

REPORT SUMMARY

REFERENCE NO.	3/19/1435/COU		
APPLICATION PROPOSAL	Change of use of buildings to commercial uses under B2 General Industrial and B8 Storage & Distribution - retrospective application (amended description).		
ADDRESS	Clayford Farm, Uddens Drive, Colehill, Wimborne, Dorset, BH21 7BJ		
RECOMMENDATION	GRANT subject to conditions (see Section 11 of the report for the full recommendation)		
REASON FOR REFERRAL TO COMMITTEE	The Nominated Officer has requested that this application be referred to the planning committee to allow consideration of the concerns raised regarding impacts on the bridleway		
SUMMARY OF REASONS FOR RECOMMENDATION	<ul style="list-style-type: none">• No new buildings are proposed and therefore the development is appropriate within the Green Belt and its impact on the landscape and biodiversity is not significant.• The proposed change of use will support the diversification of a former agricultural business, promote enterprise in a rural area, provide local employment and find a new use for substantial agricultural buildings that could otherwise lie empty.• The former agricultural buildings are already occupied by 17 businesses that would either have to close or relocate if the proposal is refused. This is an important consideration for the local economy.• The proposed use has been established at the site for several years without any identified harm.• The traffic movements generated by the development have been accommodated without detriment to highway safety for several years. The Highways Authority have no objection.• There is not considered to be any significant harm to neighbouring residential amenity by reason of noise or disturbance.• This application is found to accord with the development plan and national planning policy and guidance and is therefore recommended for approval.		
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL	<p><u>The following are considered to be material to the application:</u></p> <p>Not applicable</p>		
APPLICANT	Mr K Martin	AGENT	Mr Simon Munnings

WARD	West Moors and Holt	PARISH/ TOWN COUNCIL	Holt Parish
PUBLICITY EXPIRY DATE	16 March 2020	OFFICER SITE VISIT DATE	28 October 2019
DECISION DUE DATE	07/10/2019	EXT. OF TIME	None
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
3/19/0638/FUL	Change of use of redundant agricultural barns to uses within use classes Class B1 (Business) and Class B8 (Storage or distribution). Retrospective.	Withdrawn	27/06/19
3/12/1026/COU	Change of use of buildings and area of yard to commercial B8: Storage use	Refused	19/03/12
Reasons for refusal: 3/12/1026/COU			
<ol style="list-style-type: none"> 1. In the absence of evidence that additional parking would not be required the proposal was judged likely to harm the openness of the Green Belt. 2. Unsustainable location. 3. Means of access considered unsuitable for additional vehicular traffic. 			
3/12/0457/CLU	Sausage factory (B2). Industrial units used for storage and workshops (B1 and B8).	Refused	07/09/12
03/03/0887/FUL	Change Of Use Of Existing Agricultural Workshop To Plant For Processing Cockerel Meat To Sausages & Packing.	Granted	28/08/03
03/01/0102/FUL	Change Of Use Of Agricultural Buildings To B1, B2 & B8 Use (light Industrial, General Industrial And/or Storage Uses	Refused appeal dismissed	22/03/01 & 18/10/01
Reasons for refusal: 03/01/0102/FUL			
<ol style="list-style-type: none"> 1. Unsustainable location 2. Harmful noise and disturbance caused by additional vehicles 3. Access track inadequate to carry additional vehicles 			
3/86/0403/OUT	Outline-Agricultural Dwelling	Refused	05/06/86
3/82/2061/HST	Dwellinghouse	Refused	07/01/83
3/82/2013/HST	Farm office	Granted	17/12/82

