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**Application Number:** 6/2019/0585

**Webpage:** <https://planningsearch.purbeck-dc.gov.uk/Planning/Display/6/2019/0585>

**Site address:** Former Royal British Legion Club, Wimborne Road, Lytchett Matravers, Poole, BH16 6HQ

**Proposal:** Erection of 9 dwellings with car parking and landscaping.

**Applicant name:** Bracken Developments Limited

**Case Officer:** Andrew Collins

**Ward Member(s):** Cllr Alex Brenton, Cllr Bill Pipe, Cllr Andrew Starr

This application was referred through the Council's scheme of delegation and the nominated officer considered that that the planning application should be referred to the planning committee to allow consideration of the concerns raised by the local ward member and the Parish Council about potential impacts on the openness of the Green Belt.

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**Summary of recommendation:**

GRANT subject to conditions

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**Reason for the recommendation:** as set out in paras 15 and 16 at the end.

- Retain 5 year land supply
- Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application

4.0

**Key planning issues**

Issue	Conclusion
Principle of development	Acceptable as the majority of the site is within the settlement boundary.
Impact upon the openness of the Green Belt	Acceptable. The application results in limited infilling in Lytchett Matravers
Scale, design, impact on character and appearance	Acceptable – in making best use of land.

Impact on amenity	Acceptable – no demonstrable harm on neighbouring properties subject to conditions.
Flooding / Drainage	Acceptable subject to a condition.
Access and Parking	Acceptable subject to conditions.
Ecology / Biodiversity	No issues subject to the implementation of the Biodiversity Mitigation Plan.
Trees / Hedges	Acceptable subject to the imposition of a condition.

## 5.0 Description of Site

The site is located on southern side of Wimborne Road in the north-east of Lytchett Matravers. To the west of the site is the Lions Court development of 2 dwellings and further residential properties. To the north across the road is Sunnyside Barn and Farm, whilst to the east and south is open countryside. The site is approximately 0.20 hectares and comprises a former, vacant Royal British Legion Club and its parking area. The Royal British Legion Club was listed as an Asset of Community Value (ACV) meaning that an extended time of marketing was undertaken to allow the local community time to develop a bid for the site. No bid came forward. This designation was removed when the site was sold. An existing vehicular access is located in the north-western corner and this is to be retained as access to the site. The whole site is considered to be brownfield land. The building itself and parking area is located in the settlement boundary.

Since the determination of outline and reserved matter permissions (6/018/0645 and 6/2019/0318), the building on the site has been demolished and the site has been cleared. In addition units 1-4 are currently under construction as this layout is the same as applications 6/2018/0645 and 6/2019/0318.

## 6.0 Description of Development

Full planning permission is sought to demolish the building and erect 9, two storey houses. Utilising the existing access, an access road is proposed along the western boundary adjacent to Lions Court. The overall development is proposed along the eastern and southern part of the site within the site of the building and parking area to the south. Along the eastern boundary are proposed to be 5 dwellings. Of these, 2 are detached and 3 are in a small terrace. A detached 4 bed property (Plot 1) is located on the northern boundary. Plots 2, 3 and 4 are the terrace, and comprise 3 bed properties. Plot 5 is a detached 3 bed property. To the east of the dwellings are a minimum 9m depth gardens. Plots 2-5 have separate bike/bin stores to the rear. Along the eastern elevation of the site is a 1m high landscaped bund.

Along the existing hardstanding parking area to the south are 4 detached dwellings (plots 6-9). Plot 6 is a 4 bed property, Plot 7 a 4 bed property, Plot 8 a

3 bed property and Plot 9 a 4 bed property. The rear gardens of plots 6-9 are located to the south, outside the defined settlement boundary and within the designated Green Belt.

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### **Relevant Planning History**

6/1978/0672 – Outline application – Erect new Legion Club premises – Approved.

6/1979/1092 – Erect club premises, form parking area and access – Reserved Matters – Approved.

6/1983/0814 - Outline application – Erect hut for social / recreational purposes Circular 7/77 – Approved.

Application 6/2018/0022 for a full application for the demolition of the existing building and the erection of 9 dwellings was refused at Planning Committee on 30 May 2018. The application was refused due to concerns over the number of dwellings, scale and arrangement on the site resulting in an over-development of the site which was considered to be harmful to the character and appearance of the area at this edge of settlement low density location. Concern was also expressed over the design that failed to take the opportunity available for improving the character and quality of this sensitive edge of settlement location and the way in which this previously developed site functions.

