate context, and the wider Dorset AONB landscape”. I would largely agree with this judgement, based on the implementation of a sensitive landscape-led design approach and sympathetic package of mitigation measures. However, the overall site plan submitted fails to deliver such an approach.*
- 15.2.44. In response to concerns, proposed amendments to the application have resulted in improvements to the internal layout of the proposed holiday park, albeit the revisions are relatively modest in terms of the overall scale and density of development proposed. Land set aside as wildlife buffers, the rationalisation of ponds proposed, and reinforced boundary planting, together with the provision of a sensitive lighting scheme and improved pedestrian connections/blocking up of the northern accesses, contribute to minimising the impacts of the development on the wider landscape, whilst providing other benefits in terms of site layout. The number of units proposed has been reduced and a portion of land in the north west corner of the site has been set aside as a recreational area serving the holiday park. The number of units proposed at 228 units nevertheless remains high, and a large portion of the site would continue to be occupied by lodges.
- 15.2.45. Having regard to the wider impacts of the development, the site is well contained by perimeter planting which is proposed to be enhanced, limiting the sites visibility as a whole. Where views are possible, the lodges would not appear highly conspicuous due to the recessive timber cladding proposed, and subject to a comprehensive landscape strategy, the appearance of the lodges could be further softened, mitigating the otherwise likely adverse impacts resulting from the scale and density of

development proposed. Subject to a successful landscape scheme, the impacts of the development on the visual amenity of the area would be substantially reduced.

- 15.2.46. In terms of the ability for the proposal to moderate its effects on the landscape, historic and ongoing uses have significantly impacted upon the landscape character of the site as a whole and there would be substantial benefits in the removal of the less sensitive uses at the site; namely the removal of associated paraphernalia associated with the former shooting ground, removal of uncharacteristic landforms, and renewal of degraded areas within the site. Through securing an acceptable landscape scheme it is anticipated that the site and site boundaries would be enhanced. The removal of the two northern accesses and reinstatement of hedgerow would be a further enhancement. Through careful landscaping of the site, the proposals would present visual and ecological enhancements, to the benefit of the National Landscape. In addition, the loss of the go-karting facility which adversely impacts upon the tranquillity of the wider landscape and AONB/National Landscape through impacts from noise generated by the racing and light pollution generated from the existing high impact lighting associated with the track would be a benefit to the AONB/National Landscape; the impacts of the lodges being less harmful. Application P/FUL/2021/01497 approved a new telecommunications mast outside of the application site. This mast renders the two telecommunication masts on the application site as of no use. Securing the removal of any unused masts by condition would offer a visual benefit.
- 15.2.47. In turn, the location of the development directly adjacent to public rights of way, offering direct access into the countryside, together with the appropriate use of walking routes and the recreational space within the site, brings recreational opportunities.
- 15.2.48. In this regard, the National Landscape Team state the following:
- 15.2.49. *This site is in an inherently sensitive location, being in an elevated position within the AONB. However, historic and ongoing uses have significantly impacted upon the landscape character of the site. Ongoing uses within the site, particularly the karting track, adversely affect the tranquillity of the wider landscape and the removal of these impacts alongside the renewal of degraded areas within the site should be accounted for when considering the ability of the proposal to moderate its effects on the landscape. Overall, I consider that the application presents a relatively uncommon opportunity to achieve a new tourist facility within the AONB, utilising previously developed land and removing detracting features. Changes arising from lighting were an issue that had initially caused me concern, but I am reassured to see that the proposal includes a lighting strategy with features that limit the impact of lighting through appropriate design, placement and the use of movement sensors. Overall, considering the proposed removal of existing high-impact lighting, I do not foresee additional effects that would be significant. The site is well contained and the strengthening of the perimeter planting will serve to limit the outward visibility of the holiday*

*park. Furthermore, the use of relatively recessive cladding for the lodges will result in these appearing muted in the limited views into the site that are available. Perhaps the most notable change that is likely to occur as a result of the proposal is the general level of movement, people and activity that would be associated with a holiday park of this scale. However, considering the location of the site adjacent to the A37, I consider that the likely impact of this change on the character of the wider rural landscape would foreseeably be quite low, due to the limited need for users of the park to utilise sensitive rural roads in order to access the site.*

- 15.2.50. Notwithstanding the above comments, the National Landscape Team, likewise emphasise the need for appropriate conditions to support the successful integration of the scheme within its sensitive setting. Subject to a successful landscape scheme and sensitive lighting scheme, the impacts of the development on landscape character and the special qualities of the AONB/National Landscape, when considered in the context of the existing uses at the site, could be successfully moderated. It is considered that the proposal would not harm the character, special qualities or natural beauty of the Dorset National Landscape, and would offer enhancements to local character by removing undesirable uses and bolstering existing landscape features at the site. In this regard, the proposed development, subject to conditions would comply with Local Plan policy ENV1 and ENV10.
- 15.2.51. In light of the above, it is relevant to revisit the acceptability of the landscape scheme submitted. In this regard, significant concern is raised in relation to the planting schedule as shown. To mitigate the impacts of development, the success of any landscaping scheme on site is critically important and depends on initial ground works and removal of contaminants and soil decompaction. In order to be fully satisfied that appropriate landscaping is both achievable and viable, the Landscape Officer has requested details of initial site clearance together with a remedial action plan, to include details of soil management and waste management regimes, together with a soft landscaping specification detailing site de-compaction, soil quality and ameliorants/ground preparation. One of the benefits of the scheme presented by the agent is the opportunity to introduce a 5\* tourist facility within the area to support the existing hotel business and growing tourism sector, and to complement its AONB/National Landscape setting. In order for the quality of the scheme to be realised, consideration needs to be given to soil management at the site to ensure the establishment and maintenance of the proposed planting is successful, and to ensure the quality of the scheme is not compromised by site viability, given the contaminants and work required to bring the site forward.
- 15.2.52. To address these concerns the agent has provided additional supporting information, including a draft Landscape and Ecological Management Plan (LEMP) and landscape scheme. The submitted information lacks the necessary details relating to soil management, ground preparation and soil depths, and there are concerns relating to the planting schedule and landscape management, such that the submitted LEMP does not offer

sufficient assurances relating to the successful establishment of an appropriate landscape scheme. This is a matter raised by both the Landscape Officer and Natural England, who comment on the wide variety of non-native species included. The submitted details do however show a desire to develop a long term management plan for the site, and the agent has offered commitment to continuing to develop a LEMP suitable for the site. The agent has also provided a business plan indicating some confidence regarding viability.

15.2.53. Having regard to the submitted details, the Landscape Officer states the following:

15.2.54. *Unfortunately, the LEMP submitted relates primarily to 'ecology' and fails to bring all the landscape and ecology details together. ... I would maintain my advice that this scheme lacks a clear identity throughout, with a random mix of native planting and ornamental species. This site is essentially 'rural' and located on an exposed hilltop. There is an opportunity to design a sympathetically 'rustic' scheme, where native species planting could be used to define strong character areas. I would maintain that there still remains a scattergun approach to 'species' across the site.*

15.2.55. *I still have significant concerns over the clarity of a number of site issues, ranging from phasing, soil management, the lack of a LEMP, and the achievability of the scheme as a whole. ... I am yet to be convinced that the issues surrounding 'soils and contamination' have been adequately addressed, which will have a significant effect on the future establishment of proposed tree and shrub planting.*

15.2.56. The landscape concerns lie with the management of contaminated soils and implications on the establishment of planting, together with the landscape detail submitted and its long term management, but do not rule out the ability to achieve an appropriate landscaping scheme suitable to support the proposed development of the site, subject to the comments of WPA; who have confirmed that the site could be remediated through appropriate conditions and support the requirement of a cover depth of no less than 600mm. Subject to an appropriate soil depth to allow the successful establishment of the landscaping, a requirement the agent has agreed to be incorporated into a condition, it is considered that the future establishment of planting would be achievable. In this regard, the key issues relate to the detailed landscape and material design, rather than the principle of development; and these matters could be dealt with through condition. Despite the reservations of the Landscape Officer, it is considered that through careful consideration of conditions, the proposed holiday lodges could be accommodated on the site without harm to the landscape beauty of the AONB/National Landscape, landscape character, and visual amenity of the area, in accordance with local plan policy ENV1 and ENV10.

15.2.57. Conditions would be required to ensure appropriate external materials, colour and finish of the lodges were secured, together with a condition

requiring any replacement lodges to accord with the drawings and details agreed, in order to ensure the satisfactory external appearance of the lodges are secured long term. Notwithstanding the details submitted, further conditions would be required relating to the submission of an arboricultural method statement and tree protection plan. Pre-commencement conditions to agree appropriate hard and soft landscaping details, together with their early implementation, particularly having regard to proposed enhancement at the site boundaries, would be required, and importantly a revised LEMP would need to be secured ahead of any development commencing. Details of earthworks and soil importation could also be sought through pre-commencement conditions, and a further condition placed on the consent requiring a detailed soil and waste management plan, requiring the implantation of a robust cover system of not less than 600mm depth, to ensure that soils are appropriately remediated, and suitable planting depths are established to support the landscaping on site. A lighting scheme has been submitted with the application, and a further condition in this regard would ensure light pollution is minimised to an appropriate level. The National Landscape Team and Landscape Officer, also query the phasing of the site, seeking to ensure that existing structures at the site are removed and landscaping established at the site edges at an early stage; a phasing plan can be conditioned. The agent is supportive of addressing the outstanding issues through condition, and whilst it would be desirable to have this information up front, through the use of pre-commencement conditions, it would be possible to secure satisfactory details ahead of development proceeding. This is considered a reasonable way forward given the outstanding concerns relate to matters of detail rather than principal matters. To refuse the application on matters of detail that could be reasonably conditioned would add vulnerability in the event of an appeal. As pre-commencement conditions, the development could not proceed without appropriately satisfying matters of detail, providing appropriate assurance and protection having regard to the sensitive landscape context of the site. It is considered that this would appropriately respond to the comments of the National Landscape Team and Landscape Officer.

15.2.58. Therefore, whilst the Landscape Scheme and LEMP submitted to date continue to be unacceptable from a landscape perspective, it is considered that an appropriate landscape scheme could be achieved. In turn, the direct impact of the proposed lodge park on the quality of the National Landscape/AONB and landscape character could be appropriately mitigated through carefully constructed conditions, such that the impacts of the built form of development on the Dorset National Landscape/AONB would be acceptable, in line with the provisions of policy ENV1. The favourable outcome of considerations has been reached through careful consideration of the issues, having regard to what can reasonably be conditioned, and through working in a proactive positive manner in line with the provisions of para 39 of the NPPF.

15.2.59. Consideration has been given to the impacts of the proposal, and the extent to which those impacts can be moderated, in respect of the

environment and landscape. A further consideration under NPPF para 190 (c) is the effect of the proposal on recreational opportunities, and the extent to which they can be moderated. Para 15.1.8 of the report considers in detail matters relating to the loss of the Clay Pigeon Shooting Ground and Clay Pigeon Raceway. To a large extent the loss of the Clay Pigeon Shooting Ground has already occurred owing to viability issues connected to land contamination matters related to its use. The raceway however is still in operation and continues to provide recreational opportunities. The agent advises that the use will discontinue at the end of the racing season; being in private ownership the Council has no control over this, but the proposal would nonetheless result in the loss of the facility through change of use of land, thereby reducing the recreational opportunities within the local area.

15.2.60. Clearly there would be some detrimental impact resulting from the loss of recreational opportunity provided by the raceway. It is however considered that regional access to the sport would continue to be provided through the Dunkeswell raceway, such that the impacts from the loss of facility are lessened. As set out under para 15.1.8 and proceeding paragraphs, these matters are finely balanced.

15.2.61. Having considered the impacts upon the environment, landscape and recreational opportunities, it is considered that, subject to appropriate conditions, these could be moderated to an acceptable level. While impacts upon the environment cannot be eliminated, owing to the siting of the application site away from transport hubs, they could be moderated to an acceptable level through the provision of facilities on site. Other environmental impacts could be managed and moderated through appropriate conditions. It is considered that impacts upon the landscape, subject to appropriate conditions, can likewise be moderated to an acceptable level, such that there would be no harm to the National Landscape. Impacts resulting from lost recreational facilities are finely balanced, but are to some extent lessened by the presence of Dunkeswell raceway maintaining regional access to the sport. It is considered that the proposed development, subject to conditions to secure appropriate landscaping on site, would be in accordance with the provisions set out within policy ENV1 and ENV10 of the Local Plan.

**15.2.62. Exceptional Circumstances and Public Interest**

15.2.63. In addition to considerations listed under para 190 (a) – (c) and having regard to whether exceptional circumstances exist, a requirement of para 190 is that development should be in the public interest. In this regard, the proposal would see the redevelopment of the site, including its decontamination, the removal of unsightly telecommunication masts, the removal of uncharacteristic bunding, the removal of the race track and associated structures, and removal of paraphernalia including derelict structures connected to the former clay pigeon shooting range. The removal of these features would have a positive impact on the landscape character and wider National Landscape. In particular, the removal of the

raceway would not only see the removal of the physical attributes associated with its use, but would remove an insensitive noisy use that conflicts with the special qualities that define the National Landscape, including tranquillity. These benefits have to be weighed against the loss of a locally accessible grassroot track supporting British Motorsport. However, in the context of assessing development within a sensitive landscape setting, the impact of its loss on those using the raceway is not considered to outweigh the benefits more broadly for the general public and those living and working within the National Landscape. It is considered that the opportunity to remove these structures and uses and replace them with a use which is less harmful to, and which incorporate enhancements to, the natural beauty of the National Landscape is an exceptional circumstance. Further, these enhancements to the site and its surroundings would be in the public interest, as would be the removal of more harmful uses and structures, thus improving the overall visual amenity of the area, and rural amenity of the National Landscape.

- 15.2.64. The proposal would also see a detailed Landscape and Ecological Management Plan (LEMP) secured for the site, securing both landscape and biodiversity enhancements. This includes enhancement of the existing landscaped boundaries, and blocking up of two existing accesses, and taking an area of agricultural land adjacent to the site and public right of way out of production to be planted as an area of ecological enhancement, with a section managed for Skylark. The management of this parcel of land would align with the objective set out in the Local Nature Recovery Strategy. The replacement of the existing package treatment plant would also have a positive impact on Poole Harbour RAMSAR site owing to a reduction in nutrient loading from the site. It is considered that these enhancements would be in the public interest.
- 15.2.65. In addition, the development of the site would support the existing hotel use on site, securing its long term viability, and would make a positive contribution to the local economy. Perhaps most importantly, subject to appropriate conditions securing material finishes of lodges, an appropriate lighting scheme, and a detailed landscape scheme as part of a LEMP, it is considered that the proposed development could be brought forward without harm to the landscape character of the area or National Landscape, particularly given the limited visibility of the site owing to its elevated position and vegetated boundaries providing limited vantage points into the site.
- 15.2.66. These benefits are considered to weigh strongly in favour of the development and would be in the public interest. The site would in turn have an acceptable impact having regard to flood risk and groundwater quality, highway safety, and residential amenity.
- 15.2.67. **Conclusion: Impact on Visual Amenity and AONB/National Landscape**
- 15.2.68. An assessment has been made having regard to considerations listed under para 190 (a) – (c), aimed at helping the decision maker consider

whether exceptional circumstances exist such that development should be granted. With reference to these 'material considerations' as set out within the NPPF, the proposed development would present a rare opportunity to achieve a new tourist facility within the AONB/National Landscape. There is no 'needs assessment' for the type of development proposed, but having regard to its impacts upon the local economy, which part (a) directs the decision maker to consider, it is considered that the development would have a positive impact. The economic benefits of the proposal weigh heavily in favour of the development.

In terms of the siting within, and impacts upon, the AONB/National Landscape, the site is accessible by a major route, at a site where tourism provision is an established use, and where part of the site is previously developed. These unique set of circumstances mean that the site does to some extent lend itself to the proposed development despite its position within the National Landscape. The site has not however been sequentially tested, and this has to be weighed in the balance. The site is otherwise relatively well screened by mature vegetated boundaries, with proposals to further enhance boundary treatments; and appropriate treatment of lodges and lighting would further reduce the impact of the proposed development on the wider landscape. Through a set of conditions to secure the successful establishment and long term management of appropriate landscaping the impact of the development could be appropriately mitigated. The character and qualities of the landscape would in turn be enhanced by the removal of insensitive uses currently present at the site, mitigating the impacts of the development on the AONB/National Landscape. It is therefore considered that the proposal would not harm the character, special qualities or natural beauty of the Dorset National Landscape, and would offer enhancements to local character by removing undesirable uses and enhancing existing landscape features at the site, in compliance with Local Plan policies ENV1 and ENV10.

- 15.2.69. In addition to considerations listed under (a)-(c) of para 190, consideration has also been given to the benefits of the scheme having regard to the premise that for major development to be supported within the National Landscape, it should be in the public interest. A number of benefits are identified including benefits to the National Landscape, biodiversity, visual and rural amenity, which are considered to be in the public interest.
- 15.2.70. Clearly, there is no qualified method of assessing need under part (a) considerations making it difficult to evidence, but the likely economic benefits do weigh in favour of development; and the evidential gaps having regard to satisfying a sequential approach under part (b) considerations do not evidence exceptional circumstance in this regard. Nonetheless, most critical to determining whether development could be supported in the National Landscape, in terms of demonstrating exceptional circumstances, is perhaps those considerations under part (c). Effects on the environment and recreational opportunities cannot be fully eliminated and need to be weighed in the balance, particularly having regard to the loss of the raceway (a recreational facility). Exceptionally, considerations relating to the impacts of development on landscape conclude that impacts on the National Landscape can be mitigated so that together with the proposed

enhancements, there is no overall harm to the National Landscape and the proposals would comply with Local Plan policies ENV1 and ENV10. This should be given significant weight and weighs heavily in favour of the proposal.

- 15.2.71. In light of the above, it is acknowledged that the proposed development would have implications on the environment and recreational opportunities, however, weighed in the balance it is concluded that the proposed development would be in the public interest, with a number of overriding benefits associated with its use, including benefits to the local economy, ecology and landscape character. Subject to pre-commencement conditions, including the submission of an acceptable LEMP and Landscape Scheme, the proposed scheme would have limited visual impact such that it would not be harmful to the National Landscape. Further, the removal of structures and uses that detract from the quality of the National Landscape would present an enhancement. The proposed development consequently presents a rare opportunity to support development within the National Landscape that overall does not harm the special qualities such that the application accords with policy ENV1 and ENV10 of the WDWP Local Plan, and the objectives set out within the Dorset National Landscape Management Plan. In turn, it is considered that the proposed development would preserve and enhance the special qualities of the National Landscape such that under Section 85 of the CROW Act (2000), the development would further the purpose of the National Landscape. Further, there are exceptional circumstances and public interest benefits resulting in the proposal complying with para 190 of the NPPF.

