

REPORT SUMMARY

REFERENCE NO.	3/20/0657/CONDR		
APPLICATION PROPOSAL	Vary Condition 18 (hours of operation) of PA 3/19/1365/FUL (Erection of 14 commercial units for B1(b), B1(c) and B8 use together with access and associated parking) to vary hours of operation		
ADDRESS	Land North of Casa Velha, Ringwood Road, Three Legged Cross, Wimborne, Dorset, BH21 6RB		
RECOMMENDATION	Grant, subject to conditions: (see Section 12 of the report for the full recommendation)		
REASON FOR REFERRAL TO COMMITTEE	The hours of operation set out in Condition 18 of PA 3/19/1365/FUL accord with the Committee resolution of 11 March 2020		
SUMMARY OF REASONS FOR RECOMMENDATION	<ul style="list-style-type: none"> There are not considered to be any matters which would warrant a refusal of planning permission in this case. 		
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL			
Not applicable			
APPLICANT	Westcroft Construction Ltd	AGENT	Chapman Lily Planning Ltd
WARD	Verwood	PARISH/TOWN COUNCIL	Verwood Town Council
PUBLICITY EXPIRY DATE	17 July 2020	OFFICER SITE VISIT DATE	10 October 2019
DECISION DUE DATE	27 May 2020	EXT. OF TIME	2 September 2020
RELEVANT PLANNING HISTORY – Application Site			
App No	Proposal	Decision	Date
3/18/0921/PAM	9 no. detached dwellings on Land to the North of Casa Velha with new access onto West Moors Road. 3 no. commercial units with parking and new day nursery.	N/A	Written response 02/05/2018
3/19/1365/FUL	Erection of 14 commercial units for B1(b), B1(c) and B8 use together with access and associated parking (description amended 30.01.2020)	Granted	11 March 2020
3/20/1151/CON	Variation of condition 2 (approved	under	N/A

DR	plans) of PA 3/19/1365/FUL to change the roof line of units number 5-10 from a double ridge to single ridge	consideration	
3/20/0983/FUL	Erection of 5 commercial units for B1(b), B1(c) and B8 use, together with access and associated parking.	under consideration	N/A
RELEVANT PLANNING HISTORY – Adjacent Land			
3/18/3235/OUT	Outline application with access for consideration for the erection of 9, two storey, properties. (Outline: Approval sought for Access only)	Granted	12/04/2019
3/19/1699/RM	Erection of 9, two storey, properties. (Reserved Matters following PA 3/18/3235/OUT Appearance, Landscaping, Layout and Scale.)	Granted	13/03/2020

MAIN REPORT

1.0 DESCRIPTION OF SITE AND SURROUNDINGS

- 1.01 The application site is open land situated to the south of Ringwood Road. It is located within the main urban area of Three Legged Cross and within 400m of Holt and West Moors Site of Specific Interest (SSSI). The site measures approximately 0.58ha.
- 1.02 The application site is bordered by Ringwood Road to the north; an access road to the east that services the Oakdene Nursing Home located to the east; the residential dwellings of Oakdene Orchard and Casa Vehla to the south (also serviced by the access road); and currently open land to the west that has an extant planning permission, PA 3/18/3235/OUT, for 9 dwellings.
- 1.03 The current access is from Ringwood Road which services Oakdene Nursing Home, Oakdene Orchard and Casa Vehla. It is proposed to use the same access and a Certificate B has been provided where notice has been served on Oakdene Orchard, Casa Vehla and Dorset Council.
- 1.04 The site has a well vegetated boundary to the north with closed board fencing adjacent to the public highway, which provides screening and adds to the semi-rural character to this part of Ringwood Road. There is also some vegetation to the southern boundary. The western boundary is currently open and the eastern boundary has approx. 2m high closed board fencing.
- 1.05 As noted previously there is an extant planning permission (PA 3/18/3235/OUT - *Outline application with access for consideration for the*

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erection of 9, two storey, properties. (Outline: Approval sought for Access only)) for 9 dwellings to the west by the same applicant and the reserved matter application (3/19/1699/RM - Erection of 9, two storey, properties. (Reserved Matters following PA 3/18/3235/OUT Appearance, Landscaping, Layout and Scale) was granted in March 2020.