The actual wording of the reason for refusal is detailed below;

“1.The proposal, due to the number of dwellings, scale and arrangement on the site, amounts to over development of the site which is harmful to the character and appearance of the area. The proposals are contrary to the advice contained in the NPPF Para 64 in that the scheme is of poor design that fails to take the opportunity available for improving the character and quality of this sensitive edge of settlement location and the way in which this previously developed site functions. The scheme is also contrary to the Lytchett Matravers Neighbourhood Plan Policy 2 in that it fails to take into account the position of the site within the village, its integration with the village and is not landscape led design. The proposals are also contrary to the Purbeck Local Plan Policy D - Design - in that they fail to positively integrate with their surroundings, and fail to reflect upon good practice advice, including appropriate densities, as outlined in the Purbeck District Townscape Character Appraisal for Lytchett Matravers, which describes the site as being in a ribbon development area, characterised by low density housing.”

The application was appealed to The Planning Inspectorate and the appeal was dismissed (ref number APP/B1225/W/18/3206919). The appeal however was only dismissed on the impact the proposal would have upon the part of the site that was in the Green Belt.

Under application 6/2018/0645, outline planning permission for layout and access was granted at the March 2019 Planning Committee of Purbeck District Council. Reserved matters was granted under application 6/2019/0318.

## **8.0 List of Constraints**

This property is in the parish of Lytchett Matravers

Part of this site is within a Settlement Boundary - Lytchett Matravers

Natural England standing advice. This property is within 5km of a European Habitat (SSSI)

Part of this site is in the Statutory Green Belt

This property is in a River Catchment - Poole Harbour

This property is within a water source protection zone.

This site falls within the Nitrate SPD Catchment Area.

## **9.0 Consultations**

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

### **Consultees**

#### **Wessex Water**

Guidance provided

#### **Dorset Council – Highways Management**

No objection subject to the imposition of conditions.

#### **Dorset Council – Drainage Engineer**

No objection made to application 6/2018/0022, subject to the imposition of a condition. Nothing has materially changed in relation to surface water drainage.

#### **Dorset Council – Landscape Officer**

Reiterates previous concerns, regarding housing density. Notwithstanding this conditions are proposed regarding landscaping.

#### **Dorset Council - Planning Policy**

Has no objection in principle and guidance given on Green Belt considerations.

#### **Dorset Council - Tree Officer**

No objection subject to a condition regarding the tree protection plan

#### **Dorset Council – Design and Conservation Officer**

Raises concerns over density.

#### **Lytchett Matravers Parish Council**

OBJECTION on the following grounds:

(a) over-development in terms of inappropriately high housing density on the site which is not in keeping with the surrounding street scene and adjacent properties,

(b) insufficient provision of off-road parking in relation to the proposed number of bedrooms. This is a particular concern because there is also no opportunity for on-street parking immediately nearby since the adjacent section of Wimborne Road is a dangerous bend over the brow of a hill.

(c) The Parish Council notes that the proposal crosses the greenbelt boundary (and marked on the plans as such). This is inappropriate in that it compromises the “openness of the greenbelt”.

### **Representations received**

The Council received 4 comments from neighbours and residents about this planning application. The representations are all available in full on the Council’s website and this report addresses the key planning points that they raised.

Highway safety in relation to on street parking and its potential increase in Wimborne Road.

This is exactly the same as application 6/2018/0022 which was dismissed by the Planning Inspectorate due to harm to the openness of the Green Belt.

## **10.0**

### **Relevant Policies**

#### **Purbeck Local Plan Part 1:**

Policy SD: Presumption in favour of sustainable development,

Policy LD: General location of development,

Policy NE: North East Purbeck,

Policy D: Design,

Policy LHH: Landscape,

Policy FR: Flood Risk,

Policy IAT: Improving Accessibility and Transport,

Policy BIO: Biodiversity and Geodiversity,

Policy DH: Dorset Heaths International Designations.

#### **Purbeck Local Plan 2018-2034.**

Regard has been had to the policies of the emerging Local Plan but none are considered to be material to the determination of this application.

#### **Lytchett Matravers Neighbourhood Plan adopted 2017**

Policy 1 – Good Design.

Policy 2 - Local Design Principles.

Policy 3 - Home Zones

Policy 4 - Protecting the Environment.