### **15.3. Flood Risk**

- 15.3.1. Policy ENV5 of the WDWP Local Plan seeks to ensure developments minimise risk of flooding from surface water run-off, groundwater, fluvial and coastal sources. This is supported by Paras 181-182 of the NPPF which expects development proposals to incorporate sustainable drainage systems where appropriate. Further guidance is provided within the National Planning Policy Guidance which sets out the importance of considering all sources of flooding when assessing flood risk.
- 15.3.2. The site falls within flood zone 1, which is at the lowest risk from flooding, and falls outside of an area susceptible to groundwater flooding. Having regard to the latest published Strategic Flood Risk Assessment (SFRA) a small part of the site, in the north west corner, is identified as being at low risk (1 in 1000 year event) from surface water flooding, and relates to an area to be retained as recreational space. Applying 20% and 40% allowances for climate change the site remains outside of any medium or high risk area identified within the SFRA. Having regard to the National Flood Risk Assessment (NaFRA2) published by the Environment Agency in 2025, this identifies parts of the site as being at medium (1 in 100 year event) and high (1 in 30 year event) risk from surface water flooding. The surface water flooding at the site comprises sporadic pools of surface water as opposed to large swathes of the site being affected, but nonetheless, is

indicative of the site being affected to some extent by surface water flooding. In such circumstances, para 175 of the NPPF seeks to apply a sequential approach to new development, seeking to ensure areas at the lowest risk of flooding are developed in preference to area at high or medium risk. This is on the basis of avoidance being the best measure to combat risk of flooding. The updated Planning Policy Guidance (PPG) at para 27 provides some updated guidance on how to apply para 175 of the NPPF, seeking a proportionate approach be taken. It states the following:

- 15.3.3. *Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied.*
- 15.3.4. To fully demonstrate how water will be managed on site, a Flood Risk Assessment (FRA) and Drainage Strategy (updated Dec 2025) has been submitted for consideration. The updated FRA reviews the NaFRA2 data and identifies the pooling of water during a 'design' flood event (1 in 100 yr) to be associated with low points which either relate to ponding, which is to be retained and enhanced as ponds on site, or depressions in the land which would be removed post development through land levelling. The drainage strategy for surface water management is shown to be reliant upon infiltration, achieved via dispersed soakaway features. Sufficient ground investigation and soakaway testing has been carried out to demonstrate that the drainage strategy would be achievable, such that the Lead Local Flood Authority (LLFA) raise no objection. The FRA concludes that the risk of flooding from all sources is very low and the Surface Water Drainage Scheme would ensure no increase in runoff over the lifetime of the development. The LLFA confirm that the more recently published NaFRA2 does not have significant implications for the proposed development and as such the comments and conclusions as set out in the LLFA's consultation response are considered to remain relevant. The LLFA comments confirmed that the Drainage Scheme adequately demonstrates that occupiers and users would remain safe from current and future surface water flooding for the lifetime of the development, without increasing flood risk elsewhere. On this basis, having regard to the recently updated PPG advice, the sequential test need not be applied in respect of para 175 of the NPPF. Subject to conditions, the proposed development is thus considered to be acceptable in terms of flood risk, in accordance with the above policy provisions.
- 15.3.5. As part of the drainage strategy and overall design for the site, two ponds are proposed. One is designed as an amenity feature, and one is designed primarily as a wildlife pond, though both would have biodiversity benefits. A detailed section at 1:20 of each of the ponds have been provided, in addition to broader sections, and a condition is recommended for further detailed (1:20) sections, for the avoidance of doubt and to ensure all pond edges follow the same measures adopted within the details submitted. Both ponds

would have an approximate depth of 800mm, with a 200mm freeboard above providing attenuation storage. Given the depth of water and size of the ponds, careful consideration, in line with the SuDS Manual (2015) and CIRIA guidance is required.

- 15.3.6. The amenity pond would be located within a central area, close to lodges and the clubhouse, and accessible by the public. The wildlife pond would be sited adjacent to the eastern ecological corridor with more heavily planted edges and separated from lodges through planting and/or greater separation. Both ponds would be designed with a level dry bench at ground level, a 1:3 gradient slope stretching 60cm, and a 1m level damp bench to be seeded with appropriate wetland seed mix. This would on the whole present a secondary dry bench outside of flood events and would become damp only when the pond reached its maximum water level, taking into account the freeboard. The planting of the ledge would discourage access, and where access is required, for example for maintenance purposes, slope ratios are considered to be acceptable, in line with the SuDS Manual. A further 60cm slope at a gradient of 1:3 would lead to a 1m level marginal bench to be planted with suitable aquatic species. This would be level with the permanent water level of the pond so is likely to be soggy, such that anyone venturing that far would be alerted to their proximity to the water. Beyond the marginal bench a 1.2m slope at a gradient of 1:3 would slope down into the water reaching a depth of 400mm where the ground would level out for a further 1m forming a wet bench, before a further 1:3 slope reached the pond base at a depth of 800mm. At this point, the wildlife pond would have submerged oxygenating plants at its base, planted in crates.
- 15.3.7. The SuDS Manual advises that access to the water can be discouraged through use of shallow muddy margins, and appropriate planting at the pond edges, so not to obscure visibility but to deter paddling and/or swimming. It is considered that this advice has been taken on board in the design. The SuDS Manual also recommends ensuring that an appropriate maintenance strategy for the bank edges is established to ensure long-term public safety, and a condition (condition 12) is subsequently recommended to seek this. The SuDS Manual recommend a dry bench and wet bench is provided, and gradients should not exceed 1:3. The proposed scheme complies with this advice providing a dry bench, damp bench, marginal bench and wet bench with slopes all at 1:3. In instances where water bodies exceed 600mm, advice is that a level bench is provided at or just below the water surface. In this case the marginal bench would sit at the level of the water. Advice is that the descent from this bench should be at a maximum gradient of 1:2.5, and in this case a gentler gradient of 1:3 is proposed. The next bench should be a maximum depth of 1.5m with a width of 1.5m. In this regard, it is proposed that the wet bench be located at 400mm, and while the bench would only have a width of 1m, this is considered acceptable given the number of benches/warnings provided in the design before reaching this point. The water body would not be connected to an existing water way or flow of water, and would not be expected to have water flowing at any significant velocity.

- 15.3.8. Overall, the design of the ponds are considered to take on board the advice contained within the SuDS Manual such that it is considered that the risks to the public have been reduced to acceptable levels through careful design, designing out key hazards such as steep banks and/or deep banksides, and introducing wet/dry benches, appropriate ratios and planted edges. Notwithstanding the overall pond depth, owing to the risks being minimised, barrier fencing, public rescue equipment or signage is not considered to be reasonably necessary in this instance, taking on board advice contained within the Manual. Overall, it is considered that the proposed ponds have been designed with safety in mind and would provide both amenity and biodiversity value to the site.

### **Contamination**

- 15.3.9. Policy ENV9 of the West Dorset Weymouth and Portland Local Plan seeks to ensure development does not result in an unacceptable risk of pollution to waters, the environment, future occupiers or neighbouring uses. Para 196 - 201 of the NPPF recognises that the planning system and pollution control regimes are separate but complementary and seeks that planning decisions focus on whether the proposed development is an acceptable use of land, but having regard to the likely effects of pollution on, amongst other receptors, the natural environment.
- 15.3.10. Para 187 states that:
- 15.3.11. *decisions should contribute to and enhance the natural and local environment by, ... (e), preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by possible, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans*
- 15.3.12. Policy ENV9 of the WDWP Local Plan states clearly that development will not be permitted which would result in an unacceptable risk of pollution to ground water, surface water-bodies or tidal waters. Further, it seeks that development on contaminated land shall not be supported unless it can be demonstrated that there is no unacceptable risk to future occupiers, neighbouring uses and the environment from contamination.
- 15.3.13. **Land Contamination**
- 15.3.14. In order to consider the impact of any land contamination on the development, the agent has provided a Phase 1 and Phase 2 desk study and provided a Site Investigation Report. In addition, a Supplementary Site Investigation and Updated Contaminated Land Risk Assessment has been submitted, alongside a Site Investigation and Risk Assessment Update and Framework Construction Environmental Management Plan (F-CEMP).
- 15.3.15. The latest desk study, together with intrusive investigations, have indicated that the site may pose an unacceptable risk to future site users in the areas of Phase 1 and the North East of Phase 3 if contaminants are left

untreated. This potential risk is associated with long term direct exposure to elevated concentrations of lead and polycyclic aromatic hydrocarbons (PAH) in the near surface soils. More detailed risk assessment would be needed; in the first instance, desk based, to ascertain the potential for explosives and other military specific contaminants, and following that, to include further ground investigation to verify the contamination of the whole site, particularly having regard to level changes proposed.

- 15.3.16. The report concludes that the information available provides a good indication of the ground conditions beneath the site, sufficient to indicate that development of the site would be technically viable. Remediation is discussed as a reliance upon a cover system incorporating a geotextile membrane and 300mm of clean cover. The reports considers that it may be appropriate to carry out further investigation and subsequent mitigation measures under pre-commencement planning conditions.
- 15.3.17. To further assess the impacts of the site, WPA Environmental Consultants have reviewed the application and submitted reports. Noting significant near surface issues with lead and PAHs in the areas to be developed and potentially where cabins are to be placed. A conservative approach is advised such that there would be a need for 600mm of clean cover not 300mm as recommended within the reports. In this regard WPA state the following:
- 15.3.18. *The masterplan indicates a significant density of accommodation, 275 lodges plus additional staff quarters and facilities. During full occupation there will be a significant number of persons on site seeking recreational use, producing waste and generally impacting the site through vehicular access and expectations to utilise outside space. The wear and tear on infrastructure that is proposed to include a cover system to isolate contaminants of concern will be significant. WPA urges consideration of a more robust cover system.*
- 15.3.19. *WPA further note that ‘a more robust cover system would likely arise if the management of tree plantings were to be improved so as to better ensure tree survival.’*
- 15.3.20. The F-CEMP and draft LEMP identify key considerations, the regulatory backdrop and likely procedures needed during and post construction. Neither of the associated submissions constitute finalised documentation but they indicate that such documentation is being considered and appropriately developed.
- 15.3.21. Concern has been expressed in relation to the feasibility of the proposals in terms of operational viability noting that the current density introduces a significant number of human receptors, affects traffic management, noise and air quality in terms of impact during operations. The human receptors will also be residing during their stay on land subject to remediation through a cover system that will be subject to erosion and degradation from human

activities. WPA recommend the submission of a business viability plan that takes into account the cost and management of environmental impacts.

15.3.22. In response to those concerns, details of remedial cost estimates together with a business case for the proposal have been submitted. These documents do not provide a full rationale for the proposal but offer some assurances that the concerns surrounding land remediation and the associated costs are accepted and considered feasible. To an extent, it is for the applicant to satisfy themselves over viability concerns; what is important in planning terms, is that the land is appropriately remediated such that it is both suitable for occupation, and suitable to support the necessary mitigation, including the establishment and long term management of landscape and ecological works. Without these elements, the scheme would be unacceptable. In this regard, it will be imperative to ensure these issues are dealt with prior to commencement. To allow further revisions to be made to address issues raised, it is suggested that pre-commencement conditions are placed on any consent in relation to land contamination and remediation, site phasing, details of earthworks and final ground levels which may be influenced by remedial measures, and a final CEMP and LEMP to be first agreed. In terms of concerns surrounding feasibility, WPA recommend that a remediation action plan should be a condition of the consent to enable the developer to fully consider the cost/benefit equation such that the funding of the remediation requirements would not jeopardise the proposals success.

15.3.23. In terms of land contamination specifically, it is considered that the following should be secured as a minimum, through pre-commencement conditions:

- A detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed, to include a remediation action plan. This should be supported by a detailed soil management and waste management plan, and mitigation measures shall include the implantation of a robust cover system, details of which shall first be submitted to and agreed in writing by the Local Planning Authority, of not less than 600mm depth.
- A detailed phasing scheme for the development, defining distinct areas of the development site and the order in which these will be delivered, together with remedial works (including a time scale).
- A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time.

15.3.24. The agent has agreed that a 600mm cover system would be acceptable to them. WPA accept that the necessary remediation, including a soil management and a waste management strategy, would be feasible such that the principle of the change of use would be acceptable in terms of remediating land contamination on site. On this basis, WPA do not object.

15.3.25. **Groundwater Protection**

- 15.3.26. The site falls within a groundwater protection area, and it is important that development proposals are able to demonstrate that development would not unduly pollute groundwater, especially where the risk of pollution is high and the groundwater asset is of high value. Owing to the site's location within a source protection zone, groundwater is particularly sensitive in this area.
- 15.3.27. In order to formerly assess the impacts of the proposal, the Environment Agency (EA) have been consulted, and raised an initial objection due to insufficient information to demonstrate that the proposed development would not pose an unacceptable risk to groundwater quality.
- 15.3.28. The applicant proposes that the holiday units are served by a private package treatment plant, but the supporting FRA and Drainage Strategy did not confirm the proposed drainage method. In this regard the EA questioned whether the proposed development could threaten potable water supplies as the proposed development, which includes the addition of new sewage effluent discharges to groundwater, could lead to either an individual or an unacceptable cumulative impact to a Source Protection Zone 1. In order to address the concerns raised, the applicant has provided additional information and made further revisions to the plans (including the removal of lodges from the north west corner of the site to accommodate a drainage field sited outside the Source Protection Area). The Environment Agency have since satisfied themselves that the proposed development would not threaten potable water supplies and has withdrawn their objection.
- 15.3.29. Through the submission of additional information including a risk assessment, the agent has also been able to demonstrate that the proposed development would not result in an unacceptable risk to controlled waters and the EA raise no objection in this regard, subject to suitable conditions on any consent to address the residual risk posed.
- 15.3.30. Having reviewed the submitted information and taken on board the advice of the Environment Agency, the proposed development successfully demonstrates that the likely effects of pollution on the environment would be adequately addressed/mitigated. The proposed development therefore accords with policy ENV9 of the Local Plan, and the provisions set out in the NPPF.
- 15.3.31. **Phasing**
- 15.3.32. The applicant has indicated that the proposed development would be phased in 3 parts, with the final phase relating to the go-kart facility. There are a number of concerns regarding the phasing of the development. One relates to the compatibility of the two uses on site, that is the holiday use and go-karting facility, and likewise the attractiveness of the holiday accommodation during construction; the other relates to issues such as soil/waste management and the potential for compromising already completed phases and presenting unacceptable risks to receptors. In

particular, the possibility of allowing the occupation of lodges in one phase with other phases still subject to major invasive works is problematic as there would be contaminated dust and site security issues that could establish contaminant linkages with humans that are not subject to construction worker safeguarding. If phasing is not carefully considered or not considered plausible, then this in turn presents a further issue of viability. The scheme is being presented as a 5\* quality holiday park, and this forms one of the benefits of the proposal that weighs in favour of the development. It is therefore important that the phasing is carefully considered if this is linked to the viability of the development, or in turn, that if developed as a whole, that the viability is not going to impact upon the quality of the scheme, both in terms of materials and landscaping. The agent has since confirmed that it would be possible to complete all necessary remedial works in advance of the first occupation of any holiday lodges, without impacting upon viability of the scheme, although a phased approach would be preferred. The applicant has also provided a further Business Plan setting out the recovery of costs over the first few years.

- 15.3.33. In light of the above, and notwithstanding the submitted phasing plan, a condition requiring a more considered phasing plan supported by a detailed scheme for remedial works, is considered appropriate in this instance and addresses concerns raised relating to phasing.

#### 15.4. Highways

- 15.4.1. Policy COM7 of the WDWP Local Plan seeks to ensure a safe and efficient transport network is maintained by directing development that generates significant levels of movement to locations where the need to travel is minimised. Detailed consideration is given to the adopted Spatial Strategy and rural location of the site in the 'principle of development' section of the report. Whilst the site would sit away from any nearby settlements, the provision of facilities on site, its location adjacent to a suitable road network, the presence of an existing holiday use on site, and the policy support for rural enterprises such as tourism uses, weighs heavily in favour of the site's location, and goes some way to offset the impacts of developing the site for the purposes proposed.

- 15.4.2. Policy COM7 goes on to seek development to be directed to where the volume of anticipated traffic can be accommodated within the existing highway network. This is supported by section 9 of the NPPF which, at para 116, states the following:

*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.*

- 15.4.3. The main access to the site is via the A37 and the existing entrance benefits from wide visibility splays allowing safe egress and access. The

revised scheme also shows the closure of both existing accesses onto Warden Hill Road thereby directing all traffic via the main A37 entrance.

- 15.4.4. A Transport Assessment has been submitted to support the proposals, which indicates that the proposed development would not be expected to generate more traffic than the theoretical capacity of the existing uses on site.
- 15.4.5. Significant concern has been raised by third parties relating to the impact of the development on road safety, with many third parties concerned about accidents on the fast moving A37, increased traffic within the rural lane network, and concerns over the increase in traffic locally generated by the site; concerns shared by the Parish Council. Concern has also been expressed regarding the accuracy of the Transport Assessment. The Highway Authority has been consulted to consider this, and associated impacts.
- 15.4.6. With the current closure of the Clay Pigeon Shooting ground traffic entering and exiting the site is currently at a reduced level to what it could be if all uses were in operation at the site. Therefore, whilst there may be an increase in traffic to current circumstances, the Highway Authority confirm that the traffic generated would be unlikely to exceed the capacity of the permitted uses at the site. Furthermore, the volume of traffic using the site would not exceed the capacity of the junction or A37.
- 15.4.7. The Highway Authority state the following:
- Regardless of the trip generation the main access onto the A37 is acceptable, has good visibility (in excess of standard for 60mph – 151m from a 2.4m driver position) and has a ghost island right turn lane which can safely accommodate the expected level of trip generation. The right turn lane will enable the proposal to operate without adversely affecting the free flow of traffic along the A37 at the site access.*
- Accident data for the surrounding area has been examined. The cause of the accidents varies from driver error/driving without due care and attention/illness/weather conditions but do not appear to be related to any specific highway design flaw or defect.*
- With the above in mind the Highway Authority has NO OBJECTION, subject to conditions.*
- 15.4.8. In light of the above, the proposed development is considered to be acceptable on highway safety grounds, subject to the imposition of conditions, and accords with the provisions set out in Policy COM7 of the Local Plan and the provisions of the NPPF.
- 15.4.9. It is recommended by the Sydling St. Nicolas Parish Council that the entrances along Warden Hill Road be closed on commencement of the development. In this case, it is considered that the imposition of a condition

requiring a Construction and Environmental Management Plan (CEMP) to ensure construction traffic use the main entrance off the A37, would mean that traffic issues along Warden Hill Road during construction should be negated. A condition is in turn recommended that the access' be expunged prior to occupation of any lodges.

#### **15.5. Ecology**

15.5.1. The site falls within the catchment area of Poole Harbour, a Special Protection Area (SPA) and a European Protected Wetlands (RAMSAR) site. These are identified as Habitats Sites and are protected under the Conservation of Habitats and Species Regulations 2017 and Article 6 (3) of the Habitats Directive.

15.5.2. Policy ENV2 (Wildlife and Habitats) of the WDWP Local Plan seeks to safeguard Internationally designated wildlife sites, including Poole Harbour, and seeks to resist development that would cause unmitigated likely adverse impacts on the site's integrity. In other locations, where significant harm cannot be avoided, appropriate mitigation should be provided. In turn, the policy seeks to support proposals that conserve or enhance biodiversity, encourages ecological enhancement and expects opportunities to be taken to improve the wider ecological network, particularly for major developments. The policy seeks adequate provision to be made for the retention or relocation of protected species.

15.5.3. The above aims, having regard to mitigating and enhancing biodiversity on site, are supported by para 192-195 of the NPPF. Para 195 is noteworthy as it makes clear that the presumption in favour of sustainable development at para 11(d) does not apply where proposals are likely to have a significant effect on a habitats site.

15.5.4. There are therefore two key considerations that need to be considered in respect of ecology; that is the direct impact of the development on species and habitat at the site, and the impact of the development on European Protected sites.

#### **15.5.5. Site Specific Impacts**

15.5.6. In order to address ecological matters at the site, the agent has submitted phase 1 and 2 ecological surveys, accompanied by an Ecological Impact Assessment (EclA). Following concerns expressed by the Natural Environment Team and Natural England, further survey work has been carried out, and the EclA updated accordingly (updated Feb 25). In addition, a Framework Construction and Environmental Management Plan (F-CEMP) has been submitted to provide a suggested Framework for a final Construction and Environmental Management Plan (CEMP), and a Certified Biodiversity Mitigation and Enhancement Plan (BMEP) has been submitted. Revised plans have also been received, removing the most eastern row of holiday lodges to allow a larger and less inhibited wildlife corridor along that boundary and to incorporate wildlife corridors, which take on board the requirements set out within the submitted BMEP and latest EclA. A lighting scheme has also been submitted.