MAIN REPORT

1.0 DESCRIPTION OF SITE AND SURROUNDINGS

- 1.01 The application site is located within the Green Belt in a remote countryside location characterised by a mixed landscape of woodland, heathland and small field enclosures. The site is accessed via a compacted hard-core track, which forms part of the Bridleway network (including the Ferndown and Stour Forest Trail). To the west and north of the site is a sawmill and fence manufacturer and its associated yard and further to the west is a row of houses. To the south and south-east of the site is a farm access, farm buildings and a dwellinghouse. The site access track has two separate routes through Ferndown Forest to the metalled road network and there are other residential properties along both routes.
- 1.02 The site comprises of a quadrangle of hardstanding enclosed on four sides by portal frame buildings, some of which were formally agricultural buildings associated with Clayford Farm. The southern side of the site is only partially enclosed by buildings, being also bounded by fencing and vegetation which separates it from the original farm holding; the site is no longer associated with any agricultural enterprise. A recently erected portal framed extension along the southern edge of the site and an extension to the eastern end of the northern building do not form part of this Change of Use application. At the time of the site visit, the centre of the quadrangle was mainly in use for parking vehicles.
- 1.03 In the south-west corner of the quadrangle is a small brick-built building believed to be in use as an office, a porta cabin believed to be in use as a staff room, a small breeze block building believed to be in use as a store and a weighbridge.
- 1.04 In earlier applications to develop the site it has been stated that the western and eastern range of buildings have previously been used as lairage for the short term keeping of cockerels (commercial fattening for the food industry) prior to export. Part of the eastern building has been in use for sausage making following a planning consent in 2003.
- 1.05 The applicant has submitted a list of the current occupants of the buildings that are part of this application. The Use Classes of the businesses currently occupying the site, as shown on the list provided are B2 and B8 Use Classes. The businesses of these occupants are principally vehicle repair and storage but also include a sausage factory and a hydro clean business. It is noted that production at the Sausage Factory is limited by a condition on its grant of planning permission that production shall solely involve the production of sausages/burgers from cockerels which are fattened at Clayford Farm; cockerels are no longer fattened at Clayford Farm.

2.0 PROPOSAL

- 2.01 The proposal seeks retrospective planning permission to change the use of the former agricultural buildings along the north, east and western sides of the quadrangle to B2 and B8 uses, creating 17 business units.
- 2.02 The application, as originally submitted was for B1 and B8 uses. However, the development description was later amended to reflect the Use Classes of the existing businesses at the site. Consultees and neighbours were notified of the change and new site notices were posted.
- 2.03 **Note:** The applicant has stated his intension to apply for planning permission for the other buildings on the site, erected after the agricultural use of the site ceased, and which do not form part of this change of use application, pending the outcome of this application.

3.0 SUMMARY OF INFORMATION –

- 3.1 The proposed change of use relates to approx. 1385m² of floor space of which approx. 648m² is in B8 use and 737m² is in B2, subdivided to create 17 business units.

4.0 RELEVANT PLANNING CONSTRAINTS

Flood Zone 2 &3
Green Belt
Rights of Way

5.0 POLICY AND OTHER CONSIDERATIONS

Development Plan:

Christchurch and East Dorset Core Strategy 2014

- KS1: Presumption in favour of sustainable development
- KS2: Settlement hierarchy
- KS3: Green Belt
- KS11: Transport and Development
- KS12: Parking provision
- HE2: Design of new development
- HE3 Landscape Quality
- ME1: Safeguarding biodiversity and geodiversity
- ME2: Protection of the Dorset Heathlands
- ME6: Flood Management, Mitigation and Defence
- PC4: The Rural Economy

Supplementary Planning Documents:

The National Planning Policy Framework (2019)

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

Relevant NPPF sections include:

- Section 6 Building a strong, competitive economy

Planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

- Section 12 Achieving well-designed places
The requirement for good design set out in section 12; paragraph 127 requires that development should add to the overall quality of the area. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions (para 130).

- Section 13 Protecting Green Belt Land

6.0 LOCAL REPRESENTATIONS

6.01 In addition to letters to neighbouring properties, a site notice was posted outside the site on 03/09/2019 with an expiry date for consultation of 27 September 2019. A further letter consultation was carried out on 23 October 2019 following an amendment to the description and a second site notice posted on 28 October 2019.

6.02 No representations were received during the consultation period. However, following a deterioration in the condition of a section of forest road leading to the site during February 2020, fifteen neighbour letters of objection to the proposal and an additional objection from the Parish were received by the Council. Notwithstanding the late receipt of these comment it is prudent to give due consideration to the objections; the case officer report has been amended accordingly and Dorset Council highways department reconsulted on the points raised.

14 representation have been received objecting to the proposed development for the following summarised reasons:

- The forest track is cannot cope with the level of traffic.

- There are two routes into the application site (Uddens Drive & White Sheet) neither of which are suitable for type and number of vehicles currently accessing it.
- The units will contribute towards the residents experiencing an increase in dust, smells, fumes, noise or vibration.
- The track is also a bridleway: other users will be affected by increased traffic and noise.
- The track surface has degraded in the past few years.
- Track surface could be dangerous to horses.
- If the track surface is improved it will encourage vehicles to be driven at speed.
- Track is in frequent use by local equestrians and walkers.
- A transport assessment should be done
- A biodiversity assessment should be done
- Vehicles using the track travel at speed with little regard for horses.
- The track may become unusable for emergency service vehicles.
- Repairs that have been carried out to the track are poorly constructed.
- There is a lack of parking at the site.