#### **National Planning Policy Framework:**

*Chapter 2: Achieving sustainable development*

*Chapter 4: Decision-making*

- Paragraphs 47 & 48 – Determining applications
- Paragraphs 54 & 55 – Planning conditions and obligations

*Chapter 9: Promoting sustainable transport*

- Paragraphs 108, 109 & 110 – Considering development proposals

*Chapter 12: Achieving well-designed places*

- Paragraphs 124, 127 & 130 - Achieving well-designed places

*Chapter 13 - Protecting Green Belt Land.*

- Paragraphs 133, 134, 143, 144 and 145 – Protecting Green Belt Land

*Chapter 14: Meeting the challenge of climate change, flooding and coastal change*

- Paragraphs 155 & 163 – Planning and Flood Risk

*Chapter 15: Conserving and enhancing the natural environment*

- Paragraphs 170, 172 & 173 - Conserving and enhancing the natural environment

Paragraph 175 – Habitats and biodiversity

### **Other material considerations**

National planning practice guidance

Purbeck District design guide supplementary planning document adopted January 2014.

Purbeck townscape character appraisal supplementary planning document adopted August 2012.

The Dorset heathlands planning framework 2015-2020 supplementary planning document adopted 19 January 2016.

Purbeck townscape character appraisal supplementary planning document adopted September 2012.

Landscape Character Assessment (Non AONB).

National Design Guide

Strategic Flood Risk Assessment 2018.

Development contributions toward transport infrastructure in Purbeck guidance February 2013.

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

Dorset biodiversity appraisal and mitigation plan.

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

## 11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

## 12.0 Public Sector Equalities Duty

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

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

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

- Access; arrangements made to ensure people with disabilities or mobility impairments or pushing buggies have been accommodated with the off road footpath links.

## 13.0 Financial benefits

### Non material considerations

CIL contributions

Business rates

NHB

What	Amount / value
Non Material Considerations	

CIL Contributions	£133,807
Business Rates	Reduction of £5,300
NHB	£15,030

## 14.0 Climate Implications

The site is located within the settlement boundary as defined by the Purbeck Local Plan. As such this is a sustainable location with easy access to facilities and services including primary school, church, doctors, shops and pub resulting in less need to travel. The new dwellings will be built in accordance with the relevant Building Regulations. For these reasons the proposal is not considered to have a significant impact on climate change.

## 15.0 Planning Assessment

### Principle of development

The application site is located within the defined development boundary of Lytchett Matravers as set out in the Purbeck Local Plan Part 1 (PLP1) Policies SD: Presumption in favour of sustainable development and LD: General location of development of PLP1 support development that is directed to sustainable locations. In addition, this site is considered to be previously developed land. Lytchett Matravers is a key service village in accordance with Policy LD and the proposed development is therefore considered to be acceptable in principle, unless other material considerations indicate otherwise. The additional dwellings would also make a contribution towards new housing in the District, in particular windfall provision in the north east spatial area.

### Green Belt

Part of the site is situated within the South East Dorset Green Belt. As such, development is significantly restricted.

Paragraph 133 of the National Planning Framework (NPPF) states that; *“The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”*

Paragraph 134 of the NPPF continues by stating that;

*“Green Belt serves five purposes:*

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*



*e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*

Most development is considered to be inappropriate in the Green Belt. Paragraph 143 of the (NPPF) states that:

*“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*

Paragraph 144 details the requirements for considering a planning application. This states;

*“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*

Paragraph 145 details that the construction of new buildings as inappropriate in the Green Belt. Exceptions to this however include;

*“e) limited infilling in villages;*

*g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

*– not have a greater impact on the openness of the Green Belt than the existing development.”*

In this case, whilst the majority of the site is within the settlement boundary, the rear part of the site is located outside the defined settlement boundary and within the designated Green Belt. It is understood that this area was formerly amenity land for use associated with the Royal British Legion Club.

The area within the Green Belt is proposed to be used for amenity space for dwellings 6 – 9 which is the same layout as the appeal dismissed under application 6/2018/0022.

