1.0 Application Number: 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 impact on the Green Belt.

2.0 Summary of recommendation:

GRANT subject to conditions

3.0 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 site is considered that the proposal is for limited infilling in a village and so in principle is appropriate development within the Green Belt.
- 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

<table>
<thead>
<tr>
<th>Issue</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principle of development</td>
<td>Acceptable as the majority of the site is within the settlement boundary.</td>
</tr>
<tr>
<td>Impact upon the openness of the Green Belt</td>
<td>Acceptable. The application results in limited infilling in Lytchett Matravers</td>
</tr>
<tr>
<td>Scale, design, impact on character and</td>
<td>Acceptable – in making best use of</td>
</tr>
<tr>
<td><strong>appearance</strong></td>
<td><strong>land.</strong></td>
</tr>
<tr>
<td>----------------</td>
<td>-----------</td>
</tr>
<tr>
<td>Impact on amenity</td>
<td>Acceptable – no demonstrable harm on neighbouring properties subject to conditions.</td>
</tr>
<tr>
<td>Flooding / Drainage</td>
<td>Acceptable subject to a condition.</td>
</tr>
<tr>
<td>Access and Parking</td>
<td>Acceptable subject to conditions.</td>
</tr>
<tr>
<td>Ecology / Biodiversity</td>
<td>No issues subject to the implementation of the Biodiversity Mitigation Plan.</td>
</tr>
<tr>
<td>Trees / Hedges</td>
<td>Acceptable subject to the imposition of a condition.</td>
</tr>
</tbody>
</table>

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.

7.0 **Relevant Planning History**


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 with the Poole Harbour Recreation Area SPD.
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. In this respect Policy H6 is considered to be material.
Policy H6 – Lytchett Matravers
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 townscape character appraisal supplementary planning document adopted August 2012.


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.


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

<table>
<thead>
<tr>
<th>What</th>
<th>Amount / value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non Material Considerations</td>
<td></td>
</tr>
<tr>
<td>CIL Contributions</td>
<td>£133,807</td>
</tr>
<tr>
<td>Business Rates</td>
<td>Reduction of £5,300</td>
</tr>
<tr>
<td>NHB</td>
<td>£15,030</td>
</tr>
</tbody>
</table>

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 residential garden for dwellings 6 – 9 which is the same layout as the appeal dismissed under application 6/2018/0022.

In that appeal, 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.”
The Planning Practice Guidance was reviewed on 22 July 2019 and includes further information in assessing the openness of a Green Belt.

Previous appeal decisions can often contain material relevant to a subsequent planning proposal albeit changes in circumstances may mean that there can be good planning reasons to reach a different decision.

For considering the current application, the starting point in the NPPF is that new buildings in the Green Belt are inappropriate unless an exception applies. If no exception applies, permission should only be granted if there are exceptional circumstances which would outweigh the harm to the Green Belt.

The inspector considered the application of the exception in paragraph 145(g) because all parties considered that the site is previously developed land. Officers do not agree with the applicant that the gardens can be separated from their houses so that different exceptions under paragraph 145 could apply to the houses and to the gardens. The gardens for the proposed homes in plots 6 to 9 straddle and extend into the Green Belt. The gardens are intrinsically linked to the houses and will form part of the same plot and planning unit. Thus for this exception to apply to the current application, the Committee must be satisfied that the proposal does not have a greater impact on the openness of the Green Belt than the current development.

There is another exception under paragraph 145e) allowing limited infilling in villages which does not also require consideration of the openness of the Green Belt.

As set out above, whilst in isolation the development within the Green Belt does not constitute new buildings, it is intrinsically linked to the dwellings and therefore the gardens to plots 6 to 9 should not be considered separately from the main use of the site. Although the Inspector did not consider the exception for limited infilling in villages, officers consider that it applies to the proposed development for the reasons set out below.

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

i) limited;
ii) infilling,
iii) ‘in’ a village: i.e. Lytchett Matravers.

There is no definition or any guidance in the NPPF in relation to the meaning of “infilling” or “limited infilling”. These are therefore matters of planning judgement with the following considerations 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.