7.0 CONSULTATIONS

7.01 Holt Parish Council (19.09.2019)

Initial consultation: *“Members support the use of these buildings for small/light industrial usage however in view of the nearby SSSI and Holt Heath we have some concerns regarding the environmental impact in this low-lying location which also uses a bridleway for access.”*

Re-consultation: *“Members previously supported the use of these buildings for small/light industrial usage however the proposed change to B2 General Industrial raises increased concern for the nearby SSSI and Holt Heath. The environmental impact of heavy industry is particularly unsuited to this low-lying location and heavier traffic using the bridleway for access, Holt Parish Council therefore OBJECTS to the proposal.*

(Members do not require this application to be submitted to the Planning Committee).”

Additional Parish comment (13.03.2020)

“Holt Parish has further discussed the above application for Clayford Farm following additional information brought to members attention by local residents.

We have been provided with evidence that demonstrates how the development is impacting on the bridleway access which has become unsafe due to the high volume of traffic now generated. The enjoyment of horse riders etc are affected using the bridleway that originally served only 5 properties and the condition of the track is now unsuitable for emergency

services. It appears there is also insufficient parking for the units and vehicles are now parking on the track further hindering access and enjoyment. Our original comments OBJECTING to the proposal remain (as submitted 14 November 2019), however we now request the application is referred to the Planning Committee.

We also understand that residents have written to Dorset Council requesting clarification on changes to the description of the proposal from B1/B8 to B2/B8 and have yet to receive a response. We would be grateful if Dorset Council could respond as soon as possible to our residents' concerns.

If you require any further information please let me know, we would be pleased to receive the latest information on the status of this application.

7.02 Dorset Council Highways

Initial consultation: The Highway Authority has NO OBJECTION to the proposal

Re-consultation: Due to the receipt of a large number of objections complaining of a recent (February 2020) deterioration in the condition of the track leading to the site the Highways Authority was reconsulted. Their reply states:

"The Highway Authority has nothing further to add to its previous observation dated 18 September 2019".

7.03 County Rights Of Way Officer

No Comments received on original consultation

Comments received 24.10.2019 following re-consultation:

"Access to the application site is via bridleways E45/57 and E45/15. The Greenspaces team for East Dorset are concerned as to the impact that additional traffic generated by the use of this land for storage and distribution would generate. In the first instance the increase of vehicular traffic would hinder use of the bridleway by legitimate users in restricting their enjoyment and possibly dissuading use of the route as a result of encountering the types of vehicles likely to be used in this sort of venture. Secondly the introduction of increased vehicular traffic is likely to do damage to a surface which is potentially unsuitable to deal with it. Damage to the surface as a result would impede the proper enjoyment of the route by the legitimate user. We would be happy to consult with the applicant with regards to what measures may be put in place to limit any impact ahead of the application being considered."

7.04 Environment Agency

No reply

8.0 APPRAISAL

8.01 The main considerations involved with this application are:

- The principle of the development in the location
- Impact on the Green Belt.
- Highways Impacts.
- Parking
- Impact on the amenity of neighbouring properties.
- Flood risk
- Biodiversity

These points will be discussed as well as other material considerations under the headings below

Principle of Development

8.02 The application site lies outside of any settlement type identified in Policy KS2 and is therefore located where development would not be allowed unless it was functionally required to be in the rural area. However, Policy PC4 provides exceptions to Policy KS2. PC4 states that proposals for the development and diversification of agricultural and other land based rural businesses will be supported which accord with policy as set out in the National Planning Policy Framework and also that:

- *Are consistent in scale and environmental impact with their rural location avoiding adverse impacts on sensitive habitats, Areas of Great Landscape Value and landscapes identified through landscape character assessments and the openness of the Green Belt.*
- *Conserve the landscape quality and scenic beauty of the Cranborne Chase and West Wiltshire Downs AONB, and comply with the provisions of the AONB Management Plan.*
- *Do not harm amenity and enjoyment of the countryside through the impact of noise and traffic generation.*
- *That minimise additional trips on the highway network and are accessible by sustainable modes other than the car.*

8.03 Paragraph 83 of the NPPF (2019) states that “Planning policies and decisions should enable:

- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*

b) the development and diversification of agricultural and other land-based rural businesses;

c) sustainable rural tourism and leisure developments which respect the character of the countryside; and

d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship”.