- 15.5.7. Having regard to protected species and habitat on site, the survey work identified the WWII Water Tower, located along the eastern boundary, to be a hibernation roost for lesser horseshoe bats, and a summer roost for at least one Greater Horseshoe bat. Other bats transitioning across the site include the Common Pipistrelle, Soprana Pipistrelle, and Nocutule. Overall, a relatively low amount of bat activity was recorded and reported, but it is clear that bats are using the site, either as a roost, as foraging ground, or commuting across the site.
- 15.5.8. A reptile survey identified the grassland supported a breeding population of slow worms. Nesting birds were also identified across the site, particularly along the eastern and northern boundaries of the site and within towers associated with the clay pigeon shooting use. These include skylark and swallow, amongst others.
- 15.5.9. There were no records of dormice on site, likely a result of the modified ground being relatively unsuitable. Dormice were however found within the hedgerow of the adjacent solar farm site and dormice suitable habitat was identified. The planning permission for the solar farm conditioned that the scrub area to the southeast of the shooting ground should be retained to avoid impact on the dormouse habitat within the application boundaries. This scrub habitat is however no longer present, presenting a loss of suitable habitat, a concern raised by both the Natural Environment Team and Natural England. In response to this, further amended plans were submitted removing development from the north west part of the scheme, leaving optimal habitat for dormice and meaning that impacts on dormice habitat are unlikely to be significant.
- 15.5.10. The EclA makes a number of recommendations to address the impact of the development on species and their habitat; these include retention and maintenance of the water tower on site, the formation of a 35m vegetated buffer screen between the water tower and development, and a suitable lighting scheme, to safeguard bats from the impacts of the development. A Planting and Habitat Management scheme is recommended to prevent disturbance.
- 15.5.11. The report recommends reptile translocation to the Eastern boundary of the site in order to safeguard the slow worm population from significant impact, and the report goes on to describe necessary management of this process and the receptor area. The retention of the eastern boundary as a wildlife corridor will ensure no impact to possible badger setts within that area. The resulting eastern buffer will act as an important wildlife corridor, serving both bats, birds, reptiles badgers and potentially dormice. The report recommends trees and hedgerows be protected throughout the development and should be subject to a Tree Protection Plan and fencing/buffer zones during the construction phase. Mitigation measures, including methods and timings for site clearance, are also recommended to safeguard nesting birds.

- 15.5.12. To reconcile the loss of dormice habitat along the eastern boundary of the site, and to mitigate the impacts on the adjacent dormice habitat from increased recreational activities resulting from the proposed development, the Impact Assessment recommends additional habitat creation through additional planting along the site boundaries. All dormouse potential habitat on site has been identified, and appropriate buffers established between the development proposed and habitat boundaries. A construction phase habitat plan has also been submitted setting out construction exclusion zones.
- 15.5.13. In recognition of the loss of skylark nesting sites and to reduce the impacts from the loss of grassland habitat also, two acres of land to the east of the proposed holiday park and adjacent to Fishers Bottom Coppice (an ancient woodland) is proposed to be taken out of arable use to create a wildlife habitat, extending from the existing coppice.
- 15.5.14. As a result of Japanese Knotweed being identified on the site a management plan is recommended to control and remove its presence.
- 15.5.15. In addition to the above mitigation measures, the report recommends various ecological enhancement measures. These include a new bat roosting structure to be provided within the wildlife corridor, to the north of the existing water tower. Additional semi-improved grassland would be created from re-seeding the former hardstanding areas within the site, and two large ponds, including a wildlife pond adjacent to the wildlife corridor, are proposed. They would have gently sloping banks with appropriate planting to encourage wildlife. The two vehicular accesses to the north of the site, which are proposed to be no longer used, will be planted up with native planting to provide a continuous vegetated corridor along this boundary. Use of bat access tiles and bird nesting boxes are also proposed.
- 15.5.16. The land adjacent to Fishers Bottom Coppice would also comprise an ecological enhancement, with the exception of the southern portion managed for Skylark, to be planted and managed as wood pasture. It is considered that the proposed mixed habitat of predominantly woodland would align with the objectives set out in the Local Nature Recovery Strategy, presenting an appropriate enhancement.
- 15.5.17. The mitigation and enhancement measures set out are incorporated into the updated EclA, which detail the necessary improvements to the Water Tower bat roost and its buffer. The documents also secure the framework for a suitable lighting scheme to mitigate the impacts of the development on bats; and include the provision of a new bat roosting structure as an ecological enhancement. Two swallow nesting structures are also proposed within the eastern buffer.
- 15.5.18. The recommended mitigation in the BMEP, relating to reptiles, differs to that within the updated EclA. These inconsistencies are reflective of the added complexity of needing to build in flexibility in response to the F-CEMP programme of works. The recommendations of the updated EclA, as

the most up to date document, are secured in a condition that builds in flexibility to review the mitigation proposals as part of a future LEMP. The need to build in such flexibility is in recognition that both documents would be subject to change in response to land contamination conditions requiring a remedial scheme, a finalised CEMP, and details of final ground levels to be secured, all responding to further work and consideration regarding land contamination. By setting out the key obligations, while deferring the detailed mitigation strategy for reptiles to be agreed as part of a LEMP at post decision stage, ensures the necessary ecological mitigation measures are secured whilst building in flexibility to allow potential amendments to the method of dealing with contamination on site.

- 15.5.19. The EclA details what is proposed for the new wildlife habitat, located to the east of the development site, which seeks the southern portion to be managed for skylark nesting, and the remaining area to have an open plant structure (wood pasture) and sets out details for habitat creation/management. Further details are required regarding the planting schedule and location of planting blocks to ensure the area delivers the maximum benefits to biodiversity. As such, further detail is secured through condition.
- 15.5.20. Overall, there would be a net loss of ruderal grassland and developing scrub habitat as a result of the proposal, and in response to this a strip of wildflower meadow and additional planting has been included within the revised plans. However, there are concerns, not dissimilar to those expressed by the Landscape Officer, surrounding both the establishment and appropriateness of species, and there are concerns surrounding how the long term management of the mitigation, buffers, planting, wildflower meadows and ponds will be achieved given the density of lodges proposed. The EclA addresses some, but not all of these concerns, which would need to be addressed within a revised LEMP.
- 15.5.21. The proximity of the lodges to the northern hedge line has also been identified as a potential detracting feature from this habitat. These issues need to be weighed in the balance when considering the acceptability of the proposal and impact on species and habitat and need to be considered against enhancement measures proposed. The removal of the lodges in the north west corner of the site presents a betterment to this issue.
- 15.5.22. Through working collaboratively with the Natural Environment Team the latest EclA has been developed. The EclA is considered to address the key impacts of the development, and has been agreed by the Natural Environment Team, who advise that the EclA is considered to be acceptable as a standalone document, such that the resulting impacts of the development on species and habitat would be appropriately mitigated, and the residual harm would not be so significant to warrant refusal of the application.
- 15.5.23. A large amount of supporting information has been submitted with the application over time, and concerns arise where these documents have

been prepared in isolation. Submitted documents, including the draft LEMP, have the potential to undermine its deliverability, and the discord between submitted documents has been a common concern for specialist officers considering the application.

- 15.5.24. In order to address this, a revised LEMP and soil management plan, together with a final CEMP, to be prepared in combination with, and in recognition of, the remedial scheme and any agreed EclA, would be required to address concerns. It has not been possible to secure this as part of the application, but subject to satisfactory details being submitted through condition, it is considered that the principle of development could be supported at this site, and through conditioning the recommendations of the EclA and further detail by way of a LEMP, species and habitat would be protected. Further conditions would be required in respect of the above mentioned documents and would need to be pre-commencement conditions to ensure appropriate management and planting schemes are secured ahead of works commencing, in the interests of safeguarding protected species. These documents would need to align with the EclA and provide a united approach to managing soils, ecology and landscape across the site. In addition, conditions would be required to secure details (including elevations and materials) of the proposed bat roost and swallow nesting features proposed.
- 15.5.25. In light of the above, and the submission of the updated EclA, agreed by the Natural Environment Team, it is considered that, subject to conditions, the impacts of development on protected species found at the application site could be appropriately mitigated, and suitable habitat enhancement secured, to support biodiversity at the site, in line with the provisions of Policy ENV2 and the NPPF.
- 15.5.26. In terms of the quantum of net gain, the site would be exempt from the Government's mandatory 10% biodiversity net gain (BNG). This is owing to the timing of the application being submitted prior to 12<sup>th</sup> February 2024 when mandatory BNG came into effect.
- 15.5.27. **Impact on European Protected Sites**
- 15.5.28. In recognition of the site's position within the catchment area of Poole Harbour, a Special Protection Area (SPA) and a European Protected Wetlands (RAMSAR) site, further consideration has to be given to the wider impacts of the development on biodiversity.
- 15.5.29. Elevated concentrations of nitrogen and phosphorus in Poole Harbour are encouraging the growth of widespread algal mats through the process of eutrophication. These mats restrict the availability of invertebrates, which provide food to wading birds, and affect other important features and processes within the harbour.
- 15.5.30. This nutrient enrichment in Poole Harbour is believed to arise from a number of sources of nitrogen and phosphorus within the harbour catchment acting in combination. Whilst the majority of nitrogen entering

Poole Harbour from land sources is generated by agriculture within the Poole Harbour catchment, a proportion is from human sewage discharged within the Poole Harbour catchment, since the Sewage Treatment Works remove only part of these nutrients from human waste. Therefore, increases in human population due to new residential development or overnight accommodation results in additional nitrogen and phosphorus entering Poole Harbour.

- 15.5.31. In light of this serious nutrient issue, in Jan 2024 the Secretary of State designated Poole Harbour as a nutrient sensitive catchment for both nitrogen and phosphorus. To mitigate the impacts of new developments, the Levelling Up and Regeneration Act requires the upgrade of wastewater treatment works to reduce nutrient concentration in wastewater. Following an announcement in May 2024 relating to the wastewater treatment plants that will be subject to these upgrades, Natural England have advised that sufficient wastewater treatment works will be upgraded to reduce phosphorus levels such that there is no longer a need for development to deliver phosphorus mitigation. In terms of nitrogen mitigation, Natural England maintain that the impact of nutrients arising from qualifying development on habitat sites places Poole Harbour at risk from significant effects. They advise that proposals that would result in a net increase in population served by a wastewater system, including tourist accommodation, within these catchment areas should only be granted consent where it is possible to exclude that the proposals would have significant effects. In this case, the development would be served by an on-site package treatment plant and the same principle would apply. In order to rule out significant impacts to the Poole Harbour catchment, the developer would need to demonstrate appropriate mitigation against the impacts of nitrates.
- 15.5.32. In accordance with *People Over Wind & Sweetman v Coillte Teoranta* (Case C-323/17), it is concluded that, discounting any mitigation, the above application would have a likely significant effect on the Poole Harbour European wildlife site. In accordance with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity an Appropriate Assessment has been carried out.
- 15.5.33. Having regard to the current application, the resultant redevelopment and extension of holiday accommodation at the site would result in an increase in occupancy at the site, contributing to the nutrient problem at Poole Harbour.
- 15.5.34. The water company is usually responsible for removing a proportion of nitrogen from the sewage, but remaining nitrogen must be addressed through mitigation. In this case, a sewerage treatment plant is proposed, and in the same way, would filter some, but not all the nutrients from the waste water, with any remaining nutrients requiring mitigation.

- 15.5.35. Mitigation through nutrient neutrality offers a potential solution. Nutrient neutrality is an approach which enables decision makers to assess and quantify mitigation requirements of new developments. It allows new developments to be approved with no net increase in nutrient loading within the catchments of the affected habitats site.
- 15.5.36. The applicant has provided a supplementary statement to address the impacts of nitrates including a Nutrient Neutrality Report and Nutrient Neutrality Mitigation Strategy. It calculates that the waste water from the development, which would be treated via a Bio-Bubble package treatment plant replacing the existing sewerage treatment plant serving the site and hotel, would result in a net reduction of total annual nitrogen loading to the Poole Harbour catchment of -165.19 Kg TN/yr. This is owing to the higher efficiency of the replacement plant, such that the net reduction in total nitrogen load for the existing accommodation on site mitigates the additional nitrogen load generated from the proposed development, whilst providing an additional reduction in load within the catchment. The proposal subsequently demonstrates nutrient neutrality. Following the revocation of the Nitrogen Reduction in Poole Harbour Supplementary Planning Document (SPD), these calculations are based on Natural England's calculator tool for Poole Harbour. Further details relating to the management and maintenance of the waste water treatment plant would need to be secured by condition. Since a water usage figure of 120L/person/day was applied whilst estimating the additional nitrogen loading from the proposed development in the calculator tool, a planning condition would need to be added to any permission to secure the higher level of water efficiency.
- 15.5.37. Based on the above, it is considered that nutrient neutrality has been demonstrated, and subject to securing the measures set out through a legal agreement, likely significant effects on European Protected sites resulting from the proposed development would be successfully mitigated to prevent adverse effects on the integrity of the designated site. An appropriate Assessment has been prepared to this effect and agreed by Natural England.
- 15.5.38. The application can be supported having regard to impacts upon biodiversity; recognising the special protection afforded under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006. The development in turn accords with the provisions of Policy ENV2 of the Local Plan, and the provisions set out under para 192-195 of the NPPF.

## **15.6. Impact on residential amenity**

- 15.6.1. Policy ENV16 of the Local Plan seeks to ensure development proposals are designed to minimise impacts on amenity and the quiet enjoyment of residents within and close to the application site. In doing so, consideration should be given to a range of impacts, including impacts on privacy, light,

and impacts through increased activity that would significantly detract from the amenity of the area and its residents.

- 15.6.2. The nearest residential properties are located adjacent to the site, with the dwelling houses of Warden Hill Farm and Copse Corner lying approximately 65 and 85 metres from the site respectively.
- 15.6.3. The proposed use of the site for holiday accommodation is considered be a compatible use within a residential area. Whilst there would be an increase in the level of activity at the site compared to existing levels, this would not necessarily exceed that associated with the existing land uses, and all traffic would be directed to the main A37 access, with the most northern accesses closest to neighbouring units blocked up. The proposed use is not considered to give rise to unacceptable levels of noise and would arguably result in a reduction in noise by removing less compatible uses from this rural location, including the existing racing track. Furthermore, due to the separation distances and vegetated boundaries between the site and its nearest neighbours, there is considered to be no significant loss of light or privacy to neighbouring dwellinghouses.
- 15.6.4. Therefore, although the concerns of the Parish Council and local residents are acknowledged, there is considered to be no significant harm to the residential amenity of the area such as to warrant refusal of the application, and the proposed development is considered to be in accordance with the provisions of Policy ENV16.

#### 15.7. **Other Matters not addressed**

- 15.7.1. In response to the request received from Sydling St. Nicolas Parish Council seeking a condition of the consent should be to ensure that the Maiden Newton Fire Station is required to remain open, this unfortunately goes beyond the remit of the application and what would be reasonable to make a condition of the consent. This is having regard to the NPPF tests, but also the fact that neither the Local Planning Authority nor the applicant has control over the Fire Station's opening and/or closure.

#### **Conclusions**

- 15.7.2. Due regard has been given to the adopted spatial strategy and policy ECON7 having regard to the provision of a new and/or extended holiday use at the site; together with consideration of the weight to be applied to the site's part brownfield condition; the loss of the existing recreational facilities that would result from the proposed change of use of land; and the need for 24hr surveillance at the site for security purposes.
- 15.7.3. Weighing in favour of the proposed holiday use is the provision of facilities on site to serve the development, together with presence of an existing holiday use at the site, making the site suitable in policy terms, and in line with the adopted spatial strategy. The presence of two established residential units on the site, which would be replaced, and the understanding that some 24hr presence would be required from a security

perspective, provides sufficient justification for the provision of two staff units at the site. In this regard, the provisions of policy ECON7 and HOUS6 are met, together with the provisions set out at para 110 of the NPPF.

- 15.7.4. Having regard to the loss of existing recreational facilities, and in particular the loss of Clay Pigeon Raceway, careful consideration has been given to alternative facilities, their distance, offering and regional catchment. In this regard it is concluded that there is insufficient demonstrable need for the facilities to warrant their retention at the site, such that the development broadly meets the provisions set out in Local Plan policy COM5 and para 103-104 of the NPPF. Matters surrounding the raceway are nonetheless finely balanced, given clearly the raceway is a valued facility.
- 15.7.5. Detailed consideration has been given to the site's sensitive location and the possible impacts of development on the AONB/National Landscape, and the application has been assessed having regard to the 'material considerations' set out in the NPPF for major development in an AONB/National Landscape. In this regard while there is no demonstrable need for the development, the economic benefits of the proposal weigh heavily in favour of the development. In terms of the siting of development the site is accessible by a major route, at a site where tourism provision is an established use, and where part of the site is previously developed. The site has not however been sequentially tested, and this has to be weighed in the balance. Having regard to the impacts upon the AONB/National Landscape, the site is otherwise relatively well screened by mature vegetated boundaries, with proposals to further enhance boundary treatments; and appropriate treatment of lodges and lighting would further reduce the impact of the proposed development on the wider landscape, such that the impacts of the development could be successfully moderated.
- 15.7.6. The submitted landscape scheme, LEMP and CEMP all fail to demonstrate appropriate treatment to landscaping at the site, which has added complexity to considering matters surrounding impacts upon the National Landscape, as does matters of land contamination. The issues however relate to matters of detail as opposed to presenting fundamental barriers to development. Whilst it would be desirable to have matters of detail addressed up front, through the use of pre-commencement conditions, it would be possible to secure satisfactory details ahead of development proceeding. The use of conditions to ensure appropriate details are secured prior to commencement is considered to be a reasonable proactive way forward to secure the successful establishment and long term management of appropriate landscaping, and it is considered that on this basis, the impact of the development could be successfully mitigated. For the avoidance of doubt, the agent has agreed to the recommended pre-commencement conditions.
- 15.7.7. Fundamentally, the proposed scheme would have limited visual impact such that it would not be harmful to the National Landscape. Further, the removal of structures and uses that detract from the quality of the National Landscape would present an enhancement. The proposed development

consequently presents a rare opportunity to support development within the National Landscape that does not unacceptably harm the special qualities and would contribute positively to the local economy. This is an exceptional circumstance (under para 190 NPPF), and should be given significant weight, weighing heavily in favour of the proposal.

- 15.7.8. Having regard to the public benefits of the scheme, the proposal would see the redevelopment of the site including its decontamination, the removal of unsightly telecommunication masts, the removal of uncharacteristic bunding, the removal of the race track (an insensitive use) and associated structures which conflict with the special qualities of the National Landscape, and removal of paraphernalia including derelict structures connected to the former clay pigeon shooting range. Through appropriate landscaping, to be secured by condition, the site boundaries would be enhanced, improving the visual amenity of the area. This includes the removal of the northern accesses, to be reinstated with hedgerow, which currently offer views into the site of the various uses and structures, detracting from the visual quality of the area. The development would support existing tourism provision at the site and would benefit the local economy. The proposal also includes biodiversity enhancements. The loss of the racetrack as a grassroot track into British Motorsport would be a disadvantage, but would not outweigh the benefits for the general public having regard to the sensitive landscape context of the site. In light of the above, the impacts of the development on the National Landscape can, subject to conditions, be appropriately moderated. The proposed development would in turn be in accordance with policy ENV1 of the WDWP Local Plan, and the objectives set out within the Dorset National Landscape Management Plan. Further, subject to an acceptable LEMP and Landscape Scheme being submitted and agreed prior to commencement, the proposed scheme would preserve the natural beauty of the area by reason of its limited visual impact, and would enhance the natural beauty of the area owing to the removal of previous harmful uses. It is thus considered that overall, and subject to conditions, the proposal would enhance the natural beauty of the National Landscape. The removal of the existing more harmful structures and uses is considered to be an exceptional circumstance that is also in the public interest.
- 15.7.9. Although further details are required in respect of land contamination owing to elevated levels of lead and PAH, through an appropriate set of conditions, it is considered that the site could be successfully remediated such that land contamination would not pose a risk. Sufficient information has been submitted to demonstrate that the proposed development would not pose an unacceptable risk of pollution to groundwaters from non-mains foul drainage, thereby safeguarding the source protection zone 1. The proposed development likewise successfully demonstrates that it would not have a harmful impact upon potable water supplies. Having regard to likely effects on the environment through both land contamination and groundwater contamination, the proposed development thus accords with policy ENV9 of the West Dorset Weymouth and Portland Local Plan (2015),

and the provisions set out within Para 187 and 196-201 of the National Planning Policy Framework (2024).