In this instance the question of whether the development is “limited infilling” has been considered to reflect built form within the village as a whole.

In addition, consideration has been given to Policy H6 of the emerging Purbeck Local Plan. Policy H6 proposes the allocation of 150 new dwellings within the village of Lychett Matravers. One of these proposed allocations is ‘Land at Blaney’s Corner’. This proposed allocation is proposed to run immediately to the rear of the application site and if built would mean that part of the application site in the Green Belt would be surrounded by development on 3 out of 4 sides.

Looking at the weight that can be given to the emerging Local Plan paragraph 48 of the NPPF advises that;

“Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);

and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

Under emerging Policy H6 there have been 19 representations in relation to this policy. Of these the majority of the concerns surround the principle of allocating
sites within Lytchett Matravers with associated concerns about impact upon infrastructure and services, impacts upon nearby protected areas and the deliverability of the SANG and which sites require the SANG and timescales for developing these sites. Also Wessex Water require coordination regarding sewage in bringing forward the sites. The proposed developer of the site considers it should be larger to allow greater connectivity to Lytchett Minster and there should not be specified limits on the allocation.

The emerging Purbeck Local Plan is at an advanced stage and on 18 March 2020 the Planning Inspector for the Emerging Local Plan reported back stating that at this stage that with Main Modifications the Plan is ‘likely to be capable of being found legally compliant and sound’.

The Inspector’s letter explains that she will make a final decision on whether the plan is legally compliant and sound after she has considered: responses on Main Modifications following public consultation and an updated Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA). The Inspector indicates that the strategy for meeting the area’s needs is sound. An update will be required to both HRA and SA to take into account any changes made through the main modifications. Planning Policy colleagues are confident that these matters can be addressed and the plan be found sound.

The Planning Inspector specifically looked into and commented on the allocations in the Green Belt.

In this regard she said;

“Housing Allocations (Moreton Station (policy H4), Wool (policy H5), Lytchett Matravers (policy H6) and Upton (policy H7))

43. There are a number of suggested Main Modifications to the housing allocation policies as a result of the discussions at the hearing sessions. As referred to above, the Council has prepared a revised trajectory which, amongst other things, seeks to take account of the discussions at the hearing sessions regarding the deliverability of the sites and the timing of their delivery. However, further amendment to the revised trajectory is necessary in relation to the site at Upton (policy H7) which requires Green Belt release, given that the Plan will not now be adopted until later 2020 at the earliest. In relation to this matter the Council should also consider whether this is likely to have any implications for the timing of the delivery of the sites in Lytchett Matravers (policy H6) which also require Green Belt release.”

In having regard to the Inspector’s comments, there were no principle objections in releasing the Green Belt land for development. The only specific considerations in relation to the allocation was whether there would be any issues in terms of timing of delivery of the site.
In assessing all the above, including the built form of Lytchett Matravers and the weight that can now be given to emerging Policy H6, the site is considered to be infill development within the village of Lytchett Matravers under paragraph 145e) of the NPPF.

Impact upon Green Belt conclusion

Officers consider that the proposal is for limited infilling in a village and so in principle is appropriate development within 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 has no objection 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. The proposals are considered to result in limited infilling within the Green Belt 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 and works stop on site. 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. Work should only resume on site once the remediation scheme has been agreed. 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. Within 2 months of the grant of this planning permission, a scheme for dealing with surface water drainage from the development must be submitted to and approved in writing by 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: 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. 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.
11. 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.

12. 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.

13. 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.

14. 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.

15. 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, 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.

16. 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.
17. 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, or in writing at Development team, Dorset Highways, Environment and the Economy, Dorset County Council, County Hall, Dorchester, DT1 1XJ.

18. 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.

19. Informative Note - In relation to condition Number 05 above, details have been supplied to discharge this condition under application 6/2018/0645. However these matters were still outstanding at the time of determining this revised application and any details would need to address the 2 extra dwellings hereby permitted. Any further information supplied will be considered under the discharge of this new condition.

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.