8.04 Of particular relevance to this application, Paragraph 84 of the NPPF states *“Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist”.*

8.05 The site is not accessible by sustainable modes of transport and consequently people working at the site will be reliant on private car use. However, the proposed change of use will support the diversification of a former agricultural business, promote enterprise in a rural area, provide local employment and find a new use for substantial agricultural buildings that would otherwise lie empty. That the former agricultural buildings are already occupied by 17 businesses that would either have to close or relocate if the proposal is refused is also an important consideration for the local economy. It is considered that the benefits of the proposal to the rural economy outweigh the harm caused by the unsustainability of the location and the need for workers on the site to rely on private car use. Therefore, subject to demonstrating an acceptable impact on the Green Belt, and the highway network, the principle of the development is considered to be in accordance with Local and National planning policy.

8.06 It is noted that applications 03/01/0102/FUL & 3/12/1026/COU were refused because the site was considered to be in an unsustainable location. However, due to the altered policy context, particularly that within the NPPF (2019), which gives greater support to business needs in rural areas, it is considered that for this application, on balance, the sustainability concerns are considered to be outweighed by the social and economic benefits of the proposal.

Impact on the Green Belt

- 8.07 Great importance is attached to Green Belts. The essential characteristics of Green Belts are their openness and their permanence (para 133 of the NPPF (2019)). ‘Inappropriate’ development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’ (para 143). New development is inappropriate in the Green Belt apart from the exceptions set out in paragraphs 145 and 146. Substantial weight is to be given to any harm to the Green Belt and ‘very special circumstances’ require that any harm to the Green Belt is clearly outweighed by other considerations (para 144).
- 8.08 Under Para 146d) the re-use of buildings is not inappropriate in the Green Belt provided that the buildings are of permanent and substantial construction, preserve its openness and do not conflict with the purposes of including land within it.
- 8.09 The buildings that are the subject of this application meet the requirement of being of a permanent and substantial construction and because the buildings are arranged around a quadrangle with the associated parking area at the centre and screened by the envelope of surrounding buildings, any increase in parking arising from the proposal would not significantly harm the openness of the Green Belt.
- 8.10 It is noted that the 2012 application to change of use of the buildings and an area of yard to commercial B8 was refused in part due to concerns that that proposal would harm the Green Belt due to the use of part of the yard for open storage and an absence of evidence that additional parking would not be required. However, in this proposal an area of open storage is not proposed and the existing commercial uses of the site, which have been operating in various guises since 2012 have not led to a requirement for additional parking. As such it is considered that the Green Belt refusal reasons for the 2012 application are not present in this case.
- 8.11 This view is consistent with the Appeal Inspector’s assessment of the Council’s refusal of the 2001 planning application at the site (application 03/01/0102/FUL) for a “Change Of Use Of Agricultural Buildings to B1, B2 & B8 Use (light Industrial, General Industrial And/or Storage Uses)”. With regard to impact on the Green Belt the Appeal Inspector found “*that the proposal would be appropriate development in the Green Belt*”.
- 8.12 For the reasons given above it is considered that the proposed development is not inappropriate development within the Green Belt and is in accordance with NPPF (2019) Green Belt policy.

Highways Impacts

- 8.13 The Highway Authority has no objection to the proposal and has maintained this position following a re-consultation. The Highways Authority also had no objection to the refused 2012 application (3/12/1026/COU). However, for the refused 2001 application (03/01/0102/FUL appeal denied) the Highways Authority deferred its recommendation due to the lack of information regarding traffic implications. Nevertheless, the refusal reasons for the 2001 and 2012 applications included harm to road safety. For the 2001 application the Appeal Inspector's concern regarding road safety was based on a "*likely increase*" in the amount of traffic using the forest track which, "*in [his] view*" would lead to an increase in the likelihood of accidents. The Inspector's view was necessarily unsubstantiated by evidence and based on his own opinion because little transport information had been provided by the applicant for the 2001 application and because Highways had deferred their comments. However, in refusing the 2012 application, the Council's view that that proposal would harm road safety was contrary to the opinion of the Highways Authority who, for that application had stated no objection.
- 8.14 The current application is a retrospective application and the Council is aware, that industrial and storage uses have been run from the site for several years, up to the current date. As a consequence, a significant amount of time has passed during which the validity of the highway safety concerns raised in previous applications have been able to be assessed in the light of the experience gained from the operation of the site for industrial uses for several years. The highway safety concerns raised in the 2001 and 2012 applications have proved to be unfounded with volumes of traffic using the track remaining relatively low; the Case Officer for this application has visited the site five times over the last year, albeit outside of peak traffic hours, and whilst travelling along the length of the 1.8km access track has passed only half a dozen or so vehicles coming the other way in the totality of these visits. Also, in comparison with the many un-adopted roads in the former East Dorset District, the track remains in reasonably good condition. However, it is noted that towards the end of an exceptionally wet winter, and during the wettest February on record, a section of the track became impassable to two-wheel drive vehicles for a few days until a repair was carried out by the applicant. The un-metalled surface of the track serves to keep traffic speeds low and minimises any conflict between vehicles and other users of the bridleway.
- 8.15 The maintenance issue with the track and the matters raised in the letters of objection received in February 2020 do not raise any issues that warrant a change to the recommendation to approve. That there would be an ongoing requirement to maintain the track was already understood. The agent for the application has advised that the length of the unmetalled section of the two routes leading to the application site has historically been maintained by the applicant, who owns a section of that track, but that there is no formal