The Inspector concluded that on the basis of impact on the Green Belt that;

*“ 8. It is not disputed that the proposed garden areas form part of the curtilage of the former RBL site and therefore constitutes previously developed land (PDL). This is confirmed in case law which the LPA has cited. As such the appellant contends that the proposed development would be compliant with Framework Paragraph 145 g). This permits, exceptionally, the construction of buildings in the Green Belt for the partial or complete redevelopment of PDL which would not have a greater impact on the openness of the Green Belt than the existing development. In this regard, it is suggested that the openness of that part of the appeal site would remain unchanged from its historical use as open amenity space.*

*9. However, I must nevertheless assess any effects on the openness of the SEDGB relative to the site as it currently exists. Irrespective of any historical use*

*or structures which may have been on this part of the site, it is currently open and laid to rough grass and other vegetation. The construction of any garden curtilage buildings associated with the new dwellings would therefore inevitably have a greater impact on the openness of the SEDGB.*

*10. I note that the LPA concluded that the removal of domestic curtilage permitted development rights would be sufficient to safeguard against harm to the openness of the Green Belt described above. However, paragraph 146 e) of the Framework establishes that material changes in the use of land (in this case to garden land) are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.*

*11. In this regard, the submitted plans show that the garden land would be subdivided with individual plots being demarcated by 1.8m high close-boarded fencing. Furthermore, I consider it highly likely that the occupiers of the dwellings would seek to install washing lines, play equipment, garden storage and/or other forms of domestic paraphernalia. Consequently, even if domestic permitted development rights were to be removed, the openness of the Green Belt would not be preserved. Overall, the proposal would also not assist with safeguarding the countryside from encroachment which is one of the five purposes of including land within the Green Belt.*

*12. In this regard, I am also mindful that “openness” in this context has both a spatial and a visual dimension. Even in the event that public views of the garden land were reduced or obscured through the configuration of the development, the proposal would, for the reasons given above, have a greater impact on the openness of the Green Belt in spatial terms than its current, vacant, state.*

*13. In conclusion on this main issue, the change in the use of the land to domestic gardens would not preserve the openness of the Green Belt. Moreover, the proposed development would conflict with the purposes of including land within the SEDGB.*

*14. The proposed development would conflict with paragraphs 145 g) and 146 e) of the Framework and would therefore be inappropriate development in the Green Belt which is, by definition, harmful, and should not be approved except in very special circumstances.”*

This appeal was dismissed on 13 February 2019, so was before the revised NPPF published on 19 February 2019. Also the Planning Practice Guidance was reviewed on 22 July 2019 and includes further information in assessing the openness of a Green Belt.

Previous inspector decisions can often contain material relevant to a planning proposal albeit circumstances may mean that there can be good planning reasons to depart from them.

In order to make an assessment of this application and the impact upon a Green Belt it is necessary to undertake a clear consideration of the issues, as laid out in the NPPF. Firstly is the development defined as inappropriate, secondly does it

meet any exception and thirdly does the proposal preserve the openness of the Green Belt?

Is the proposal inappropriate development within the Green Belt?

While the footprints of the proposed homes in plots 6 to 9 are located outside the Green Belt, the planning policy officer accepts the applicants argument that the exception described in paragraph 145 e) of the NPPF should be interpreted as relating to both the building and its curtilage. As the use of the garden areas are incidentally related to the proposed dwelling, which constitute the primary use, officers do not consider that it would not be appropriate to separately assess different elements of the same development using different sections of national policy i.e. paragraph 146 e) of the NPPF which relates to material changes in use. In this instance the gardens for the proposed homes in plots 6 to 9 straddle, and extend into the Green Belt.

Given this reasoning Officers do not agree with the applicant that the proposed garden areas are 'appropriate development' in the Green Belt. The garden areas are intrinsically related to the primary use, and the proposed buildings. For these reasons Officers consider that the proposed development is inappropriate.

Does the proposal meet an exception?

Paragraph 145 details that the construction of new buildings as inappropriate in the Green Belt. Exceptions to this however include;

e) limited infilling in villages;

Whilst the development within the Green Belt does not constitute new buildings, it is intrinsically linked to the dwellings and therefore this land should not be considered separately from the main use of the site. Therefore in relation to the above, an exception that could be considered is limited infilling.

There was no definition of "infilling" or "limited infilling" in the NPPF, nor any guidance there, to assist that exercise of planning judgment.

In order to benefit from the exception described at paragraph 145 e), there needs to be a conclusion on whether the proposed development constitutes:

- i) limited;
- ii) infilling,
- iii) 'in' Lytchett Matravers.

The following considerations are likely to be relevant to this assessment:

- the size of the site, and the land designated as part of the South East Dorset Green Belt;
- the sites context and relationship with those existing homes to the west which front onto Wimborne Road;
- its boundaries; and

- the existing characteristics of the site and its relationship with the Royal British Legion building.

The whole site is approximately 0.37 hectares whilst the area forming the part of the South East Dorset Green Belt is approximately 0.12 hectares. Therefore less than one third of the site is within the Green Belt.