- 15.7.10. Significant third party concern has been raised in relation to the impact of the development on highways safety and efficiency. The Highway Authority confirm that the traffic generated from the proposed development would be unlikely to exceed the capacity of the permitted uses at the site, and the volume of traffic using the site would not exceed the capacity of the junction or A37. As such, the proposed development is considered to comply with Local Plan policy COM7 and para 116 of the NPPF having regard to highway safety and efficiency.
- 15.7.11. The proposed development is considered to be acceptable having regard to the impacts on flood risk, subject to conditions, in line with Local Plan Policy ENV5 and para 181-182. The impacts on the residential amenity of the area are also considered acceptable, in line with Local Plan policy ENV16.
- 15.7.12. The impacts of the development on protected species and habitats at the site are minimised to an acceptable level through the provision of appropriate mitigation and enhancement secured through condition, including the submission of a detailed LEMP and CEMP. Sufficient information has also been provided to demonstrate that the impacts of nitrogen generated from the development can be successfully mitigated to prevent likely significant adverse impacts on the integrity of Poole Harbour, designated a Special Protection Area (SPA) and a European Protected Wetlands (Ramsar) site. Subject to securing mitigation through condition the proposed development consequently passes the Appropriate Assessment and accords with the provisions set out in Policy ENV2 of the WDWP Local Plan, and para 192-195 of the NPPF. This conclusion has been reached having regard to the special protection afforded under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006.
- 15.7.13. As a whole, the proposed development is considered to comply with the policies within the development plan, with the principle of development supported by Local Plan policy SUS2, ECON7 and HOUS6. It is considered that with conditions in place to secure appropriate decontamination of the site, soil management and a robust landscaping scheme, the proposal would not harm the character, special qualities or natural beauty of the Dorset National Landscape, and would offer enhancements to local character by removing undesirable uses and bolstering existing landscape features at the site. In this regard, the proposed development, subject to conditions would comply with Local Plan policy ENV1, ENV9 and ENV10. Subject to appropriate nutrient neutrality measures alongside biodiversity mitigation and enhancement measures secured through condition, it is considered that the proposed development would comply with Local Plan policy ENV2. Matters relating to the loss of the recreational facilities at the site are finely balanced, but owing to regional access being maintained

through other sites, it is considered that the loss broadly meet the provisions set out in Local Plan policy COM5, with the harm associated with that loss, not outweighing the benefits of the scheme in this case. In turn the proposed development is considered to be acceptable in highway safety terms, and having regard to amenity and flood risk, such that the proposal accords with the provisions of Local Plan policies ENV5, ENV16 and COM7. Further, it is not considered that other materials considerations, including para 190 of the NPPF, indicate that a different decision should be reached, such that it is considered that the proposed scheme would comply with the provisions of the NPPF (2024).

## **16. RECOMMENDATION:**

16.1. To grant planning permission subject to the following conditions:

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

Location Plan, drawing no. LP/1.3, received 04 Mar 21  
Proposed Holiday Lodge Layout Plan, over existing topography plan, drawing no. GAH/C2.9-2, received 16 Jun 25  
Proposed Holiday Lodge Layout Plan, drawing no. GAH/C2.9, received 16 Jun 25  
Land Survey: Buildings and Structures to be demolished, received 10 Mar 26  
Artisan Lode 3 Bed (staff accommodation) Floor Plans and Elevations, received 16 Sep 21  
Bella Vista 2Bed Floor Plans and Elevations, received 1 Nov 19  
Bella Vista 3Bed Floor Plans and Elevations, received 1 Nov 19  
Waste Water Treatment Plant - Plan, drawing no. BB1466-22-101-001, received 09 Mar 26  
Waste Water Treatment Plant - Section, drawing no. BB1466-22-101-001, received 09 Mar 26  
Cross Sections O-O, R-R, drawing no. GAH/CS5.2, received 03 Feb 21  
Cross Sections E-E, F-F, G-G, drawing no. GAH/CS2.2, received 03 Feb 21  
Cross Sections A-A, B-B, C-C, D-D, drawing no. GAH/CS1.2, received 03 Feb 21  
Pond Section Details, Rev V1, received 23 June 21

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

2. 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).

3. The lodges hereby approved shall be occupied for holiday purposes only (save for those subject to condition 4); 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 the lodges, their main home addresses, and the date of occupancy of the lodge, and must make this information available within 24 hours of a request by a duly authorised officer of the Local Planning Authority.

Reason: To ensure that the approved lodges are not used for permanent residential occupation.

4. The 2x lodges identified on drawing GAH/C2.9-2 as 'staff units' shall be limited to a person solely, or mainly, employed in the Warden Hill/George Albert holiday lodge park hereby approved (including any dependants of such a person residing with him/her).

Reason: The site is in an area where new dwellings would be contrary to the provisions of the approved Local Plan and normally would not be permitted except where there is an overriding need in the interests of a rural enterprise.

5. Prior to the siting of any lodge, details and samples of all external facing materials for the walls and roofs, and associated decking, balustrades, and any steps/ramps, including its finish and colour, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the external finish/colour of the lodge, and associated decking, balustrades and steps/ramps, shall be in strict accordance with the details as have been agreed, shall be completed prior to the first occupation of the lodge, and shall be retained as such thereafter.

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

6. The lodges hereby approved, together with any replacement lodge in the future, shall accord in size, siting and appearance with the drawings as set out in condition 1 (plans list), and their external appearance shall be in accordance with those details agreed under condition 5 (external appearance).

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

7. There shall be no more than 226 holiday lodges on the site at any one time.

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

8. Before the development is first occupied or utilised the access, geometric highway layout, turning and parking areas shown on the submitted plans must be constructed. 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.

9. Before the development is first occupied or utilised the existing access points on Wardon Hill Road (Dorset Council designation D20701) must be permanently closed and the existing highway vehicular crossings must be expunged and the verges reinstated, in accordance with a landscape scheme to be approved as part of the Landscape and Environmental Management Plan required under condition 17.

Reason: To ensure the proper and appropriate reinstatement of the adjacent highway.

10. Prior to the siting of any lodge, details of the means of access including details of access ramps, steps, and a plan showing which lodges are accessed by which means, shall have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall proceed in strict accordance with such details as have been agreed.

Reason: In the interests of ensuring suitable access is provided to lodges having regard to Inclusive Mobility Guidance.

11. No development shall take place until a detailed Surface Water Management Scheme for the site, based upon the hydrological and hydrogeological context of the development, and providing clarification of how drainage is to be managed during construction and a timetable for implementation of the scheme, has been submitted to, and approved in writing by the local planning authority. The detailed design of the Surface Water Management Scheme shall be accompanied by supporting ground investigation and soakage testing. The approved Surface Water Management Scheme shall thereafter be implemented in accordance with the submitted details including the timetable for implementation.

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

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

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

13. Notwithstanding drawing 'pond section details, Rev V1, received 23 June 21' prior to works being carried out relating to the ponds hereby approved, additional 1:20 sections, showing the north, south, east, and west banks for each pond, and a Pond Maintenance Strategy for the bank edges shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the ponds shall be provided in strict accordance with such details as have been agreed and shall be maintained in accordance with the Pond Maintenance Strategy thereafter.

Reason: In the interests of residential amenity, visual amenity, and biodiversity.

14. Prior to the installation of the Waste Water Package Treatment Plant (PTP) (to be installed prior to occupation of the holiday lodges hereby approved in accordance with condition 15), a layout plan showing its siting, and details, including materials, finish and colour, of the above ground structures associated with the PTP (including the tanks and kiosk), shall first have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, development shall proceed in strict accordance with such details as have been agreed.

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

15. Prior to occupation of the holiday lodges hereby approved, the replacement Bio-Bubble Package Treatment Plant (PTP), as detailed within the submitted Nutrient Neutrality and Mitigation Strategy (NNMS) dated 12 Sep 2024, shall first be installed and made operational. Thereafter, the PTP shall be managed and maintained in accordance with a Waste Water Management Scheme (as required by condition 16) in perpetuity. In the event the PTP needs replacing or upgrading, the replacement PTP shall have an effluent discharge of no greater than 1.2mg/l total ammoniacal nitrogen, and nitrate of 35mg/l, unless otherwise agreed in writing.

REASON: To provide appropriate treatment to wastewater generated from the proposed use, in the interests of safeguarding European Protected sites, specifically Poole Harbour, from the harmful effects of development.

16. No development shall commence until a Waste Water Management Scheme, to include details of maintenance and management of the waste water treatment plant, shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These shall include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker or any other arrangements to secure the operation of the Waste Water Management Scheme throughout its lifetime.

Reason: To provide appropriate treatment to wastewater generated from the proposed use, in the interests of safeguarding European Protected sites, specifically Poole Harbour, from the harmful effects of development.

17. Details of measures to limit the water use of the lodges in accordance with the optional requirement in regulation 36(2)(b) and the Approved Document for Part G2 of the Building Regulations 2010 (or any equivalent regulation

revoking and/or re-enacting that Statutory Instrument) shall be submitted to and approved in writing by the Local Planning Authority before the lodges are occupied. The submitted details shall include a water consumption calculation for each lodge in accordance with the Approved Documents referred to above. The approved measures shall be implemented prior to occupation and maintained in accordance with the approved details thereafter.

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

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

- a) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS 5837 (2012) and a plan indicating the alignment of the protective fencing;
- b) a schedule of tree work conforming to BS3998;
- c) details of the area for storage of materials, concrete mixing and any bonfires;
- d) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility;
- e) details of any no-dig specification for all works within the root protection area for retained trees: f) details of the supervision to be carried out by the developer's tree specialist.

Thereafter, development shall proceed in strict accordance with the details as have been agreed and all safeguarding measures, including the provision of protective fencing, shall be installed prior to commencement of development and 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 and hedge protection zone(s).

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

19. Notwithstanding the submitted 'Detailed Landscape Design', prior to commencement of development, full details of hard landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include where appropriate: existing and proposed finished levels or contours, means of enclosure, car parking layout, other vehicular and pedestrian access and circulation areas, hard surfacing materials and ancillary structures (eg; furniture, play equipment, refuse or other storage

units). Thereafter, the development shall proceed in strict accordance with the details as have been approved.

Reason: To ensure the provision of amenity afforded by appropriate landscape design and maintenance of existing and/or new landscape features and to clarify the finished ground levels of the development in the interests of visual amenity.

20. A Landscape and Ecological Management Plan (LEMP), which carries forward the recommendations of the Ecological Impact Assessment updated Feb 2025, shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of any development. The content of the LEMP shall include the following:

- a) A soft landscaping scheme and planting schedule to include details of the size, species, and positions or density of all trees and plants to be planted;
- b) Protected Species Mitigation & Monitoring Strategy for all identified ecological receptors to cover the operational phase.
- c) Description, evaluation and conservation objectives of landscape and ecological features to be managed. These shall include a range of enhancement features and habitats for target species including tawny owl, skylark, reptiles, badgers, bats, birds, dormice and invertebrates.
- d) Detailed plans of the enhancement bat roost and swallow nesting features.
- e) Ecological trends and constraints on site that might influence management.
- f) Detailed design(s) and/or working method(s) & management prescriptions to achieve stated objectives.
- g) Details of the proposed ecological mitigation area to be provided at the south east extent of the site, including a planting schedule detailing species composition and location of planting blocks, management prescriptions, and clear connectivity with the eastern boundary of the site and with Fishers Bottom Coppice.
- h) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- i) Details of site de-compaction, soil quality, ameliorants, and method statement relating to ground preparation
- j) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development (to be agreed in line with condition 30).
- k) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period), to include a list of persons responsible for implementing the works and details of the body or organization responsible for the long-term management of the LEMP, to include ongoing monitoring of the plan and the carrying out of remedial measures.
- l) Details of initial aftercare and long-term maintenance, to include a schedule of landscape maintenance covering a minimum period of five years following substantial completion of the development
- m) Details for disposal of any wastes arising from works.

The LEMP shall also set out (where the results from monitoring show that landscape and 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 landscape and biodiversity objectives of the originally approved scheme.

Thereafter, the mitigation, compensation, enhancement measures and contingencies/remedial action set out in the LEMP shall be carried out in strict accordance with such details as have been agreed and shall be implemented in accordance with the Timetable for Implementation.

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

21. Prior to the first occupation of each phase of development a report, providing evidence of compliance with the LEMP (including photographic evidence), shall have first been submitted to, and agreed in writing by, the local 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 protect the landscape character of the area and to mitigate, compensate and enhance/provide net gain for impacts on protected species and biodiversity.

22. The off-site ecological mitigation area at the south east extent of the site shall be no less than 0.83ha of wildlife habitat, located as shown on drawing 'Proposed Holiday Lodge Layout Plan, drawing no. GAH/C2.9. The southern end, as shown in orange on the above referred drawings will be managed for Skylark as per the prescriptions on p40 of the EclA, and the remainder will be planted and managed as wood pasture, as per the prescriptions on p41 of the EclA.

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

23. All hard and soft landscape works shall be carried out in accordance with the hard and soft landscaping details agreed under condition 19 & 20 and shall be carried out in full in the first planting season (November to March) following commencement of development of any one phase or within a timescale to be agreed in writing with the Local Planning Authority; and in any case not later than the end of the first planting season following the substantial completion of that particular phase of the development. In the five year period following the substantial completion of that particular phase of the development any trees or plants that are removed without the written consent of the Local Planning Authority or which die or become (in the opinion of the Local Planning Authority) seriously diseased or damaged, shall be replaced as soon as reasonably practical and not later than the end of the first available planting season, with specimens of such size and species and in such positions as may be agreed with the Local Planning Authority.

Reason: To ensure the provision, establishment, and maintenance of a reasonable standard of landscape in accordance with the approved designs.

24. Prior to the commencement of any approved phase of development a Construction and Environmental Management Plan (CEMP) in accordance with the specifications in clause 10.2 of the BS42020:2013 (or any superseding British Standard), and which carry forward the recommendations of the Ecological Impact Assessment updated Feb 2025, shall be submitted to, and agreed in writing by, the Local Planning Authority. As a minimum the CEMP shall include:

- a) A Protected Species Mitigation Strategy that covers all activities relating to pre-commencement and construction phases, making clear any phasing between remediation and movement of reptiles between different areas, and any further mitigation required as a result of further investigation into contamination. This shall include mitigation measures for reptiles, bats, badgers, dormice and wild birds and include a lighting strategy for the entirety of the construction phases. The protected Species Mitigation Strategy should accord with the Construction Phase Plan, drawing no. GAH/C2.9-3.
- b) Risk assessment of potentially damaging construction activities.
- c) Notwithstanding the 'Construction Phase Plan – Ecology', drawing no. GAH/C2.9-3, received 16 Jun 25, a final Construction Phase Plan identifying biodiversity protection zones, construction exclusion zones, water tower buffer, reptile donor site and reptile receptor sites taking into account a remedial strategy (as required by condition 22) to manage land contamination.
- d) Identification of areas where invasive species have been identified. An eradication programme for Japanese knotweed shall be provided.
- e) Inclusion of or reference to details for implementation of method statements required to achieve specific biodiversity outcomes, and particularly mitigation measures.
- f) Identification of practical measures, both physical measures and sensitive working practices to avoid impacts during development, for protecting biodiversity through the control or regulation of construction-type activities.
- g) An Implementation Timetable to include construction timeframes, the location and timing of sensitive works to avoid harm to biodiversity features, and a timetable of visits by specialists where required to be present to oversee works.
- h) A list of responsible persons and lines of communication.
- i) A section defining and communicating the role and responsibilities on site of an ecological clerk of works (ECoW), or appointed ecologist(s) responsible for managing biodiversity issues on site, and times and activities during construction or development implementation when they need to be present to oversee works.
- j) details of exclusion fences, protective barriers and warning signs.
- h) route of construction traffic

Thereafter the development shall proceed in strict accordance with the details as have been agreed, and in line with the Implementation Timetable set out

within the CEMP. The Consultant Ecologist shall notify the Local Planning Authority in writing following implementation of the measures set out.

Reason: To safeguard biodiversity as set out by Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, and in the interests of highway safety

25. Prior to the commencement of any development within any one phase, full details of earthworks shall first be submitted to and approved in writing by the Local Planning Authority. These details shall include details of any proposed grading and mounding of land including the levels and contours to be formed, showing the relationship of the proposed mounding to the existing vegetation and surrounding landform. Thereafter, development for each phase shall proceed in strict accordance with such details as have been agreed for that phase. No development phase shall be occupied until the works are completed for that phase, in accordance with the approved details.

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

26. No soil shall be imported to the site unless it has been tested for contamination and assessed for its suitability for the proposed development. A suitable methodology for testing this material must be submitted to and approved in writing by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by risk assessment) and source material information. The analysis shall then be carried out and a validation certificate or similar evidence should be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in strict accordance with the details as have been agreed.

Reason: To prevent pollution of the environment and in the interests of successful landscape establishment.

27. Prior to the commencement of the development hereby approved the following information shall be submitted to and agreed in writing by the Local Planning Authority:

1) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed. This shall be supported by a detailed soil management and waste management plan, and mitigation measures shall include the installation of a robust cover system, details of which shall first be submitted to and agreed in writing by the Local Planning Authority, consisting of a design with cover of not less than 600mm depth.

2) a detailed phasing scheme for the development (in line with the requirements of condition 30), defining distinct areas of the development site and the order in which development will be delivered, together with the agreed remedial works (including a time scale for completion).

3) a monitoring and maintenance scheme, overseen by a specialist consultant, to include monitoring the long-term effectiveness of the proposed remediation over a period of time and to determine and report on currently unknown issues with contamination and remediation during development. The scheme shall ensure that site work ceases in the event unexpected contamination is identified or where remediation measures are found to be unsuitable or ineffective, the Authority is informed of any such discovery, and agreement is reached with the Authority concerning any remediation requirements that arise prior to the recommencement of site works.

The development shall, thereafter, proceed in strict accordance with the remediation scheme, and monitoring and maintenance scheme as has been agreed, which shall be fully implemented before the development hereby permitted first comes in to use or is occupied, and in strict accordance with the agreed phasing plan.

On completion of the development written confirmation and verification that all works were completed in accordance with the agreed details shall be submitted to the Local Planning Authority.

Reason: To ensure potential land contamination is addressed and to mitigate potential harm to health and safety, as well as ensuring the successful establishment of the landscape scheme.

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

Reason: To ensure risks from contamination are minimised.

29. Prior to the first occupation or use of the development hereby permitted a verification certificate to confirm that the site is fit for purpose following remediation shall be submitted to the Local Planning Authority.

Reason: To ensure potential land contamination is addressed.

30. Notwithstanding the submitted phasing plan, no development shall commence until a detailed phasing scheme (in line with the requirements of condition 20 and 27), defining distinct areas of the development site, the order and timing in which development commences within each of those development areas, and the order and timing that existing uses on site cease, shall have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development hereby approved and the cessation of existing uses on site shall proceed in strict accordance with the agreed phasing plan.

Reason: In the interests of the amenity of existing and future occupiers.

31. Notwithstanding the submitted Lighting Strategy, no lighting shall be installed until a more detailed Lighting Strategy has been submitted to, and agreed in writing, by the Local Planning Authority. The strategy shall minimise impacts from lighting associated with pre-construction, construction, and operational activities, and demonstrate how the current best practice (BCT/ILP, 2018) guidance has been implemented. This shall include details such as the following: artificial lighting associated with public realm lighting and any other internal and external lighting associated with the development. Thereafter development shall proceed in strict accordance with such details as have been agreed, and prior to occupation of each phase a report shall first be submitted to, and agreed in writing by the Local Planning Authority, providing evidence of compliance with the Lighting Strategy.

Reason: The purpose of the lighting strategy is to ensure the ecological mitigation areas and boundaries of the site function as dark corridors and bat flight lines (0.2 lux on the horizontal plane and 0.4 lux on the vertical plane), and to minimise light spill within the Dorset National Landscape skies.

32. Prior to the erection of any advertisement sign, where it does not require the express consent of the Local Planning Authority in its own right, details (including to scale plans of the sign, a block plan showing its precise siting, and details of colour, design, materials and any illumination) shall first be submitted to and agreed in writing by the Local Planning Authority. Any such advertisement shall only be erected in accordance with the approved siting and details and any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

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

33. Prior to first occupation of the lodges hereby approved, and notwithstanding drawing 178-01-03, received 04 Mar 21, a plan identifying the quantum and location of EV charging points, shall first be submitted to and agreed in writing by the Local Planning Authority. The EV charging points shall be provided prior to occupation and in accordance with the details as have been agreed and shall thereafter be maintained, kept free from obstruction and available for the purposes specified.

Reason: In the interests of supporting sustainable transport objectives.

34. The telecommunications mast and other structures on site proposed for removal, as indicated on drawing 'Land Survey: Buildings and Structures to be demolished, received 04 Aug 21', shall be removed from the land in accordance with a timetable to be submitted to and agreed in writing by Local Planning Authority prior to commencement of development.

Reason: in the interests of the visual amenity of the site.

35. Prior to first use of the holiday park, final floor plans for the holiday park facilities building (the former racing track clubhouse) shall have been submitted to and approved in writing by the Local Planning Authority.

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

**Informatives:**

1. NPPF

Informative: National Planning Policy Framework Statement

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

The council works with applicants/agents in a positive and proactive manner by updating the 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 is considered to apply.

In this case, 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>

3. NS Biodiversity Gain Plan - Exempt

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.