agreement in place for its maintenance. He informed the Council that owners of the other properties which are accessed via the track do not pay towards the applicants' costs in maintaining the track. This version of events has been confirmed by neighbours in telephone conversations with the case officer who has been given no reason to doubt that this is so.

- 8.16 As long as there is no formal agreement in place for the maintenance of the track, adequate provision for its future maintenance will remain uncertain. However, in the absence of any alternative arrangements to maintain the track it is considered that the existing informal arrangement provides the most realistic prospect that the track will continue to be maintained. Whether or not this arrangement would continue if this application is refused is not known. However, it is axiomatic that for the applicant to be able to continue to successfully let the business units at the Clayford Farm site, satisfactory access for vehicles along the track will need to continue to be maintained by the applicant. Requiring the applicant enter into a Section 106 agreement to maintain the track would not be possible or reasonable; the applicant owns only a part of the track and it would not be reasonable to formally require him to maintain a track at his expense which also has many other users.
- 8.17 It is noted that some letters of objection have observed that levels of traffic along the track have increased in recent years. It is possible that this may in part be related to the additional buildings erected on the site by the applicant circa 2017/2018 and which are not part of this application. The applicant has advised the Council of his intention, following the determination of this application, to submit a further retrospective planning application to regularise the new buildings at which point their additional impact on traffic levels will be considered.
- 8.18 It is noted that the County Rights of Way Officer, although having not previously responded to consultations on earlier, similar applications to develop the site, has now raised a concern that the proposal would hinder use of the bridleway by other users and that the introduction of increased vehicular traffic is likely to do damage to a surface which is potentially unsuitable to deal with it. However, for the reasons stated above, it is considered that these concerns, first raised in 2001 and again in 2012, have proved to be unfounded. The proposal is therefore considered to be in accordance with Policy KS11.
- 8.19 A condition that Permitted Development rights are withdrawn for changes of use class for the business units within the site, without prior approval of the Council, is considered necessary to ensure that the pattern and scale of the B2 and B8 usage remains commensurate with the location.

Parking

- 8.20 The submitted plans show that the proposed change of use relates to approx. 1385m² of floor space of which approx. 648m² is in B8 use and 737m² is in B2 use.
- 8.21 The Dorset County Council Car and Cycle Parking Guideline figures for non-residential development recommends 1 space per 30m² for B2 use + 1 HGV space per 250m² and 1 space per 200m² + 1 HGV space per 250m² for B8 uses. The recommended parking requirement for the proposal with the current occupants is approx. 25 spaces with 5 HGV spaces. It is noted that the Guideline states “the suggested figures should be interpreted as an initial pragmatic county wide guide”. The current pattern of occupancy of the site, in which the 3 former agricultural buildings are sub-divided into relatively small units of typically 80m², is not likely to generate significant HGV traffic. Notwithstanding these points, the quadrangle of hardstanding in the centre of the site is more than large enough to provide sufficient parking to serve the proposal.