The proposed development is closely related to the Lions Court development to the west of the application site. This development is orientated north – south as is the proposed development on this site which fronts onto Wimborne Road and the area to the rear is closely related to the built form.

The area within the Green Belt site is currently boarded by a hedge but there is no boundary separation between the former area outside or within the Green Belt.

The former Royal British Legion building has now been demolished and works are currently being undertaken in constructing plots 1 to 4. Historically the whole of the site was used by the club and the inspector previously referred to this part of the site as amenity land to the club.

At this moment in time, the emerging Purbeck Local Plan can be given only limited weight. However the site immediately to the South of the application site and Southwest round to Wimborne Road, is proposed to be allocated for 25 homes under Policy H6 land at Blaneys's Corner.

In assessing all the above, the site is considered to be infill development within the village of Lytchett Matravers.

#### Does the proposed development preserve openness?

Case law indicates that matters relevant to openness in any particular case are a matter of planning judgement, not law.

The Planning Practice Guidance on openness is detailed. It states;

“What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?

Assessing the impact of a proposal on the openness of the Green Belt (<https://www.gov.uk/guidance/national-planning-policy-framework/13-protecting-green-belt-land>), where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

Paragraph: 001 Reference ID: 64-001-20190722"

It is been detailed that there is also a need to be consistent with the contrast drawn by the NPPF between openness and "urban sprawl", and with the distinction between buildings, on the one hand, which are "inappropriate" subject only to certain closely defined exceptions, and other categories of development which are potentially appropriate.

The area of land within the Green Belt is currently a former amenity area for the club on the site. An area of landscaping is proposed to be retained and no buildings are proposed to be built on the site.

The Planning Inspector raised concerns over the erection of boundary fences at 1.8m high within the area of the Green Belt. It has to be noted that under the General Permitted Development Order 2015 there is perversely no restriction in green belts for boundary treatment (or buildings) and planning permission would not be required to erect boundary treatments up to 2m in height that would subdivide this area. As a worse-case scenario the existing hedgerows could be removed and a 2m close boarded fence erected around the area of the proposed gardens. This would have a significantly greater impact upon openness than the proposed scheme. Also as such the current land could be subdivided without any control from the planning authority and this would severely harm openness. The proposals include planting of the boundaries of the site and this is seen as positive to effectively mitigate the loss of openness.

The various items and domestic paraphernalia that the Inspector was concerned, about could have been sited on the land when operating a members club. Indeed, the fact that the site would be used communally would make it more likely that persons would group together to provide play equipment, outdoor seating and so forth. Therefore the proposed use as domestic garden does not have a greater impact on openness.

The proposed use of the land as amenity space for the dwellings is a permanent use of the land. However, in considering how close the proposed dwellings (6-9) are from the Green Belt, it is however considered necessary to remove permitted development rights for extensions to these plots in order to maintain the openness of the Green Belt. Conditions are imposed to remove permitted development rights for outbuildings and extensions to plots 6-9. This would result in an equivalent state of openness.

As the land located within the Green Belt is associated with the dwellings no significant degree of activity is proposed. Traffic generation in this area would be non-existent as no vehicular access is proposed.

After considering the case law and details in the NPPF, officers consider the use of this land for residential purposes is acceptable and retains the openness of the part of the site within the Green Belt.

#### Fall back

In this case, there is also a fall back position. Outline and reserved matters permission exists for the erection of 7 dwellings on the site. Also the former

building on site has been demolished and conditions have been discharged. Works have commenced on implementing the smaller 7 dwelling scheme with plots 1-4 currently under construction. Under these applications the land to the rear, would effectively be left (as the application had a smaller redline). No development was therefore proposed for this area. The inspector refers to this land as 'open amenity space' and the proposed use would be ancillary amenity space.

#### Impact upon Green Belt conclusion

Substantial weight has been given to any harm to the Green Belt as outlined in Paragraph 144 of the NPPF.

The proposal helps facilitate limited infilling in a village and has no greater impact on openness in the Green Belt.

#### **Scale, Design and Impact on the Character and Appearance of the Area**

The principle of developing the site for residential purposes is acceptable. Utilising the existing access and developing along the eastern boundary of the site reflects the current built form on the site. Developing on other existing hardstanding areas makes effective use of the land.

The site is located on the periphery of the key service village along Wimborne Road. The site is seen as the eastern entrance to Lytchett Matravers from the Wimborne Road. This is emphasised by the reduction in speed limit to 30mph. However the former (now demolished) building on the site had a solid built form of 26m and has a clear visual impact from the East due to the massing and its height with its monopitch roof.