4. Land Contamination

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’.

5. Land Contamination

The applicant is reminded that to safeguard the site from contaminants condition 23 seeks a robust cover system of not less than 600mm depth be installed. Where permitted development is proposed that could impact the cover system in place, the applicant is advised to seek specialist advice prior to works going ahead to ensure land contamination is suitably addressed and to mitigate potential harm to health and safety.

6. Invasive Plants

The applicant is advised that there is an area of the site colonised by the invasive plant Japanese Knotweed. Certain plants are listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). This places a duty on anyone undertaking relevant operations such as ground work to prevent the spread of invasive species. Advice should be taken from the Environment Agency / Natural England with regard this species. More information is available on the following website: Invasive non-native (alien) plant species: rules in England and Wales - GOV.UK ([www.gov.uk](http://www.gov.uk))

7. Reinstatement of verge

The reinstated verge at the expunged access (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](mailto: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

8. Badgers

Badgers are protected under the Badger Act 1992. Section 3 of the Act states: “A person is guilty of an offence... by doing any of the following things... - a) damaging a badger sett or any part of it; b) destroying a badger sett; c) obstructing access to, or any entrance of, a badger sett; d) causing a dog to enter a badger sett; or e) disturbing a badger when it is occupying a badger sett, intending to do any of these things or being reckless as to whether his actions would have any of those consequences” If a badger(s) or badger sett is

discovered during works; all work should stop and advice sought from Natural England by calling 0300 060 3900 or Dorset Council Natural Environment Team by calling 01305 221697 / [net@dorsetcouncil.gov.uk](mailto:net@dorsetcouncil.gov.uk), before proceeding.

9. Bats

The applicant is advised to obtain either the appropriate licence for Bats issued by Natural England pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations 2017 (as amended) authorising the works to go ahead, or written confirmation from Natural England that such a licence is not required. This is in recognition 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). Further information about the law and bats may be found on the following website <https://www.gov.uk/guidance/bats-protection-surveys-and-licences>.

10. Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated ## ## relating to:

- A replacement Bio-Bubble Package Treatment Plant (PTP);
- The submission of a Waste Water Management Scheme;
- Any future replacement PTP;
- A monitoring fee.

11. A replacement Bio-Bubble Package Treatment Plant (PTP), as detailed within the submitted Nutrient Neutrality and Mitigation Strategy (NNMS) dated 12 Sep 2024, to be installed prior to occupation of any holiday lodge; the submission of a Waste Water Management Scheme; any replacement PTP; and a monitoring fee.

|                            |                                                                                             |
|----------------------------|---------------------------------------------------------------------------------------------|
| <b>Application Number:</b> | P/FUL/2026/01516                                                                            |
| <b>Webpage:</b>            | <a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a> |
| <b>Site address:</b>       | Julia's House 34 South Street Dorchester DT1 1DD                                            |
| <b>Proposal:</b>           | Siting of a statue depicting Susie the cat on a low plinth.                                 |
| <b>Applicant name:</b>     | James Honeychuck                                                                            |
| <b>Case Officer:</b>       | Jane Green                                                                                  |
| <b>Ward Member(s):</b>     | Cllr Canning and Cllr Fry                                                                   |

## 1. Reason application is going to committee:

The application is to be heard at committee in line with the Council's adopted scheme of delegation as the application site is within Dorset Council ownership.

## 2. Summary of recommendation:

GRANT subject to conditions as set out at the end of this report

## 3. Key planning issues

| Issue                                                                        | Conclusion                                                                                                   |
|------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| Principle of development                                                     | The principle of public art is acceptable                                                                    |
| Scale, design, impact on character and appearance                            | The statue is life-size and appropriate in term of scale and appearance                                      |
| Impact on the living conditions of the occupants and neighbouring properties | No significant impact                                                                                        |
| Impact on heritage assets                                                    | No harm to the setting of heritage assets                                                                    |
| Economic benefits                                                            | An indirect consequence may see visitors to the statue spend money in the town's shops, cafes and facilities |
| Highway impacts, safety and access                                           | No unacceptable impact                                                                                       |
| Environmental Implications                                                   | No significant implications                                                                                  |

## 4. Description of site

The site of the proposed statue is in South Street outside the retail shop 34 South Street occupied by Julia's House Charity. South Street is a pedestrian street located in Dorchester Town Centre within the Primary Shopping Frontage area. The site is also within the designated

Conservation Area and there are a number of listed buildings, the nearest being 28/29/30 South Street on the opposite side and also 25/26 South Street.

The location has been chosen so the statue is in line with the existing benches and planters.

## **5. Description of development**

The proposal sees the erection of the life size cat statue of a height of 38cm mounted on a low plinth that would measure 40cm square to a height of 75cm. The total height would therefore measure 113cm. The statue will be cast in bronze, and the plinth would be fossil bearing Purbeck stone. The plinth will be anchored to the ground with stainless steel pins to a concrete sub-base. The flagstones will be replaced above the concrete base. The honorary bard of Dorchester 2025-2026 will compose a poem which will be inscribed in stone and attached to the plinth.

The statue is to be sculpted by a sculptor who lives and works in Weymouth.

## **6. Background and relevant planning history**

P/PAP/2026/00042 - Decision: Response given - Decision Date: 12/02/2026

Siting of a statue depicting Susie the cat on a low plinth

It may also be worth explaining a little of the background to members not familiar with Susie. Susie the cat is a sociable local feline resident of Dorchester that frequents South Street shops and pubs and the town centre. Susie has a Facebook page "Susie's Travels in Dorchester" with over 12,000 followers. There is also a book titled *Not Lost: Susie the Dorchester Cat* written by a local charity, a forthcoming book, postcards, coffee mugs, a 2026 calendar and a community choir song. She has also appeared in feel good features on BBC and ITV.

The background to the statue is to celebrate Susie with a piece of accessible art with references to Dorchester's Roman heritage and Dorchester's literary connections.

The statue is donated by a private benefactor.

## **7. List of constraints**

Grade: II Listed Building: 28-30, SOUTH STREET List Entry: 1291250; - Distance: 13.93

Application is within Dorchester Conservation Area

Public Right of Way: Footpath S2/9; - Distance: 23.81

Public Right of Way: Footpath S2/8; - Distance: 46.1

Site of Special Scientific Interest (SSSI) impact risk zone

Scheduled Monument: Dorchester Roman walls (List Entry: 1002449); - Distance: 26.4

Scheduled Monument: Outer defences of Roman town, W of St Genevieve's Convent (List Entry: 1002380); - Distance: 201.81

Scheduled Monument: Part of Roman, Saxon, and medieval town in grounds of Wollaston House (List Entry: 1002384); - Distance: 221.73

Scheduled Monument: Henge, Romano-British amphitheatre and Civil War fieldworks known collectively as Maumbury Rings (List Entry: 1003204); - Distance: 430.4

## 8. Consultations

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

### Consultees

1. **DC Highways** – No objection
2. **DC Conservation Officers** – No objection to the proposal on heritage grounds
3. **Dorchester Town Council** – As Dorchester Town Council will be taking ownership of the statue within 2 years of it being installed if permission is approved therefore, it doesn't feel appropriate for the Town Council to comment
4. **Dorchester West Ward Councillor**– No comments received

### Representations received

| Total - objections | Total - No objections | Total - comments |
|--------------------|-----------------------|------------------|
| 2                  | 131                   | 133              |

### Summary of comments of objections:

- This is something the town doesn't need. It adds nothing to our attractions for visitors when the town's wonderful Roman heritage is largely underplayed. It would be far for useful and informative if the neglected brown tourist signs situated at both main entrances to Dorchester were refurbished. They just make the town look uninteresting and neglected. Promote it properly, not waste money on flippant displays.
- Adding a statue of it in town is a ridiculous idea for something that is just a passing trend. Dorchester isn't known for having a cat and wasting money on a statue is in no one's interest.

### Summary of comments of support:

- Great for tourism/will encourage visitors to Dorchester
- Boost economy through visitor spend
- Perfect tribute
- Will enhance the built environment
- A statue would preserve her [Susie's] story and charm for years to come
- The statue would be a real asset/adds interest to Dorchester
- Small, unobtrusive and respectful. Great addition to streetscene

- Height is ideal for children to enjoy
- Adds a good story and character to an already interesting town
- It will link Dorchester's roman heritage with the present
- Susie has inspired and bonded the local community. She has lots of followers and I think it would be nice to commemorate this. It's not always about the big achievements. Small things can also make a big difference and bring a community together.
- I've seen this Woman's work and it's really wonderful. Anywhere would be lucky to have one of her pieces on show. Experienced and talented sculptor (Ama Menec)
- A great teaching point for kids to understand animals and their worth
- Sculptures enhance urban environments by adding aesthetic value, fostering social interaction, serving as landmarks, and reflecting cultural identity, thereby enriching the urban landscape and promoting community engagement. The proposed cat sculpture has its own unique charm which will be a great addition to the surrounding built urban environment. This innovative initiative is fundamentally to be commended, not least because it is a valuable addition which will enhance its surroundings at no cost to the public purse.
- The proposed installation is a small but meaningful way to informatively and appropriately display Dorset's ancient heritage and honour modern history in the making! Thousands of tourists come to pay their respects to Greyfriars Bobby in Edinburgh and Hachiko in Tokyo. The Susie statue is a wise move for tourism and an investment in Dorset's future.
- Celebrating notable local figures, human and animal, is really important so that we can build our unique town and county identity. It will also add very positively to our shopping experience when in South Street.
- I particularly like that, in addition to providing accessible public art, the sculpture reference's Dorchester's historic Roman past, with the Roman glass bead collar and paw print on the Roman tile. Great that it is at head height to children, and sure it will delight locals and visitors alike
- Art is not a frivolous thing when it elevates the public mood, which many of us need in these troubling times. Having seen Ama's bronze sculptures of endangered wildlife, I know she will do a great job

Whilst most of the comments are from Dorchester and Dorset in general there are some from further afield and some from overseas.

## 9. 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.

## **10. Relevant policies**

### Development plan

In this case the development plan comprises:

#### **Local Plan Adopted West Dorset and Weymouth & Portland Local Plan:**

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

- INT1: Presumption in favour of sustainable development
- ENV1: Landscape, seascape & sites of other geological interest
- ENV2: Wildlife and habitats
- ENV4: Heritage assets
- ENV10: The landscape and townscape setting
- ENV12: The design and positioning of buildings
- ENV13: Achieving High Levels of Environmental Performance
- ENV14: Shopfronts & advertisements
- ENV16: Amenity
- SUS2: Distribution of development
- ECON4: Retail and town centre development
- ECON5: Tourism attractions and facilities
- COM7: Creating a safe & efficient transport network
- DOR3: Dorchester Roman town area

### 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, with further consultation between 18 Aug – 31 October 2025. Being at a very early stage of preparation, the relevant policies in the draft plan should be accorded very limited weight in decision making.

## **National Planning Policy Framework 2024 (as amended 2025)**

Paragraph 11 sets out the presumption in favour of sustainable development. Proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless 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 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.

- 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.
- 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**

### National Planning Practice Guidance:

Design: process and tools 01 October 2019 Guidance

Historic environment: 23 July 2019 Guidance

Town centre and retail: 18 September 2020 Guidance

### Supplementary Planning Guidance:

West Dorset District Council Design and Sustainable Development Planning Guidelines  
Adopted February 2009

Dorchester Conservation Area Appraisal Adopted July 2003

### Dorchester Town Council policy statements:

Dorchester Heritage Tourism Strategy (2020)

Dorchester Town Council Community Implementation Plan (2023-28)

Dorchester Town Council Corporate Plan (2025-29)

### All of Dorset:

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

## **11. 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. 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 acknowledged that the statue is another potential obstruction to those pedestrians who are blind or partially sighted. The proposal would not be unduly hard to detect with a mobility cane due to the solid base attached to the ground. It could also impact on disabled persons or those who are pushing a buggy.

As the position of the statue is in line with other street furniture, it would not be positioned in a desire line or pedestrian route, and it would not therefore negatively impinge on accessibility, and a clear pedestrian route would remain. It is therefore considered that the proposal will not disadvantage any persons with certain protected characteristics and any persons with disabilities or mobility impairments or pushing buggies are accommodated and access for all remains.

### **13. Planning Assessment**

#### **Principle of development**

The principle of public art is acceptable. Paragraph 135 of the NPPF encourages development that is sympathetic to local character and history, establishes a strong sense of place and create places that are safe, inclusive and accessible and which promote health and wellbeing. Policy ENV10 of the Local Plan states new development should make a positive contribution to local distinctiveness and incorporates features that would enhance local character, including public art.

#### **Scale, design, impact on character and appearance**

The statue is to be life-sized and a true representation of the subject. It will be of a bronze composition on a Purbeck stone plinth.

Whilst art is subjective it is considered the sculpture will have a social and historical relationship to the area and would contribute positively to local identity and distinctiveness.

The height and nature of the piece would mean it can be interacted with by children, users of wheelchairs and blind and partially sighted people which is positive.

As such the proposal would enhance local character and would be a positive focal point and would be an active addition to the sense of place.

#### **Impact on heritage assets**

The proposal site is located towards the south end of the sub-area c within the Dorchester Conservation Area. This street is predominantly used for retail at ground floor with some offices and flats at upper levels.

There are several nearby designated heritage assets including the Grade II Listed buildings South Terrace, United Reformed Church and gateway, 25 and 26 South Street, 28-30 South Street, Dorchester War Memorial and the pillar box at junction with South Street. The Town Walks constitute a Grade II Registered Park and Garden, beneath which lies the Scheduled Monument of the Dorchester Roman Walls

The immediate surroundings contain various street furniture, including large timber planters with integrated bench seating. There are nearby metal bollards, bike racks and a local information board.

Many of the surrounding shopfronts are modern alterations which do not contribute positively to the special character and appearance of the conservation area. The former Eldridge Pope New Inn opposite retains historic tiles and contributes to local heritage interest.

The proposal takes up a relatively small amount of space within the street. Consideration is given to the density of similar features. As there are few other statues or monuments in the vicinity it will not therefore compete with or detract from other such structures. The statue will contribute to the overall street scene and enhance the special character and appearance of the Conservation Area.

The proposal will not directly affect any of the nearby listed buildings. Increased street furniture can have a harmful effect on the setting of a listed building. However, in this instance the proposals will cause no harm.

There will be no harm to the Scheduled Monument or Registered Park and Garden.

In conclusion the statue is not considered to detract from the setting of the heritage assets; the proposal is justified and there are public benefits to be gained. Conservation officers have no objection on heritage grounds. As such it is considered that policy ENV4 of the local plan is adhered to.

### **Highways impacts, safety and access**

The proposed statue is to be located outside of 34 South Street between the existing benches and planters. Concern was raised at the pre-application stage that if the benches and planters were removed in the future the statue would be located in a isolated position which may present an obstruction/trip hazard in the pedestrian street. It was confirmed at that time that the benches and planters were controlled by the Town Council who would also take over the ownership of the statue and therefore it is in their own interests to maintain this protection.

That said South Street is generally kept clear of obstruction through the main street for the purposes of delivery and emergency vehicles and, in the main, clear on the footpaths immediately abutting the shops/premises for pedestrian access. There is a line of planters, benches, Sheffield bike stands, bollards, bins etc. in between these areas and quite a few A-frame advertisements. The proposed statue will be within this line of street furniture. The area is also well lit with streetlights and lights projecting from the retail shops at night which helps with visibility during darker days and at night. It is therefore considered that the statue will not present a significant trip hazard, although it is acknowledged it is another potential obstruction to those pedestrians who are blind or partially sighted as with all the other street furniture.

The Highways Authority considers that the proposal does not present a material harm to the transport networks or to highway safety and have no objection.

Noting the subject is lower to the ground than many statues it is considered this will provide further inclusivity as wheelchair users, people with mobility impairments and children may well find the statue more accessible.

### **Impact on the living conditions of the occupants and neighbouring properties**

It is considered the proposal will not have an unacceptable impact on amenity of neighbouring properties.

## **14. Benefits**

The proposal may provide a number of financial and non-financial benefits, including public benefits.

### Material considerations

The applicant has specifically requested that it is made clear to the committee that the intention behind the statue is not as a tourism attraction but rather to honour a well-loved feline resident, a nod to Dorchester's Roman origin, an accessible piece of art and a quality poem inscribed on the plinth as a continuation of Dorchester's literary heritage.

It may be however an indirect consequence that visitors of the statue may spend money in the town's shops, cafes and facilities.

### Non-material considerations

Public art can contribute to the sense of place and local identity and can educate and inspire audiences and can create historic and social awareness and improve well-being.

## **15. Environmental implications**

No significant implications

## **16. Summary of issues and the planning balance**

Noting the significant public support for the statue and for the reasons as set out above, the proposal is considered to accord with all relevant policies of the West Dorset, Weymouth & Portland Local Plan, in particular policy ENV10 and paragraph 135 of the National Planning Policy Framework and is recommended for approval with conditions. The proposal would comply with the Development Plan, taken as a whole, and there are no material considerations that indicate otherwise.

## **17. Recommendation**

GRANT of planning permission subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
PP-14787438v4 Location Plan  
Susie statue plinth installation  
Susie statue site illustrations  
Susie statue location outside Julias House shop

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

### **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 in full in a subsequent informative 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 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. 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 was provided with pre-application advice.

This page is intentionally left blank

|                            |                                                                                             |
|----------------------------|---------------------------------------------------------------------------------------------|
| <b>Application Number:</b> | P/HOU/2026/01352                                                                            |
| <b>Webpage:</b>            | <a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a> |
| <b>Site address:</b>       | Black Oaks 301 Bournemouth Road Charlton Marshall Blandford Forum DT11 9NQ                  |
| <b>Proposal:</b>           | Erect garden summer house                                                                   |
| <b>Applicant name:</b>     | Mr Scott Black                                                                              |
| <b>Case Officer:</b>       | Claire Lewis                                                                                |
| <b>Ward Member(s):</b>     | Cllr Cooper                                                                                 |

## 1. Reason application is going to committee:

The application was referred for a Committee decision by the Chair of the North Dorset Planning Committee following a Scheme of Delegation referral. The application was referred to the Scheme of Delegation due to consultation responses from Charlton Marshall Parish Council and the local Ward Councillor in objection to the proposed scheme.

## 2. Summary of recommendation:

Grant planning permission subject to conditions as set out at the end of this report.

## 3. Key planning issues

| Issue                                                                        | Conclusion                                                                                                                                                                                                                               |
|------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Principle of development                                                     | The principle of erecting an ancillary residential outbuilding within the curtilage of an existing residential dwelling within a village settlement boundary is acceptable where it accords with wider material planning considerations. |
| Scale, design, impact on character and appearance                            | There is no demonstrable harm to the character and appearance of the area.                                                                                                                                                               |
| Impact on the living conditions of the occupants and neighbouring properties | There is no demonstrable harm to neighbour amenity.                                                                                                                                                                                      |
| Impact on heritage assets                                                    | There is no demonstrable harm to the Charlton Marshall Conservation Area.                                                                                                                                                                |
| Flood risk and drainage                                                      | The surface water drainage strategy is sufficient and the development will not demonstrably increase the risk of flooding.                                                                                                               |
| Impact on trees                                                              | There is no demonstrable risk to existing trees on site.                                                                                                                                                                                 |
| Biodiversity                                                                 | The proposal is exempt from Biodiversity Net Gain requirements, and there is no demonstrable risk to biodiversity resulting from the proposed development.                                                                               |

## 4. Description of site

The proposal site is located on the eastern side of Bournemouth Road (A350) on the outskirts of Charlton Marshall, just beyond the edge of the defined village settlement boundary. The site is accessed via a recently adapted driveway off Bournemouth Road. To the east side, the property lies adjacent to Palmers Lane which is an unadopted private road. However, planning approval granted for the dwelling (P/VOC/2024/00724) does not allow for vehicular side access via this lane.

The site comprises the residential curtilage for recently built 'Black Oaks' to the southeast along with an extensive area of paddock land under the applicant's ownership which extends to the north and west. The river Stour runs adjacent to the northern boundary of the site, and the western boundary is shared with the Grade I listed Church of St Mary. There are further residential buildings to the south of the curtilage and on the opposite side of Palmers Lane.

Currently, the site comprises 1 no. detached residential dwellinghouse that has been constructed following approved application reference P/VOC/2024/00724 and there is a temporary outbuilding situated to the southeast in a similar position to the proposed. There are no further permanent buildings on site.