Impact on the amenity of neighbouring properties

- 8.22 As this is an application for a change of use of buildings only it will have no effect on the amenity of neighbouring properties in terms of overbearing, loss of outlook, light or privacy. However, this proposal, to change the use of former agricultural buildings to B2 and B8 used may give rise to an increase in the ambient noise levels in the locality or to odours.
- 8.23 In refusing the appeal for application 03/01/0102/FUL the Council raised no objections based on potential noise or odour emanating from the premises harming amenity and the Inspector did not disagree with this view. He did however agree with the Council that the proposal, by reason of noise and disturbance from the “likely” increased vehicular traffic, would harm the living conditions of residents living close to the track. However, as discussed under the heading Highways Impacts, the anticipated harmfully significant increase in vehicular traffic has not materialised. As a consequence, the previous refusal for the reason of harm to amenity from noise and disturbance, although a prudent precaution at the time, has proved to be unfounded. In consideration of the fact that B2 and B8 operations that have been run from the site for several years without any significant issues arising regarding traffic volumes it is evident that the early concerns have not been substantiated by experience and as such it would not be reasonable to refuse this application due to concerns that the proposal would cause harm to amenity of nearby residents from noise and disturbance.
- 8.24 It is noted that there is a sawmill and fence manufacturer (Use Class B2) adjacent to the site which is located closer to nearby dwellings than the

application site which, along with the sausage factory, has established the precedent of Use Class B2 operations in the locality.

Flood Risk

- 8.25 The applicant has submitted a copy of the Flood Map for Planning produced by the Environment Agency, which indicates that the southern part of the application site lies just within flood zone 2 and 3. The Flood Risk Assessment states that in reality, the former agricultural buildings were constructed on a raised yard that is outside of the flood risk zone. Although the Environment Agency has not responded to its consultation for this application, it stated no objection to the 2012 application, which is similar in terms of its position relative to the flood risk zone. Additionally, because this proposal is an application for a change of use only it will not increase flood risk in the area. As such the application is considered to be in accordance with Policy ME6.

Biodiversity

- 8.26 It is noted that Holt Parish Council stated a concern that the proposed change of use to B2 General Industrial could affect nearby Sites of Special Scientific Interest (SSSI) including those within Holt Heath. However, the proposed change of use of existing buildings is not listed in the Dorset Heathland Planning Framework 2020-2025 or Natural England's Impact Risk Zones for Sites of Special Scientific Interest User Guidance as a development likely to cause a significant effect upon SSSIs or Dorset Heathland. As such the application does not present any significant biodiversity issues.

Conclusion

- 8.28 It is considered that the reasons for the refusal of applications 03/01/0102/FUL and 3/12/1026/COU, which were applications of a similar character and scale to the current application, have been satisfactorily addressed in this application or are not applicable. This application does not present any other issues which would necessitate a new reason for refusal. As such, taking into account the considerations set out above, this application is found to accord with the development plan and national planning policy and guidance and is therefore recommended for approval

9.0 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

9.01 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.

10.0 PUBLIC SECTOR EQUALITIES DUTY

10.01 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.

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

11.0 CLIMATE IMPLICATIONS

11.01 No significant climate change impacts have been identified as likely to result should permission be granted.

12.0 RECOMMENDATION

GRANT, SUBJECT TO THE FOLLOWING CONDITIONS:

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

Drawing No SJM 19-0701A Building 1
Drawing No SJM 19-0701B Building 2 Revision 7th August 2019
Drawing No SJM 19-0701C Building 3
Drawing No SJM 19-0701D Block Plan Revision 7th August 2019
Drawing No SJM 19-0701E Location Plan
Drawing No SJM 19-0701E Occupiers Revision 7th August 2019

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof the use of each individual business unit, as identified on Drawing No SJM 19-0701E Occupiers, shall be limited to uses within the business unit's Use Class as indicated on Drawing No SJM 19-0701E Occupiers. The Use Class hereby approved for the units identified on the Drawing as Units 1, 2, 3, 4, 5, 6, 8, 10 and the Sausage Factory is B2 and the Use Class hereby approved for the units identified on the Drawing as Units 7, 9, 12, 13, 14, 15, 16, and 17 is B8 as defined in the schedule to

the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment), and for no other purpose whatsoever.

Reason: In order that the Council may be satisfied about the details of proposal due to the particular character and location of this proposal.

3. No vehicles, plant or machinery shall be operated and no process carried out and no deliveries taken or dispatched from the site outside the following times:-

0800 hours and 1800 hours on Mondays to Saturdays inclusive, excluding Bank and Public Holidays.

Reason: In the interests of the amenity of neighbouring residents.

4. No goods, plant or material shall be deposited or stored in the open or displayed for sale in the open on the site without the prior consent in writing of the Local Planning Authority.

Reason: In order that the Council may be satisfied about the details of proposal due to the particular character and location of this proposal and to maintain adequate parking areas.

Informatives:

None relevant

Background Documents:

Case Officers: Kevin Riley

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.