The submitted layout plans are exactly the same as the plans submitted under application 6/2018/0022, which was dismissed at appeal. Landscape impact was previously a reason for refusal. Under the layout the inspector considered that;

*"25. I appreciate the importance of maintaining patterns of development which reinforce a gradual transition at the edges of the village. However, in this case, the formal built elements of the scheme would be contained within the existing developed envelope of the site and would not extend the pre-existing pattern of ribbon development. Furthermore, this would be a relatively modest residential scheme proposed on a site which currently presents a prominent and poor quality gateway from the east. Contrary to the LPA's assertion, I also find that the proposed landscaping bund would be an appropriate treatment for the eastern boundary and is not merely a means of avoiding integrated planting within the site. Furthermore, the adjoining Lions Court development already presents a fairly conspicuous 'in depth' development on approaching the village."*

On this basis there is no argument from accepting the Planning Inspector's opinion.

The layout of the site reflects Home Zone principles as advocated in the Lytchett Matravers Neighbourhood Plan utilising a shared surface and no street lighting and landscaping.

The design of the properties is 2 storey, and this reflects the design of neighbouring properties. The use of different materials and individual dwelling designs through the development will add rather than detract from the character of this part of the key service village. Whilst reservations have been made over the amount of development proposed on the site, there are overall benefits of redeveloping the site which currently detracts from its context and setting. Government policy encourages the reuse of previously developed land, and making the most efficient use of the land. Therefore, bringing forward a redevelopment of the site at a relatively high density is considered to be acceptable. A neighbour has referred to an appeal decision from 2000 from land to the rear of 2 Lions Gate. Officers have had regard to the Inspectors decision but given this was for a development in a different context, officers do not believe the current proposals are contrary to this appeal. The bringing forward of 9 well designed family houses in a sustainable location is acceptable.

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

This is a previously developed site. As such there is the existing access and former social club located on the site. This is in addition to the large parking area for patrons / customers.

The existing dwellings at Lions Court have windows located on their eastern elevation facing towards the application site. Concern has previously been expressed over direct window to window overlooking from Plot 1. This property has been redesigned to remove any first floor windows on the western elevation. The distance (8m) between Plot 1 and no 1 Lions Court, would not result in an unacceptable overbearing impact. Neighbours have raised concerns over the loss of a boundary hedge on this boundary and state that this is their hedge. This is a civil matter over which the Council has no control.

The neighbours at No 2 Lions Court have raised concerns about overlooking of their property from a first floor window in Plot 9. The dwellings are off set from each other and 15m between the 2 properties. Due to the off-set nature of the relationship between the two properties, a reduced distance between properties can be appropriate in individual cases. In this specific relationship officers consider the degree of overlooking would not be demonstrably harmful to be justify a reason for refusal. A first floor bathroom window is located on the western side of Plot 9 and this is within 3m of the boundary. If this window was clear glazed and capable of being opened this would result in unacceptable overlooking of the rear private garden of No 2 Lions Court. Therefore a condition is imposed to ensure it is obscure glazed and fixed shut. As a side elevation to the building, any additional first floor windows in this elevation will need to be above 1.7m at their lowest point or obscurely glazed, or they will require express planning permission. This gives the Council control over any future windows at first floor level on this side elevation.

### **Flooding / Drainage**

The flood risk map shows this site to be in flood risk zone1 and in this respect the development would be acceptable. However, this site is in an area where the surface water mapping shows that there are flooding problems in extreme events in the adjacent road and further down in the catchment. It is therefore important that the surface water drainage scheme is designed such that it does not exacerbate the flooding problems elsewhere.

The application form indicates that surface water will be dealt with using a Sustainable Drainage System (SuDS), and a conceptual Drainage Strategy, has been submitted as part of the application. The drainage strategy sets out a preliminary design of the surface water drainage scheme for the development in accordance with the SuDS hierarchy.

These details have previously been assessed by the Council's Engineer. It was considered that a SuDS scheme should be possible on the site, subject to detailed information being provided. On this basis a planning condition is suggested.

### **Highway Safety**

There is a current vehicular access which serves the former Royal British Legion Club. This is located in the north-western corner of the site. The new development will utilise the existing access into the site. Visibility splays are sufficient for the speed of the road.

The road has been designed with no kerbs, just gutters forming the visual and physical barriers between access and parking bays. Gutter areas are to be formed from granite setts, and the access road will be constructed from tarmac, finished with surface dressing to give an attractive appearance. All hard surfaces will be permeable. There will be landscape planting to break up the parking areas. In addition, no street lighting is proposed.