The topography is largely flat across the site and there are several mature, conservation area-protected trees across the wider site, including a semi-mature cherry to the southwest of the development site and further mature trees along the driveway and to the rear of the garden that will be affected when access to the development site is required.

The site falls just outside the Charlton Marshall settlement boundary, on the edge of open countryside to the north from which it is separated by the river Stour. Land immediately to the east, and more extensively to the south and southwest is occupied by the linear village settlement following the main A350 highway (Bournemouth Road). The vast majority of development is concentrated south of the road, with only pockets of development to the north where the proposal site is located. The village has expanded over many years and as such, the age and style of buildings is varied with traditional vernacular buildings interspersed with modern bungalows, one and a half storey and two storey dwellings. The historic core and conservation area remain characterful, and much of the modern infill visible from the main road is considerate to the historic character of the setting. Properties along Palmers Lane are generally quite large and detached with good sized gardens and outbuildings. The relatively large curtilages associated with these dwellings results in a low-density building arrangement and a sense of space. This pattern has continued with the development of No. 301 (Black Oaks) which is a detached one and a half storey dwelling. The dwelling has been constructed of vernacular materials including brick and flint rubble, slate and timber which are considered appropriate to the conservation area and in accordance with surrounding buildings. The summerhouse/storage outbuilding is proposed to be constructed in a material palette similar to the recently built dwelling.

## **5. Description of development**

The proposal scheme seeks to erect a garden summerhouse in the southeastern corner of the residential curtilage, adjacent to and following the line of the eastern boundary fence.

## **6. Background and relevant planning history**

PRE/2017/0441/PREAPP - Decision: UNN - Decision Date: 06/03/2018

Development of the site with approximately 10 dwellings accessed off Bournemouth Road, including a potential long term parking solution for the church in the area indicated as church field and the provision of public access to the remaining open space/undeveloped land and river Stour.

Supporting info submitted with pre-application enquiry:

- Illustrative plans SK1 and SK2 and Heritage Appraisal.
- Tree Constraints Plan to follow.

2/2018/1762/FUL - Decision: REF - Decision Date: 25/02/2020

Erect 6 No. dwellings, form new vehicular and pedestrian access, associated parking and the construction of a Church car park.

P/FUL/2020/00337 - Decision: WIT - Decision Date: 18/10/2021

Erect 1 No. dwelling, form vehicular access and parking

P/FUL/2021/04649 - Decision: GRA - Decision Date: 15/06/2022

Erect a dwelling, form vehicular access and associated parking

P/VOC/2024/00724 - Decision: GRA - Decision Date: 24/07/2024

Erect a dwelling, form vehicular access and associated parking (with variation of condition 2 (approved plans) of planning permission P/FUL/2021/04649) (Raise height of dwelling; install solar panels; extend railing; construct piers; install gates; alter access; alter fenestration; construct verandah; construct loggia.)

P/PDE/2024/00095 - Decision: RES - Decision Date: 27/03/2024

Form temporary site access track.

P/PDE/2025/00140 - Decision: PDR - Decision Date: 28/03/2025

Erect timber shed

## **7. List of constraints**

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

CHAR, Charlton Marshall Conservation Area

Flood Zone 3 (record ID 10824972.0)

Flood Risk Zone 3a

Flood Risk Zone 3b (1 in 20 or 1 in 25)

Risk of Surface Water Flooding Extent 1 in 100

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

Groundwater – Susceptibility to flooding

Main River Consultation Zone

Recorded Flood Outlines

Site of Special Scientific Interest (SSSI) impact risk zone

Higher Potential ecological network

Existing ecological network – Terrestrial

Wessex Water Risk of foul sewer inundation 2023 High Risk of Foul Sewer Inundation

Medium pressure gas pipeline 12.5m or less from 12.5m Buffer on Regional Medium Pressure Pipelines (75 mbar – 2 bar)

## **8. Consultations**

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

### **Consultees**

#### **1. Charlton Marshall Prish Council**

The Council objects to the proposed development on the grounds that it does not constitute a structure that can reasonably be described as a “garden room” or “summer house.” Such buildings are ordinarily incidental to the enjoyment of the host dwelling, modest in scale, subordinate in character, and typically of lightweight or temporary construction.

By contrast, the proposal indicates a building of a permanent and substantial nature, incorporating brick construction with timber cladding designed to reflect the main dwelling. This form of construction, together with the scale and footprint of the building, suggests a structure that is neither incidental nor subordinate to the principal dwelling.

The siting of the proposed building is also considered inappropriate for a garden room, offering limited outlook and restricted access to natural light. Furthermore, its size and footprint are excessive, even when viewed in the context of the host property and raise significant concerns that the building could be used, or subsequently adapted, as independent residential accommodation. The footprint is probably no smaller than that of a typical new build family home.

The Council is also concerned about the impact of the development on the character and appearance of the surrounding area. The proposed structure, by reason of its scale, massing, and design, would represent an intrusive and incongruous addition to the site. In addition, its proximity to the boundary with Palmers Lane gives rise to concerns regarding potential adverse impacts on neighbouring amenity, particularly in relation to overbearing presence and height.

For the reasons set out above, the Councillors strongly object to this application.

## **2. DC Winterborne North Ward Councillor**

Having looked at the application I strongly object to the application proposed. My reason are:

- The description as a garden summer house is not reflected in the size both square metres in floor area, also the height of the garden house. The application description is "house" and that is what it looks to me.
- The construction is of brick and slate, not of wood which most garden houses are constructed.
- The store is usually adjoined or in the main dwelling, and the size of the store is large
- The positioning of the garden house is in a corner with no outlook and not on the edge of the very large garden with views of the river Stour.

I strongly object to the application because to me if this is approved then we could see another application for change of use to an annex to the main dwelling for another member of the family. I would ask that you visit the site to see for yourself my reasons for strongly objecting.

### **Representations received**

| <b>Total - objections</b> | <b>Total - No objections</b> | <b>Total - comments</b> |
|---------------------------|------------------------------|-------------------------|
| 0                         | 0                            | 0                       |

**Summary of comments of objections:** No objections received.

**Summary of comments of support:** No representations in support received.

## **9. 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.

## **10. Relevant policies**

### Development plan

In this case the development plan comprises:

#### **Adopted North Dorset Local Plan:**

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

Policy 1: Presumption in favour of sustainable development

Policy 3: Climate change

Policy 4: The natural environment

Policy 5: The historic environment

Policy 20: The countryside

Policy 24: Design

Policy 25: Amenity

Policy 28: Existing dwellings in the countryside

#### **Made Neighbourhood Plans**

None that are relevant to this proposal.

### 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, with further consultation between 18 Aug – 31 October 2025. Being at a very early stage of preparation, the relevant policies in the draft plan should be accorded very limited weight in decision making.

### **Emerging neighbourhood plans**

None that are relevant to this proposal.

### **Local Nature Recovery Strategy**

The Dorset Local Nature Recovery Strategy identifies local priorities for nature recovery and maps areas where action would be most beneficial. In planning decisions it is a material consideration, helping to ensure that development supports biodiversity enhancement and aligns with Dorset's agreed priorities for nature recovery.

### **National Planning Policy Framework 2024 (as amended 2025)**

Paragraph 11 sets out the presumption in favour of sustainable development. Proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless 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 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.
- 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**

### National Planning Practice Guidance

#### All of Dorset:

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

### **11. 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. Public Sector Equalities Duty**

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

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

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

### **13. Public Benefits**

There are no demonstrable benefits to be derived from this householder scheme.

### **14. Planning Assessment**

Principle of development - The principle of erecting an ancillary residential outbuilding within the curtilage of an existing residential dwelling is acceptable where it accords with wider material planning considerations.

Scale, design, impact on character and appearance – The proposed outbuilding will be sited adjacent to the southerly elevation of the recently built residential dwellinghouse, adjacent to Palmers Lane, and is intended to serve as an ancillary addition to the residential curtilage. The layout of the internal space is divided into two sections, the larger of which is proposed to be a summerhouse and the smaller a garden store, both of which are considered to be uses ancillary to a residential dwelling, and no internal facilities or foul drainage requiring permission are proposed. There is currently a temporary outbuilding structure on the site that has been utilised during and since construction of the dwelling, so the proposed permanent structure will replace the temporary building that is located on part of the proposed development site.

The situation of the proposed outbuilding within the site is considered an appropriate location given the limitations of the remaining curtilage. The land within the red line is constrained by the access driveway and parking area and the RPA of a tree to the west. It is further constrained by a mains foul drainage pipeline and surrounding easement to the north and east that cannot be built over due to access requirements. That leaves only the proposed site to the south for an outbuilding to serve the residential dwelling and meet the storage needs for machinery required to manage and maintain the paddock. Given the approved plans for the original dwellinghouse did not include a large storage space, either internal or external, is it considered reasonable to facilitate approval of an outbuilding at this later stage.

The proposed outbuilding is undeniably large in mass, height and scale, but remains subservient to the main dwelling. The initial plans proposed a footprint of 57sqm (9.5m L x 6.0m W) and a ridge height of 4.0m, but following consideration of objections and officer concerns about the scale of the building and proximity to the southern elevation of the main dwelling, the outbuilding was reduced in depth, resulting in a smaller footprint of 47.5sqm (9.5m L x 5.0m W) and a lowered ridge height of 3.75m, further reducing its impact on the character and appearance of the area and increasing its degree of subservience.

The building is a simple rectangular design with pitched roof over. The materials proposed have been chosen to match the main dwelling (brick base, natural timber cladding and slate roof) ensuring a high-quality finish and consistent visual appearance on site. Furthermore, use of a solid construction method will ensure longevity of the building and thus a more sustainable use of materials.

The proposal is considered to accord with all aspects of Policy 28 of the North Dorset Local Plan where it relates to outbuildings within the curtilage of an existing residential dwellinghouse in the countryside:

#### POLICY 28

An ancillary domestic building within an existing residential curtilage in the countryside will be permitted provided that:

l - the building is ancillary to an existing permanent dwelling; Yes, the building faces towards large, glazed windows and doors serving principal rooms within the main dwelling, with garage doors facing onto the garden. and

m - the building would not create an additional separate dwelling (or dwellings) Yes, the proposal seeks an ancillary residential outbuilding; or be capable of severance to form an additional separate dwelling (or dwellings); Yes, the building is considered too close to the main dwelling to be capable of severance and there is no existing vehicular access onto Palmers Lane (the main access is off Bournemouth Road) so any formal access would need to be created by removing a fence that is a condition of the approved landscaping for the original permissions on the site (P/FUL/2021/04649 and P/VOC/2024/00724) and would therefore require planning permission. and

n - the building either would be used for purposes incidental to the enjoyment of the existing dwelling or would be a residential annex ancillary to the existing dwelling; Yes, the building will serve as a summerhouse and store/garden store for the main dwelling. Use as an annex would likely require further external and internal adaptations. and

o - the building would not require an extension of the existing residential curtilage; Yes, the building is entirely within the existing residential curtilage. and

p - the building would be of a size and design that would not be visually intrusive in the landscape; Yes, the building is subservient and meets the height limitations of Class E of the GPDO (maximum 4m in height for a dual-pitched roof and maximum eaves height of 2.5m) – although this particular building cannot be constructed under permitted development rights. A building elsewhere within the curtilage could be constructed to the same height, mass and scale under PD. The building has been sited to avoid restricting open views towards countryside and the river to the rear, and the church to the west. and

q - the building would be designed to be proportionately smaller in scale and subsidiary in form to the existing dwelling and designed not to detract from the character of the existing dwelling. Yes -the proposed building is proportionately smaller in scale and secondary to the existing dwelling. Matching materials and a simpler form ensure it will not detract from the main dwelling.

Overall, the proposed outbuilding, whilst large, is considered to be of an acceptable scale that meets the needs of the occupiers, and the design of the building accords with the main dwelling and is appropriate to the wider setting. The building will sit behind an existing post and rail fence with secondary hazel or willow fencing laid in parallel along the eastern curtilage boundary with only the upper part of the eastern wall and roof visible. This boundary runs along Palmers Lane which is a private road with no through access and is not a public right of way, so public views of the building will be limited. As such, the building is considered appropriate to the setting and will not harm the character and appearance of the area.

Impact on the living conditions of the occupants and neighbouring properties – Black Oaks is a large dwellinghouse, although its size is predominantly gained through its extensive width rather than its depth. It has been designed to fit within a moderately sized rectangular curtilage, taking account of constraints including the requirement for access from Bournemouth Road rather than Palmers Lane, surrounding mature trees with large RPAs and an existing mains sewer running under the north of the site.

The total area of the curtilage including the driveway and footprint of the existing dwelling is approximately 842 sqm. Removal of the long part of the driveway (approximately 212sqm) and the footprint of the house (approximately 150sqm) leaves remaining amenity space in the region of 480sqm. Of that, approximately 190sqm is constrained by the easement to the north of the garden, resulting in total remaining amenity space suitable for development of just 290sqm, the majority of which is to the southeast side. Therefore, whilst there is more than adequate **garden** amenity space remaining to serve the needs of the occupants including the easement area, only the area southeast of the dwelling remains unconstrained for the development of outbuildings and it therefore remains that this is the only suitable option for siting of the proposed development. Due to the land being within a Conservation Area, this area to the southeast side of the dwellinghouse cannot be developed under current permitted development legislation as it fails Schedule 2, Part 1, Class E, E.3 of the GPDO where it states that '*...development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse*', and therefore requires an application for planning permission, but would otherwise meet the remaining criteria in Class E of the legislation in terms of height, mass and scale. It is considered that the 190sqm of garden in the easement area and the further remaining land between the house and outbuilding and to the southwest of the outbuilding provide sufficient remaining garden amenity space for the occupants, and the fact that the easement cannot be built over acts as security against any further development of

outbuildings and subsequent loss of garden space in this area under permitted development rights. As such, it is considered that after construction of the proposed outbuilding, adequate garden amenity space will remain to serve the needs of current and future occupants.

There is a residential property immediately to the southwest of the proposed development site, known as April Wood. The house lies perpendicular to Black Oaks resulting in the front elevation of the main dwelling facing towards the east side elevation of its neighbour, and the two properties are set back at a similar distance from their boundaries with Palmer Lane. As the proposed outbuilding will sit much closer to Palmer Lane, forward of Black Oaks and neighbouring April Wood, the outbuilding will not impose on the neighbouring dwelling or be particularly visible from its windows or private amenity spaces.

The other neighbouring property impacted by the proposed outbuilding is Amanita which lies on the opposite side of Palmers Lane. At its nearest point, the front elevation of the neighbouring dwelling is approximately 17.5 metres distant, with existing fencing, foliage, hedgerow and a large tree forming natural screening.

In relation to potential overlooking and loss of neighbour privacy, the east elevation of the summer house proposes a solid up-and-over garage door which faces towards the rear garden, and the only glazed openings will be on the north elevation facing toward windows and doors of the main dwelling. There are no windows proposed to the east or west elevations where the building faces towards the above-mentioned neighbouring residential properties, ensuring no demonstrable harm to neighbour amenity or privacy.

Impact on heritage assets – The site falls just inside the Charlton Marshall Conservation Area with the designated heritage asset sharing the site's eastern and northern boundary lines. Views into the site are limited due to the private road to the east and no nearby public rights of way, as discussed above. However, the design and materials proposed are considered to accord with the character and appearance of the conservation area and as such, there is no demonstrable harm to the Conservation Area.

The Grade I listed St Mary's Church is located close to the western ownership boundary, but the proposed outbuilding will be located on the opposite side of the site, over 150 metres from the curtilage boundary of the listed asset and will be set at a lower height behind the existing dwellinghouse so will not be visible from the Church. Therefore, the proposed development will have no demonstrable impact on the setting and significance of the heritage asset.

Flood risk and drainage – Whilst parts of the wider site along the rear boundary adjacent to the River Stour are within Flood Zone 3 and therefore considered to be at high risk of flooding, the proposed development site falls within Flood Zone 1. As such and given the building's intended use as a non-habitable summerhouse and storage room, a Flood Risk Assessment was not considered reasonable or necessary.

A drainage strategy was submitted in support of the application, which is a revised and updated version of the drainage strategy for all of the development on site, including that already approved. It adds 2no. additional surface water drainage pipes connecting rainwater goods leading from the roof of the outbuilding to new pipes that will connect into the existing wider site drainage which carries excess surface water into a large detention basin with a HydroBrake Vortex Flow Control system on land northwest of the main dwelling. The system has been designed to facilitate the controlled discharge of surface water into the river Stour, with further natural percolation into the ground via the unlined detention basin.

The applicant confirmed in writing that no changes are proposed to the existing foul drainage arrangement as no internal facilities are proposed for the outbuilding.

Therefore, it is concluded that the site is not at heightened risk of surface water or fluvial flooding, and the application provides sufficient surface water drainage measures to ensure no additional flood risk will result from the proposed development.

Impact on trees – There are several mature, conservation area-protected trees across the wider site, and as such the application is supported by an Arboricultural Impact Assessment and Method Statement.

There is a semi-mature cherry (T9) to the southwest of the development site that, due to its in close proximity, is likely to be affected during the construction process. There is a further mature tree (T7) to the rear of the curtilage that will be affected when access to the development site is required due to its root protection area spreading under the proposed access and construction zone. Therefore, protective tree fencing has been proposed in the Method Statement which is recommended to be secured via a pre-commencement condition.

Biodiversity – The proposed development is exempt from meeting the requirements of Biodiversity Net Gain, and there is no demonstrable risk to habitats or protected species.

## **15. Environmental implications**

There are no demonstrable environmental implications.

## **16. Summary of issues and the planning balance**

Following amendments that sought to overcome material planning objections in relation to scale and concerns raised by the Parish Council and Council members, there is no demonstrable harm that would contradict local or national planning policy. As such, the proposal is judged to comply with Policies 4, 5, 20, 24, 25 and 28 of the Adopted North Dorset Local Plan and the Development Plan as a whole. It also complies with the aims and objectives of the NPPF. No material planning considerations indicate otherwise and approval is recommended.

## **Recommendation**

**GRANT** planning permission subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
P1155-001 B Location/Site Plan  
P1155-002 B Proposed Floor Plan  
P1155-003 B Proposed Elevations  
0500-P2 0500-P2 Drainage Strategy

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 approved Arboricultural Impact Assessment and Method Statement reference DS/55126/AC, dated 26th February 2026. All tree protection shall be retained until the development is completed and nothing shall be placed within the fencing, nor shall any ground levels be altered or excavations made without the written consent of the Local Planning Authority.

Dated photographic evidence of the erected tree protective measures fencing must be supplied to the Local Planning Authority at least 5 days prior to the commencement of works.

Reason: required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees.

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

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

5. Surface water drainage shall be installed in accordance with Drawing No. 0500-P2 and the Drainage Strategy prepared by Thetis Engineering Ltd dated April 2024. Once implemented, the scheme shall be maintained and retained in perpetuity.

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

6. The development hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the existing use of the site as a residential dwelling known as Black Oaks, 301 Bournemouth Road, Charlton Marshall, Blandford Forum, DT11 9NQ.

Reason: The Local Planning Authority does not consider the establishment of a separate unit to be appropriate in this location.

### **Informative Notes:**

1. The applicants are reminded that the lawful use of the outbuilding hereby approved is limited to purposes ancillary to the use of the dwellinghouse. Other uses of the building, for example, for independent occupation by persons with no/minimal reliance on the main dwelling or as self-contained holiday accommodation, would be very likely to represent a material change of use that requires full planning permission.

### **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: Trees on or adjoining this site are protected by virtue of the Charlton Marshall Conservation Area. Any pruning of the trees to provide clearance for the approved development will require the submission of a Section 211 notice to the Local Planning Authority at least six weeks before any work is carried out, unless an exemption applies. You are encouraged to consult with the Local Planning Authority Tree Team or a qualified Arborist before submitting a notice. Failure to submit a Section 211 notice can result in penalties for unauthorised work on protected trees.

This page is intentionally left blank

|                        |                                                                                                                                                                                                  |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Reference No:</b>   | <b>TPO/2026/0004</b>                                                                                                                                                                             |
| <b>Proposal:</b>       | <p>To give long-term protection to the Silver Birch tree shown as T1 on the Tree Preservation Order (TPO) map and schedule</p> <p>The tree is considered to enhance the amenity of the area.</p> |
| <b>Address:</b>        | <b>Church of The Holy Rood, Church Road, Shillingstone</b>                                                                                                                                       |
| <b>Recommendation:</b> | <b>To confirm the Tree Preservation Order without modification</b>                                                                                                                               |
| <b>Case Officer:</b>   | <b>Bo Walsh</b>                                                                                                                                                                                  |
| <b>Ward Member(s):</b> | <b>Cllr Stephen Murcer</b>                                                                                                                                                                       |

|                               |            |                                 |                  |
|-------------------------------|------------|---------------------------------|------------------|
| <b>Publicity expiry date:</b> | 10/03/2026 | <b>Officer site visit date:</b> | Photos available |
| <b>Decision due date:</b>     | 10/08/2026 |                                 |                  |

## MAIN REPORT

### 1.0 REASON FOR REFERRAL TO COMMITTEE

The Tree Preservation Order (TPO) made *provisionally* on 10 February 2026 has been referred to committee by the service manager, given the number of third-party representations received (7) in objection.

The TPO was applied to the tree in response to a tree works application proposing the felling of the Silver Birch in the Shillingstone Conservation Area.

Once a TPO is made the Local Planning Authority has a duty to consider representations received before deciding whether to confirm the TPO or to not confirm.

The confirmation of the TPO must be considered before the expiry of the six month period **10 August 2026**. Confirmation places permanent statutory protection on the subject tree.

### 2.0 DESCRIPTION OF SITE AND SURROUNDINGS

The site is the churchyard of the Church of the Holy Rood, Shillingstone within the curtilage of the Conservation Area. The churchyard contains the church, footpaths and a number of mature trees including the Silver Birch, a Copper Beech, Yew and Lawson cypress among others.

### 3.0 PROPOSAL

The proposal is to confirm the TPO without modification to the map and schedule.

As part of the TPO making procedure, the Silver Birch tree was assessed using the nationally recognised Tree Evaluation Method for Preservation Orders assessment (TEMPO). This assessment has been developed to provide a transparent and objective means of evaluating and considering the merits of trees and whether their amenity value is such that it warrants protection. It is split into different aspects of the amenity value and identifies a scoring system. A minimum of 12 points is required.

The Silver Birch tree in the churchyard was assessed as an individual tree and the score given based on condition, retention span, public visibility, and expediency. The Silver Birch tree scored 17, placing it in the category “definitely merits TPO” or “TPO defensible” (**see appendix A**).

The appended map and schedule (**see appendix B**) identifies the species and location of the tree to be covered – i.e. T1. Birch.

#### **4.0 POLICY CONTEXT**

The purpose of a TPO is to preserve trees and their amenity value.

The Procedure for making a tree preservation order is set out in the Town and Country Planning (Tree Preservation) (England) Regulations 2012

Local Planning Authorities can make a Tree Preservation Order (TPO) if it appears to them to be *'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'*. In this respect, *'expediency'* means that there is a risk of trees being felled or pruned severely so as to spoil the amenity of the trees or be detrimental to the health of the trees. An Order prohibits the cutting down, topping, lopping, uprooting or wilful destruction of trees without the Local Planning Authority's written consent.

An Order comes into effect on the day that it is made. Once made, the land-owner and interested parties have a minimum of 28 days to make representations either supporting or objecting to the Order. A Local Planning Authority has six months in which to confirm the Order or to decide not to confirm it. An Order cannot be confirmed unless the LPA has considered duly made representations made in response to the Order.

#### **5.0 CONSULTATIONS – All consultee responses can be seen in full on the website**

**Consultees** Shillingstone Parish Council and Ward Member- comments received

##### **Councillor Murcer – Objections**

- Insufficient weight given to preservation of a grade 1 ancient building
- the preservation of a building of national importance should outweigh the preservation of a tree with lifespan of 20-40 years
- If there is any suggestion the tree is damaging the property the risk to national and historic building should be mitigated by the removal of the tree. The PCC are motivated by their statutory duty to ensure that this ancient monument is maintained and protected and are willing to plant a replacement tree.
- The tree is not an important visual feature within the immediate and wider surrounding area. Limited views from further afield due to the church and other large specimen trees. Within the churchyard it is one of 15 trees and not remarkable.
- The tree officer's report is selective and omits conclusion that it would be prudent to remove the tree due to proximity to buttress foundations. Reference to other technical (NHBC) and other guidance raises questions about the tree in question and influence on the church's structure.

- Missing technical opinion / advice from Planning Conservation Team.

### **Shillingstone Parish Council – Objections**

- The application to remove the tree was following a report from a commissioned Structural Engineer to Shillingstone Parochial Church Council. This was commissioned following the advice of a conservation-qualified architect due to cracking in the Chancel Arch of this Grade I Listed church. The report states that a possible causes of the cracking in the Chancel Arch was caused by: 1. Birch and conifer trees near building 2. Leaking surface water drainage. The report advises to remove birch, reduce conifer, repair or renew soakaway then monitor.
- The PCC are custodians of this Grade I Listed building and have a statutory duty to ensure it is maintained and protected as does the Dorset Council in its duty to ensure this occurs. The Church has an extremely limited financial budget that relies heavily on charitable donations. The removal of this tree before the situation worsens could potentially save the Church from future costly repairs.
- The duty to preserve the listed building's fabric often outweighs the "amenity" value of the trees. Birch species are moderate-to-high water-demand trees capable of causing soil shrinkage and subsidence in clay soils. Historic churches often have shallow foundations and fragile masonry. Silver birch root systems can cause soil desiccation, subsidence, and damage to heritage structures. A claim that a tree is causing damage to property is a valid ground for objection.
- It is the view of the Parish Council, that there is **no public amenity** value of this tree, one of 15 in the Churchyard, in terms of views from either within or outside of the application site, This tree is situated close to the church building and is situated amongst other mature trees in a wider green setting. Public views and therefore wider amenity value are very limited by its location.
- Missing technical opinion / advice from Planning Conservation Team
- Public views and therefore wider amenity value are limited by its setting.

### **Representations Received**

#### **Shillingstone Parochial Church Council – Objections**

- Potential and foreseeable structural damage
- Conflict with listed building legislation, and inconsistency with national and local planning policy concerning heritage protection and risk-based tree management.
- The application for the removal of the tree was made following a report from a commissioned Structural Engineer. This was commissioned following the advice of a conservation-qualified Architect due to cracking in the Chancel Arch of this Grade I Listed church. The report states that a possible causes of the cracking in the Chancel Arch was caused by: 1. Birch and conifer trees near building 2. Leaking surface water drainage. The report advises to remove birch, reduce conifer, repair or renew soakaway then monitor.
- Conflict With Statutory Duty to Protect a Grade I Listed Building
- Structural Risk: Relevant Technical Guidance; NHBC Standards Chapter 4.2 identifies birch species as moderate-to-high water-demand trees capable of causing soil shrinkage and subsidence in clay soils.
- Under Government Guidance relating to Tree Preservation Orders and trees in conservation areas, a claim that a tree is causing damage to property is a valid ground for objection. The continued growth of this tree, and the restrictions a TPO places on its management, poses an unacceptable risk of structural failure to the historic fabric of the building
- It should be considered that the duty to protect the historic fabric of a Grade I Heritage Asset should outweigh the amenity value of the tree. By protecting a tree that actively threatens the

"significance" of a Grade I Listed building, the Council is failing to comply with National Policy.

- Amenity Value - The Tree Officer details that "the subject tree is a fine specimen and mature in age showing good bud and vigour". However, no assessment of the public amenity value in terms of views from either within or outside of the application site have been assessed. This tree is situated close to the church building and is situated amongst other mature trees in a wider green setting.

### Third party representations

### **The Council have received 4 letters of Objection to the TPO**

The main reasons for the objections include:

- The tree blocks views across the Stour River
- The tree is making subsidence / damage worse -consultant engineer's professional opinion / advice includes removal of the tree
- The church community cannot afford a written report to confirm the cause off the damage. Or wish for additional repair costs.
- Grade I listed building (Heritage Value) and its preservation far outweighs the loss of one birch tree.
- The tree is damaging the foundations and threatening the structure of the building near the Chancel Arch (cracking in several places)
- Insufficient funds to pay for further technical reports.
- Conflict with Statutory Duty to Protect a Grade I Listed Building
- Future risk if the tree remains

### **Appraisal**

The Local Planning Authority has a duty to protect trees that are of significant amenity value / public benefit, unless overriding reasons should prevent this.

**Amenity** – Dorset Council Tree Officers apply the TEMPO method which evaluates the amenity of subject trees.

The Silver Birch tree under discussion provides amenity to the Churchyard and public visiting the Church via the existing public footpath network. The tree is also clearly visible when using Google streetview. It is accepted that the tree is not visible from further afield due to the terrain, the church building and presence of other trees. It does however contribute positively to the setting and tranquillity of the Churchyard and the TEMPO scoring (Appendix A) undertaken during assessment of the initial application to fell the tree P/TRC/2026/00297 reflects this.

### **Assessment of Evidence of Any Overriding Reasons to Prevent Protection**

Three pieces of evidence have been provided in opposition to the TPO being confirmed: the **Quinquennial Inspection Report from July 2022 produced for Holy Rood Church; the Maintain Drains communication produced for Shillingstone Parochial Church Council in July 2025; and the Structural Engineers report produced for Shillingstone Parochial Church Council in January 2026.**

**The Quinquennial Inspection Report from July 2022** cites issues that required urgent / immediate or ongoing maintenance.

considered to be of relevance include:-

“...movement is occurring in proximity to a large fir tree. I recommend that *the cracks are pointed in and the date recorded in the log book*, and the tree be heavily pruned (subject to advice from an arboriculturist, and consent if/as required).

.....it likely that the cracking noted to the internal and external walls of the chancel and also the dampness at low-level, particularly at the southeast corner of the chancel *could be due to defective drainage*.

There are downpipes which discharge to either side of the buttress to the south of the chancel arch. One enters directly into the ground so its condition cannot easily be determined and the other was choked with debris at the time of inspection. *If these drains are not functioning properly, water will be soaking into the ground and over time it will dissolve soluble salts and carry them away leaving tiny voids into which small particles could fall, and then be washed away leaving larger voids, and so on... until the bearing capacity of the ground is reduced.* I recommend a camera survey of the drains be commissioned.”

“Another likely cause is that the trees growing in close proximity to this part of the church are causing the movement either directly by growth of the roots or by altering the moisture content of the ground and causing it to shrink and expand seasonally. *I recommend that initially a camera survey be undertaken of the drains to establish their condition and if they are found to be blocked or broken they be cleared and/or repaired. If the drains are in good order then the most likely cause of the structural movement is the trees, and consideration could be given to pruning or removing them.* Consent will be needed for works to the trees as the church is in a conservation area.”

### **Recommendations (extracts) from the Quinquennial Report :-**

#### **Urgent, requiring immediate attention:**

Clear gullies and drains  
Repair and redecorate rainwater goods  
Remove high level vegetation and point open joints  
Prune / remove trees  
Camera survey of drains

#### **The following maintenance should be undertaken as a matter of routine:**

Clearing of all rainwater goods (gutters, valleys, secret gutters, hoppers, downpipes, etc to all parts of all buildings - the tower, lychgate(s). etc)  
Clearing of drainage  
Inspection & pruning of trees NB. Consent is required if the church is in a Conservation Area or there are Tree Preservation Orders.

**The Maintain Drains communication** states inspection of the site and summary of findings. The focus was on the area around the two downpipes either side of the buttress. CCTV survey from the middle gulley line.

“The system wasn’t running properly on arrival, but we were able to restore some flow following root cutting....the line is in a poor state with heavy root ingress and multiple collapsed sections identified.....The condition overall suggests the system requires repair.

We’d recommend full replacement of the affected gullies and pipework.”

“The subsidence could have 2 possible causes, the first being the silver birch and conifer trees have reduced the moisture content of the underlying silty day sub-soils resulting in localized settlement due to shrinkage.

The possible cause is the leaking surface water drainage softening the underlying clays or possible greensand weakening of the soil structure locally.

....that it would be prudent firstly to remove the silver birch tree as it is within influence of the buttress foundations. Please note that the contractor should at this time confirm if the sub-soil is silty clay or sandy clay.

If the sub soils are confirmed to be clay, then I would recommend leaving the repair of the cracking for a minimum of 18 months after the removal of the birch tree and pruning of the fir tree.

The drainage should be repaired and / or replaced into a new soakaway 5 metres from the building if the soakaway is blocked.”

## **Assessment of Provided Evidence**

### **Tree Officer – Bo Walsh**

From the evidence provided it can be seen that the Church is suffering structural damage which needs to be repaired to preserve the Grade 1 nationally important building.

The nature / cause of the damage is attributed by the structural engineer to potential causes being the influence of tree(s) and leaking drainage. The Quinquennial Inspection Report in 2022 recommended further investigation at that time, including a camera survey, to assess the most likely cause of the damage. No evidence has been provided to the Council in respect of such further investigative work having been recorded.

Internal and External cracks have been identified / described however it appears that these have *not been “monitored”* to establish whether they are progressive in nature eg. by placing ‘tell-tales’ across a crack it can be determined whether the crack is increasing, static, or opening and closing at certain times of the year.

Silver Birch trees are not, in the Tree Officer’s experience, widely cited as being the cause of significant structural damage relating to subsidence events. They are low-moderate in water demand and do not have extensive root systems in the same way as Oaks, Poplars or Maples for example.

The subject tree is mature for its species and is not in a fast-growing phase of its life-cycle (which means its water demand would be lower than a young, maturing tree).

Subsidence is recognised as being a problem where shrinkable clay soils (those with a high plasticity index) are affected below the foundation level of buildings.

When trees are implicated it is quite often through root activity – water abstraction to support growth of leaves, etc – seasonally, causing the drying / shrinking of clay soils and subsequent movement of the ground at foundation level (downwards).

There has been no evidenced examination of the soils at this site to identify the soil type or presence of shrinkable clay. This would normally be undertaken by way of digging trial pit(s)/borehole to the depth of foundation and below. These can also be useful to ascertain the presence or absence of tree roots (which can then be identified as to which tree they belong to) and

to analyse the water content of the soil to establish any drainage issues.

Subsidence can also be attributed to issues such as collapsed drains / leaking pipes – defective systems.

It is the Tree Officer's opinion that insufficient evidence has been provided to categorically conclude that it is definitely the tree that is causing the structural issues and that the drainage investigations should take place in the first instance.

### **Senior Conservation and Design Officer (DC) - Lucie Bruce**

The Church of the Holy Rood is a Grade I listed building, and in the Shillingstone Conservation Area.

The churchyard and trees around the church contribute to its special character and setting in this rural area. The chancel arch is dated from the C14.

From the visit inside the church, it is clear that there are cracks on both sides of the chancel arch, but from visual inspection, the cracks seem to run through the plaster and not through the masonry as they are not apparent on the voussoirs. No other cracks were seen at lower level.

I am not a structural engineer, but from experience it is unlikely that root movement from the tree through the church foundation, would only cause cracks to the upper parts of the masonry wall. As such, the seriousness and depth of the cracks and their cause should be assessed. I would highly recommend for a structural engineer to undertake a full inspection, taking advantage of the scaffolding currently in place for the roof.

If water ingress is undermining the structural soundness of the masonry this should also be addressed as a matter of urgency.

Issues with the drain running by the buttress have been highlighted and a full replacement of gullies and pipes recommended. I would also suggest that this is done before considering actions on the tree.

The scaffold was hiding the south aisle of the buttress, therefore the external masonry could not be seen properly.

Finally, I would highly recommend that the DAC Secretary and members undertake a visit and are involved in the discussion. DAC members are often architects or engineers who should be able to provide some sound advice.

## **6.0 OTHER CONSIDERATIONS**

### **7.0 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.

TPOs, protect selected trees and woodlands if their destruction or removal would have a significant negative impact on the local environment and its enjoyment by the public. The retention of these amenity trees will bring a reasonable degree of public benefit in the present or future.

This recommendation is based on adopted good practice and does not prejudice the Human Rights of the applicant or any third party.

## 8.0 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 confirmation of a Tree Preservation Order will result in no actual works being undertaken as a result of the designation. It is therefore not considered that this will result in any disadvantage to people with a protected characteristic.

## 9.0 Financial benefits

There are no financial implications for the Council at this stage.

## 10.0 Climate Implications

The benefits provided by trees are significant. Their role in helping to regulate the climate is well documented and the value trees provide is recognised within the ‘England Trees Action Plan 2021-2024’.

## 11.0 SUMMARY

It is important to assess and weigh up the evidence provided to support the removal of the Silver Birch tree in the churchyard as it has been cited as a potential cause of subsidence related structural damage to the Church itself. At the present time it is not considered that robust evidence has been provided to indicate that the tree is causing damage to the church.

Dorset Council follow the guidance in nationally recognised protocols - such as the London Tree Officer’s Association – **Joint Mitigation Protocol** as well as the evidence that might be required to support applications implicating Tree Preservation Order (TPO) trees.

- In this case officers do not consider that sufficient evidence has been provided to support the removal of the Silver Birch (T1). Evidence that has not been provided includes:-
- **Damage Detail.** BRE 251 classification, date damage first occurred/noted
- **Building Foundations.** Plan and profile of the building and foundations with details of any previous underpinning or building work. (Accepted that some notes regarding repointing of

masonry have been submitted)

- **Trial Pits/Boreholes.** The profile of a trial pit/borehole excavated to identify foundation type and depth and soil characteristics.
- **Roots.** The location and identification of roots found including from beneath underside of foundation.
- **Monitoring and Seasonal Movement.** Measurement of the extent and distribution of vertical movement using both crack monitoring and level monitoring that demonstrates seasonal movement and resultant continuing damage. When level monitoring is not possible, state why and provide crack monitoring data that also demonstrates seasonal movement.

Data provided must be sufficient to show a pattern and frequency of movement consistent with the presence of the implicated tree(s) over a period of time sufficient to demonstrate seasonal movement.

- **Soil.** The sub-soil characteristics including soil type (particularly that on which the foundation rests), liquid limit, plastic limit and plasticity index.
- **Arboricultural Report.** A report from an Arboriculturist supporting the tree work proposals including arboricultural options for avoidance or remediation of indirect tree related damage. NB. This is important as submitted documents and history include reference to the “fir” tree and potential impact / management.

**\*Additional information** (i.e. that might need to be taken into account)

- **\*Heave Assessment.** Where tree removal is proposed, a heave assessment should be submitted in the Engineer’s or Chartered Surveyor’s report.
- **\*Level distortion survey.** A structural assessment used to measure deviations in the verticality of walls and variations in horizontal levels. It helps determine whether distortions may be caused by subsidence or structural defects.

## CONCLUSION

The Silver Birch tree subject to this “provisional” TPO is considered to be under threat.

Due to its contribution to the amenity of the location it is considered to be expedient / prudent to afford the Silver Birch tree long-term protection - in the absence of conclusive evidence that the tree is causing subsidence or that its removal is necessary to carry out repairs to the Church.