This arrangement reflects the requirements of the Neighbourhood Plan with the form of a Home Zone with the introduction of shared spaces and incorporating local design principles.

Parking has been detailed to meet the Bournemouth, Poole and Dorset car parking study. 2 parking spaces per dwelling are proposed in addition to 2 visitor spaces.

The Council's Highways Authority have no objection to the amended plans subject to the imposition of conditions. Therefore whilst noting the Parish's comments, officers believe that parking levels are acceptable.

### **Ecology / Biodiversity**

Submitted with the application is a biodiversity plan and a signed certificate from Dorset Council Natural Environment Team. This was signed within the 3 years to still be relevant. This confirms that they have assessed the submitted information and confirm that Biodiversity Mitigation Plan avoids the likelihood of deliberate



disturbance, and provides reasonable ecological mitigation and enhancement measures.

An Appropriate Assessment has been undertaken in accordance with requirements of the Conservation of Habitats and Species Regulation 2017, Article 6 (3) of the Habitats Directive having due regard to Section 40(1) of the NERC Act 2006 and the NPPF, which shows that there is no unmitigated harm generated by the proposals to interests of nature importance.

### **Trees / Hedges**

Submitted with the application is an arboricultural method statement and tree protection plan. This details that trees located to the north-east, south-west and south-east will be retained and protected during construction. In addition new trees and hedges are proposed to be planted across the site in order to integrate the development. This information has been assessed by the Council's Tree Officer and he raises no objections subject to the imposition of conditions.

## **16.0 Conclusion**

The principle of development is acceptable as the majority of the site is within the settlement boundary. The area outside of the settlement boundary is located within the Green Belt and a key consideration is the impact upon the openness of the Green Belt. The proposals are considered to result in limited infilling within Lytchett Matravers in accordance with the NPPF and the Planning Practice Guidance.

The scale, design, impact on character and appearance is appropriate as makes best use of land. The previous inspector considered that the proposed landscape impact was acceptable and the proposed bund a suitable boundary treatment at the edge of settlement location. The proposal therefore complies with the NPPF and Policies LHH and D of the Purbeck Local Plan.

The impact on amenity is acceptable as there is no demonstrable harm on neighbouring properties subject to conditions. In accordance with Policy D of the Purbeck Local Plan and the Design Guide SPD.

Flooding / Drainage is acceptable subject to a condition regarding full details of the scheme in accordance with the NPPF and Policy FR of the Purbeck Local Plan.

Access and Parking are acceptable subject to detailed conditions and is in accordance with Policy IAT of the Purbeck Local Plan.

In relation to Ecology / Biodiversity a Biodiversity Mitigation Plan has been agreed with the Council's Natural Environment Team. In addition an Appropriate Assessment has been undertaken under the Habitat Regulations and no impact would result on the impact of nature importance. As such the proposals comply with the NPPF and Policies BIO and DH of the Purbeck Local Plan.

There are trees / hedges on the site. The impact upon them is acceptable subject to the imposition of a condition in accordance with Policies LHH and BIO of the Purbeck Local Plan.

## **17.0 Recommendation**

Grant planning permission

And the following conditions (and their reasons).

1. The development must start within three years of the date of this permission.

Reason: This is a mandatory condition imposed by Section 91 of the Town and Country Planning Act 1990 to encourage development to take place at an early stage.

2. The development permitted must be carried out in accordance with the following approved plans: 1718001/001/B, 1718001/002/K, 1718001/03/B, 1718001/04/C, 1718001/05/C, 1718001/06/B, 1718001/07/C, 1718001/08/B, 1718001/09/C, 1718001/10/D, 1718001/011C and 1718001/012A.

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

3. The manufacturers name, product name and colour of all external facing and roofing materials for the 2 extra dwellings (plots 7 and 8) must be submitted to and approved in writing by the Council before they are used on the proposal. All other materials shall be constructed of materials agreed under discharge of conditions to application 6/2019/0318 in letter dated 16 January 2020. The development must then be implemented using the approved materials.

Reason: To ensure satisfactory appearance of the development.

4. 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 Council. An investigation and risk assessment must be undertaken in accordance with the requirements of the Council and where remediation is necessary a remediation scheme must be prepared which is subject to the approval of the Council. The remediation must be implemented in accordance with the agreed remediation scheme before occupation of any of the dwellings

Reason: In case of any unexpected contaminated land found on the site given the previous use and in order to mitigate such harm.