## 12.0 RECOMMENDATION

That the TPO be confirmed

## TREE EVALUATION METHOD FOR PRESERVATION

### SURVEY DATA SHEET &

|                                                                                                  |                                                                                                                                                                      |
|--------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Date:</b> 5 February 2026                                                                     | <b>Surveyor:</b> Sandie Saunders                                                                                                                                     |
| <b>Tree details</b><br>TPO Ref (if applicable):<br><br><b>TPO/2026/0004</b><br>Owner (if known): | <b>Tree/Group No:</b> T1<br><br><b>Species:</b> Silver Birch<br><br><b>Location:</b><br><b>Church Of The Holy Rood</b><br><b>Church Road</b><br><b>Shillinastone</b> |

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

#### Part 1: Amenity assessment

##### a) Condition & suitability for TPO

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

|                          |
|--------------------------|
| <b>Score &amp; Notes</b> |
| 5                        |

*\* Relates to existing context and is intended to apply to severe irremediable defects only*

##### b) Retention span (in years) & suitability for TPO

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

|                          |
|--------------------------|
| <b>Score &amp; Notes</b> |
| 2                        |

*\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality*

##### c) Relative public visibility & suitability for TPO

*Consider realistic potential for future visibility with changed land use*

- |                                                                     |                     |
|---------------------------------------------------------------------|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

|                          |
|--------------------------|
| <b>Score &amp; Notes</b> |
| 4                        |

##### d) Other factors

*Trees must have accrued 7 or more points (with no zero score) to qualify*

- |                                                                                                |                                                                                                                                         |                          |   |
|------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------|---|
| 5) Principal components of formal arboricultural features, or veteran trees                    | <table border="1" style="width: 100%; text-align: center;"> <tr> <td><b>Score &amp; Notes</b></td> </tr> <tr> <td>1</td> </tr> </table> | <b>Score &amp; Notes</b> | 1 |
| <b>Score &amp; Notes</b>                                                                       |                                                                                                                                         |                          |   |
| 1                                                                                              |                                                                                                                                         |                          |   |
| 4) Tree groups, or principal members of groups important for their cohesion                    |                                                                                                                                         |                          |   |
| 3) Trees with identifiable historic, commemorative or habitat importance                       |                                                                                                                                         |                          |   |
| 2) Trees of particularly good form, especially if rare or unusual                              |                                                                                                                                         |                          |   |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) |                                                                                                                                         |                          |   |
| -1) Trees with poor form or which are generally unsuitable for their location                  |                                                                                                                                         |                          |   |

#### Part 2: Expediency assessment

## TREE EVALUATION METHOD FOR PRESERVATION

### SURVEY DATA SHEET &

*Trees must have accrued 10 or more points to qualify*

- 5) Immediate threat to tree inc. s.211 Notice
  - 3) Foreseeable threat to tree
  - 2) Perceived threat to tree
  - 1) Precautionary only
- 

|                          |
|--------------------------|
| <b>Score &amp; Notes</b> |
|--------------------------|

|   |
|---|
| 5 |
|---|

### **Part 3: Decision guide**

|       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

|                              |
|------------------------------|
| <b>Add Scores for Total:</b> |
|------------------------------|

|    |
|----|
| 17 |
|----|

|                  |
|------------------|
| <b>Decision:</b> |
|------------------|

|                       |
|-----------------------|
| Definitely merits TPO |
|-----------------------|

**Schedule****Specification of trees**

**Trees specified individually.**  
(Encircled in black on the map)

| Reference on map and description | Situation                 |
|----------------------------------|---------------------------|
| T1 – Silver Birch                | Church grounds as per map |

**Trees specified by reference to an area**  
(Within a dotted black line on the map)

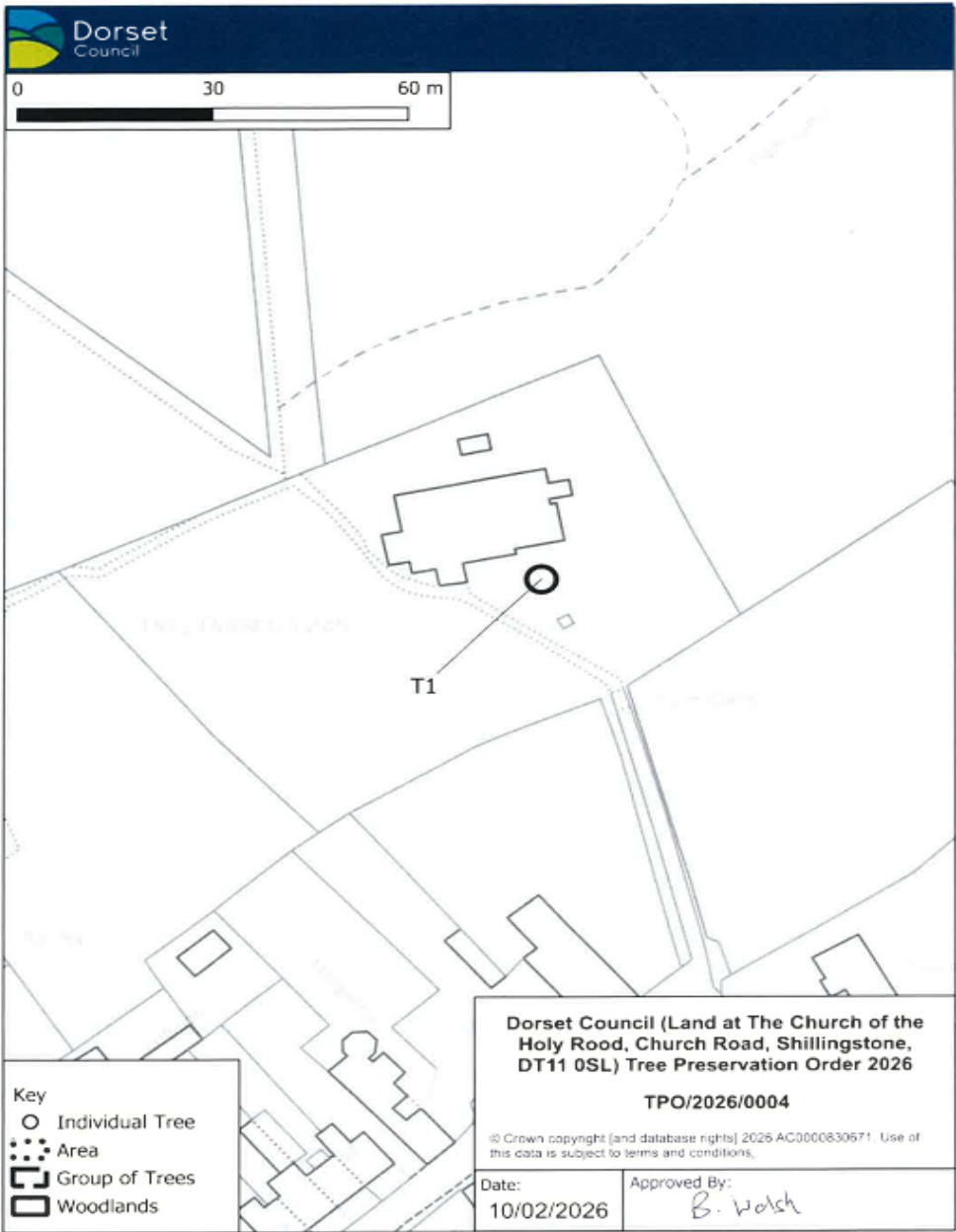
| Reference on map and description | Situation |
|----------------------------------|-----------|
| None                             | N/A       |

**Groups of trees**  
(Within a broken black line on the map)

| Reference on map and description | Situation |
|----------------------------------|-----------|
| None                             | N/A       |

**Woodlands**  
(Within a continuous black line on the map)

| Reference on map and description | Situation |
|----------------------------------|-----------|
| None                             | N/A       |











This page is intentionally left blank

|                                 |                                                                                                                                                                      |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Number:</b>      | P/LBC/2026/02523                                                                                                                                                     |
| <b>Webpage:</b>                 | <a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>                                                                          |
| <b>Site address:</b>            | Keynston Mill Lane Bridge Tarrant Keyneston                                                                                                                          |
| <b>Proposal:</b>                | Take down the partially collapsed masonry arch and replace with a reinforced concrete arch (underneath the track) / reinforced masonry underneath the building wall. |
| <b>Applicant name:</b>          | Dorset Council Jack Wiltshire                                                                                                                                        |
| <b>Agent</b>                    | James Statham – Dorset Council                                                                                                                                       |
| <b>Case Officer:</b>            | Sarah Baines                                                                                                                                                         |
| <b>Ward</b>                     | Cranborne Chase                                                                                                                                                      |
| <b>Parish council</b>           | Tarrant Keyneston                                                                                                                                                    |
| <b>Ward Member(s):</b>          | Cllr Brown                                                                                                                                                           |
| <b>Publicity expiry date</b>    | 13.6.26                                                                                                                                                              |
| <b>Officer site visit dates</b> | 2.9.26 & 24.9.26                                                                                                                                                     |
| <b>Decision due</b>             | 9.7.26                                                                                                                                                               |

- Reason application is going to committee:** The subject bridge is owned by Dorset Council.
- Summary of recommendation:**  
GRANT listed building consent subject to conditions as set out in section **18** of this report.
- Reason for the recommendation:**  
The proposed work is necessary and will preserve and enhance the historic fabric of the listed bridge by keeping it safe for users and safeguarding the attached Mill Building. It is not considered to result in any harm to the listed building.
- Key planning issues**  
This must include all those headings which will then be discussed in full in the Planning Assessment section 15

| Issue                    | Conclusion                                                                                                                                                                  |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Principle of development | Regard given to the desirability of sustaining and enhancing the significance of that asset and securing a viable use for it that is most consistent with its conservation. |

| Issue                                                                        | Conclusion                                                                                                                                                                                                                                            |
|------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Scale, design, impact on character and appearance                            | The work will preserve the historic fabric of the bridge. No harm on the character and appearance of the listed building.                                                                                                                             |
| Impact on the living conditions of the occupants and neighbouring properties | Will safeguard structural integrity if listed mill building                                                                                                                                                                                           |
| Impact on landscape or heritage assets                                       | No harm to the architectural and historical significance of the heritage asset. No harm to the character of the surrounding landscape.                                                                                                                |
| Highway impacts, safety, access and parking                                  | Necessary work for the bridge to remain safe for all users of the highway.<br><br>The footpath is currently closed for safety reasons and whilst the work is being undertaken.                                                                        |
| Impact on trees                                                              | No impact on trees.                                                                                                                                                                                                                                   |
| Biodiversity                                                                 | Mill Structure supports large bat roost. Mill leat supports fish species. Aquatic invertebrates, voles and grass snake.<br><br>Mitigations measures are however in place during the works including supervision of dam installation.                  |
| EIA (if relevant)                                                            | No work to remove or prune vegetation or scrub should be carried out within the fish passage period.<br><br>A member of the Natural Environment Team will be present when the works to underpin the mill wall takes place to monitor bat disturbance. |

## 5. Description of site

- Tarrant Keyneston Mill is located at grid reference 391445.00 103492.00. The mill is located at the end of the class D trackway known as Keyneston Mill Lane. The footbridge provides access to the River Stour and forms part of the Stour Valley Way ref E22/14.

- The footbridge forms the masonry arch that spans the mill race/leat that feeds Tarrant Keyneston Mill. The footbridge is grade II listed - ref 1304079 and is early 19th Century. The footbridge is attached to the C19 undershot wheelhouse at the western end of the mill building and directly supports the front elevation of the wheelhouse and mill building. Although not mentioned in the list description, the footbridge is an ancillary structure in the curtilage of the listed building and forms part of the listing. The Mill building and footbridge are not located in the conservation area.
- The bridge arch is segmental, with a relatively flat profile. The arch is constructed of two half brick rings in stretcher bond. The arch's abutments are brickwork and spring from the front wall of the Mill building. Beyond the downstream abutments are stone training walls.
- The downstream headwall is of brick masonry construction with a layer of render atop in a curved profile. A second smaller arch is visible in the brickwork and runs parallel to the main arch. The smaller arch has been blocked off with concrete blocks. Condition unknown.
- The River Stour feeds into the mill race upstream, flows under the mill into the mill pond and back into the River Stour downstream.

## **6. Description of development**

- The masonry arch has partially collapsed, likely due to regular flood water and debris washing through the wheelhouse from the River Stour. The collapse is affecting the main mill building wall, which the bridge supports, and having lost some support, is now trying to span the leat by arching up. Diagonal cracking within the mill wall is evident and urgent repair of the bridge arch is required to prevent any further damage or loss of significant fabric to the bridge and main mill building.
- Due to the condition of the arch, it is not possible to repair it in situ. Urgent remediation action is required to take down and stabilise the masonry arch that spans the mill race. The arch has several defects, and the following work requires listed building consent:
  - Dismantle and rebuild the arch over the highway
  - Install concealed concrete backing above brickwork arch and stainless steel bed joint reinforcement in the horizontal brick joints above the arch using lime mortar, where reconstructed.
  - Take down and reconstruct the downstream headwall where it has been damaged by vegetation
- Planning permission is not required to take down and rebuild the footbridge.
- Temporary propping to support the failed arch and mill wall are deemed urgent for structural and public safety reasons as set out in the Design and Access Statement and do not require listed building consent.

## **7. Background and relevant planning history**

- P/PAP/2026/00211 – pre-application enquiry for the repair of the masonry bridge that spans the mill race at grade II Keyneston Mill.

## 8. List of constraints

LB - Grade: II Listed Building: KEYNESTON MILL List Entry: 1304079

LP - North Dorset Local Plan Part 1 (2011-2031); Adopted; Outside settlement boundaries (countryside); Policy 2

PROW - Right of Way: Footpath E22/14

DESI - Area of Outstanding Natural Beauty (AONB): Cranborne Chase & West Wiltshire Downs boundary

EA - Flood Zone FZ3

## 9. Consultations

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

- **Spetisbury Parish Council** - The Parish Council fully supports this application.
- **Ramblers Association** – no objection to the proposed works which are clearly necessary. Would like to be consulted regarding the public right of way during the works as it forms part of the Stour Valley Way.
- **South Tarrant Valley Parish Council** – no comments
- **DC Rights of Way Officer** - There is already a RoW closure in place which runs until 2nd September 2026. If the works over run, another closure will be required. The Stour Valley Way is also diverted due to this issue.
- **Historic England** - Historic England has no objection to the application on heritage grounds provided that the need for a concrete backing is demonstrated via a structural assessment and that the impact of introducing concrete into the brick structure is carefully considered. Your authority should take these representations into account in determining the application.

## Representations received

| Total - objections | Total - No objections | Total - comments |
|--------------------|-----------------------|------------------|
| 0                  | 0                     | 0                |

## 10. Duties

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - sets out the duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant listed building consent.

Section 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) when making any decision which affects such land.

## **11. Material Considerations**

### **Local Nature Recovery Strategy**

The Dorset Local Nature Recovery Strategy identifies local priorities for nature recovery and maps areas where action would be most beneficial. In planning decisions it is a material consideration, helping to ensure that development supports biodiversity enhancement and aligns with Dorset's agreed priorities for nature recovery.

### **National Planning Policy Framework 2024 (as amended 2025)**

Section 16 'Conserving and Enhancing the Historic Environment'- Paragraph 200 states that: *"any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification"*. 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**

#### **National Planning Practice Guidance**

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 'Conserving and Enhancing the Historic Environment' includes a general duty to have *'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*

- Section 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. 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.
- 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).

- Dorset AONB Landscape Character Assessment - Chalk River Valley – Stour tributary valley – Type 5

## **12. 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. Public Sector Equalities Duty**

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

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

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

## **14. Public Benefits**

The proposals would provide a number of financial and non-financial benefits, including public benefits. These are summarised in the table below:

| <b>What</b>                                                | <b>Amount / value</b>                              |
|------------------------------------------------------------|----------------------------------------------------|
| Material considerations                                    |                                                    |
| Works and repairs to the listed footbridge bridge and mill | Preserve designated heritage asset and road safety |

| What | Amount / value |
|------|----------------|
|      |                |

## 15. Planning Assessment

### Principle of development –

Policy 5 of the Local Plan states that any development proposal affecting a heritage asset (including its setting) will be assessed having regard to the desirability of sustaining and enhancing the significance of that asset and securing a viable use for it that is most consistent with its conservation. For any designated heritage asset, great weight will be given to its conservation when considering any proposal that would have an impact on its significance.

Para 212 & 213 of the NPPF requires that ‘great weight’ be given to the asset’s conservation and that any harm to the significance of the heritage asset should require clear and convincing justification. Para 138 of Historic England’s Conservation Principles advocates that new work should aspire to a quality of design and execution which may be valued now and in the future.

### Impact on the heritage asset

- **Dismantle and rebuild the arch over the highway** - the reconstruction of the arch in brick would align with conservation principles for the repair of historic buildings including the retention of historic fabric and keeping change to a minimum in order to preserve character and significance.
- **Structural support:** further support is recommended between the arches using reinforced cement and stainless-steel bed joints to protect the structure from future flood and vehicular use. The backing has to be concrete to have sufficient strength and lifespan to make the repair viable.

Officers have given consideration to Historic England’s concerns of using cement and the potential for damage to historic brickwork from trapped moisture, and recommend a condition, to include a breathable barrier between the two materials to encourage the movement of moisture away from historic brickwork. Conditions recommended to agree samples of new brickwork, mortar mix and finish on site prior to reconstruction of the arch as well as a record (level 2) during the works to dismantle the arch to better inform reconstruction and the historic record of the mill.

Clear and convincing justifications as safety reasons for the works have been provided. As such, it is understood that the use of concrete is necessary. The work is not considered to harm the significance of the listed building but will preserve the overall structure and continued use of the public right of way.

- **Repairs to the headwall** - seek minimal intervention and retention where possible. A condition is recommended to confirm method of works and finish if taken down and reconstruction deemed necessary prior to the headwall being taken down.
- **Summary** - The proposal would result in no harm to the historic significance of the building.

## **16. Environmental implications**

### **Bats**

As bats could be utilising the space beneath the footbridge for feeding and mitigation is required so that the works are undertaken in a manner that reduces the impacts to bats. As such, a member of the Natural Environment Team will be present when the works to take down the arch takes place. They will supervise the careful removal by hand of the dislodged blocks as well as the underpinning works to the mill wall to monitor bat disturbance. If a bat is found it will be placed into a bat box or suitable container.

### **Fish and invertebrates**

The leat likely supports aquatic invertebrates including the invasive North American signal crayfish. Also, Stickleback, the eggs of the Bullhead *Cottus Perifretum* were also recorded in the leat under a brick. Atlantic Salmon, Brown Trout and European Eel could be using the space under the bridge. As such a series of measures is recommended to mitigate contamination and damage to habitats and spread of invasive species. Any fish that get stuck in the dammed area will be moved with a net and bucket to outside of dammed area into the watercourse. A member of the Natural Environment Team will also be present when the works to install the dam takes place. The works should be undertaken outside the period between 1 October and 14 March and avoid disrupting fish passage to spawning grounds.

### **European water vole**

As voles could use the leat to commute beneath the bridge and in the future for feeding and mitigation is required so that the works are undertaken in a manner that reduces the impacts to the water vole. As such, a member of the Natural Environment Team will be present when the works to install the dam takes place.

### **Reptiles**

There is limited potential for grass snake in the leat. A minimal area will be taken up with the works footprint.

### **Nesting birds**

There was no evidence of nesting birds however, habitat suitable for nesting is present within the surrounding area of the bridge. The proposed works do not have the potential to impact protected or nesting birds.

## **17. Summary of issues and the planning balance**

The proposal would not lead to harm to the historic fabric, character or setting of the listed building.

## **18. Recommendation**

Grant listed building consent subject to the following conditions:

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

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

2. The works hereby permitted shall be carried out in accordance with the following approved plans:
  - Location Plan
  - Existing and proposed plans BS2171-706-01
  - Temporary propping BS2171-703-01
3. The works hereby permitted shall be carried out in accordance with the following approved documents:
  - Design, access and heritage statement – April 2026
4. The detailed biodiversity mitigation, compensation and enhancement strategy set out within the Bridge Ecology and Biodiversity Mitigation Report, conducted by the Dorset Council Natural Environment Team on 8/06/26, must be strictly adhered to during the carrying out of the works.

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

- i) the mitigation, compensation and enhancement measures detailed in the Bridge Ecology and Biodiversity Mitigation Report have been completed in full, in accordance with any specified timetable.
- ii) evidence of compliance, including photographic evidence, in accordance with section B of the Bridge Ecology and Biodiversity Mitigation Report has been supplied to the Local Planning Authority. The development shall subsequently be implemented entirely in accordance with the Bridge Ecology and Biodiversity Mitigation Report and thereafter the approved

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

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

5. During the works to take down the arch, a historic record of the arch shall be made and submitted to and agreed in writing with the Local Planning Authority. This record shall include, amongst other relevant details, photographs and description of the construction of the arch.

Reason: To ensure that an adequate record is made in the interests of historic information.

6. Prior to the commencement of work to the brick wall and arch, a sample panel of brickwork for both areas shall be constructed on site and shall be inspected and approved in writing by the Local Planning Authority. The sample panel shall be approximately 2 square meters in size. Once approved the panel shall remain on site until the completion of works and brickwork shall be constructed to match the approved sample panel.

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

7. Prior to works to the headwall, a method statement/ schedule of works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a full and detailed specification of all materials and finishes to be used in the works. The development shall be carried out only in accordance with the approved method statement/ schedule of works.

Reason: To preserve the special architectural and historic interest of the listed building.

8. Prior to the reconstruction of the arch, details of a breathable backing to be installed between the concrete and brickwork for the protection of historic brickwork and shall be submitted and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be completed in accordance with the agreed scheme.

Reason: To protect the retained historic buildings(s) from deterioration by adverse weather conditions.

**Informative:**

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.

Case Officer: Sarah Baines

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

This page is intentionally left blank