5. Before any groundworks start, a scheme for dealing with surface water drainage from the development must be submitted to and approved in writing by the planning department of the Council. This must include details of the on-going management and maintenance of the scheme. The appropriate design standard for the drainage system must be the 1 in 100 year event plus an allowance for

the predicted increase in rainfall due to climate change. This requirement is above and completely separate to any building regulations standards. Prior to the submission of those details, an assessment must be carried out into the potential for disposing of surface water by means of a sustainable drainage system (SUDs). The results of the assessment must be provided to the Council. The approved drainage scheme must be implemented before the first occupation of any of the dwellings. It must be maintained and managed in accordance with the agreed details.

Reason: These details are required to be agreed before ground works start in order to ensure that consideration is given to installing an appropriate drainage scheme to alleviate the possible risk of flooding to this site and adjoining catchment land.

6. All works impacting on the retained trees during the demolition/development must be carried out as specified in the approved Arboricultural Method Statement Barrell Tree Consultancy Arboricultural Method Statement reference, 17390-AA-AS dated 16 January 2018, and the associated Tree Protection Plan, reference 17390-BT2.

Reason: To prevent trees on site being damaged during construction works.

7. No trees or hedgerows within the site, except those shown on the approved plan(s) or clearly indicated as being removed, will be felled or pruned; no roots will be severed, pruned or removed, without permission from the Council, during development, and for a period of five years after completion of the development.

Reason: To protect the hedgerow / retained trees on the site in the interests of the visual amenity of the area

8. The soft landscaping works detailed in the landscape proposals agreed by the Council must be carried out during the first planting season (October to March) following the occupation of any of the dwellings. The planted scheme must be maintained in accordance with the agreed details.

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

9. The development must be carried out and maintained in accordance with the approved biodiversity mitigation plan dated 16 January 2018 agreed by Dorset County Council on 24 January 2018 unless subsequent variation is agreed in writing with the Council.

Reason: To ensure the adequate protection of a species and its habitat protected by law that exists on the site.

10. No outbuildings or extensions shall be erected or hardstanding installed on Plots 6-9 despite the powers in the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 1, Class A, B, E and F (or any Order revoking and re-enacting that Order).

Reason: To safeguard the visual amenities and character of the Green Belt.

11. Before the house on Plot 9 is occupied, the first floor window in the western elevation must be glazed with obscure glass to a minimum Pilkington privacy 3 or equivalent as agreed in writing with the Council. It must be maintained in that condition.

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

12. Before the development is occupied the access, geometric highway layout, turning and parking areas shown on Drawing Number 002 K must be constructed, unless otherwise agreed in writing by the Council. Thereafter, these areas must be maintained, kept free from obstruction and available for the purposes specified.

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

13. Before any of the houses are occupied the turning and parking shown on Drawing Number 002 K must have been constructed. Thereafter, this area, must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

14. Informative Note - Community Infrastructure Levy. This permission is subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL liability notice has been issued with this planning permission that requires a financial payment. Full details are explained in the notice.

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

16. Informative Note - Dorset Council Highways.

The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at Dorset Direct (01305 221000), by email at [dorsetdirect@dorsetcouncil.gov.uk](mailto:dorsetdirect@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.

17. Informative Note - As the new road layout does not meet with the County Highway Authority's road adoption standards or is not offered for public adoption under Section 38 of the Highways Act 1980, it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.

18. Informative Note - 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 County Council's Development team. They can be reached by telephone at 01305 225401, by email at [dli@dorsetcc.gov.uk](mailto:dli@dorsetcc.gov.uk), or in writing at Development team, Dorset Highways, Environment and the Economy, Dorset County Council, County Hall, Dorchester, DT1 1XJ.

19. Informative Note - To fight fires effectively the Fire and Rescue Service needs to be able to manoeuvre its equipment and appliances to suitable positions adjacent to any premises. Therefore, the applicant is advised that they should consult with Building Control and Dorset Fire and Rescue Service to ensure that Fire Safety - Approved Document B Volume 1 Dwelling houses B5 of The Building Regulations 2006 can be fully complied with.

20. Statement of positive and proactive working: In accordance with paragraph 38 of the National Planning Policy Framework, the Council takes a positive and creative approach to development proposals focused on solutions. 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.

For this application: the applicant/agent was updated of any issues after the initial site visit; the opportunity to submit additional information to the

scheme/address issues was given which were found to be acceptable; the application was approved without delay.