- 1.06 A pre-application meeting and response was given, 3/18/0921/PAM, for the site for 9 dwellings, 3 commercial units and a day nursery. It is not Council practice to consult on pre-application submissions of this nature, nor are responses publicised.
- 1.07 Members resolved to grant planning permission for the 'Erection of 14 commercial units for B1(b), B1(c) and B8 use together with access and associated parking' at Committee in March 2020 (PA 3/19/1365/FUL). The resolution to grant consent was made subject to Condition 18 of the officer recommendation being amended to prevent operations, including deliveries, on Sundays and bank holidays. This application seeks to vary Condition 18 of the Decision Notice dated 16.03.2020 to allow the premises to operate on Sundays and public holidays.
- 1.08 Further planning applications have been submitted in respect of this application site and are currently under consideration as follows:
- 3/20/1151/CONDR - Variation of condition 2 (approved plans) of PA 3/19/1365/FUL to change the roof line of unit's number 5-10 from a double ridge to single ridge.
 - 3/20/0983/FUL - Erection of 5 commercial units for B1(b), B1(c) and B8 use, together with access and associated parking.

2.0 PROPOSAL

2.01 This is a full planning application which proposes to:

'Vary Condition 18 (hours of operation) of PA 3/19/1365/FUL (Erection of 14 commercial units for B1(b), B1(c) and B8 use together with access and associated parking) to vary hours of operation'.

2.02 The Committee resolution to grant consent for 14 units on this site under PA ref 3/19/1365 was subject to Condition 18 of the officer recommendation being amended to prevent operations, including deliveries, on Sundays and bank holidays.

The original submission proposed the following hours of operation:

19. Hours of Opening

Are Hours of Opening relevant to this proposal?

Yes No

If known, please state the hours of opening (e.g. 15:30) for each non-residential use proposed:

Use	Monday to Friday	Saturday	Sunday and Bank Holidays	Unknown
B1 (b) - Research and development	Start Time: 00:00 End Time: 23:59	Start Time: 00:00 End Time: 23:59	Start Time: 00:00 End Time: 23:59	
B1 (c) - Light industrial	Start Time: 00:00 End Time: 23:59	Start Time: 00:00 End Time: 23:59	Start Time: 00:00 End Time: 23:59	
B8 - Storage or distribution	Start Time: 00:00 End Time: 23:59	Start Time: 00:00 End Time: 23:59	Start Time: 00:00 End Time: 23:59	

The officer report to Committee on 11 March 2020 recommended the following condition (18):

18. 'The development hereby approved shall only be in operation during the hours 07:00 to 21:00 Mondays to Saturdays, and 09:00 to 18:00 Sundays including deliveries to site.

Reason: to protect the amenities of nearby residential properties.

In accordance with the Planning Committee resolution of 11 March 2020, Condition 18 of the Decision Notice for application 3/19/1365 reads:

18. 'The development hereby approved shall only be in operation during the hours 07:00 to 21:00 Mondays to Saturdays, with no operations on Sundays or public holidays, including deliveries to site.

Reason: to protect the amenities of nearby residential properties.

Minutes of the Eastern Area Planning Committee from 11 March 2020 can be accessed via the following link - <https://moderngov.dorsetcouncil.gov.uk/ieListDocuments.aspx?CIId=429&MIId=4271>)

2.03 Application 3/20/0657/CONDR seeks to vary condition 18 of approved PA 3/19/1365/FUL to read:

The development hereby approved shall only be in operation during the hours 07:00 to 21:00 Mondays to Saturdays and during the hours of 10:00 to 16:00 on Sundays or public holidays, including deliveries to site.

Reason: to protect the amenities of nearby residential properties.

3.0 SUMMARY OF INFORMATION

Hours of operation as per officer recommendation PA 3/19/1365/FUL	Hours of operation as per member's request PA 3/19/1365/FUL	Proposed hours of operation
(including deliveries to site)	(including deliveries to site)	(including deliveries to site)
Mondays to Saturdays - 07:00 to 21:00	Mondays to Saturdays - 07:00 to 21:00	Mondays to Saturdays - 07:00 to 21:00
Sundays - <u>09:00 to 18:00</u>	Sundays and public holidays – <u>no operations</u>	Sundays and public holidays – <u>10:00 to 16:00</u>

4.0 RELEVANT PLANNING CONSTRAINTS

Main Urban Area
 Heathland 400m and Heathland 400m-5k zone

5.0 POLICY AND OTHER CONSIDERATIONS

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Christchurch and East Dorset Local Plan and saved policies of the East Dorset Local Plan (2002).

The following policies and guidance are of relevance in this case:

5.01 Development Plan:

Christchurch and East Dorset Core Strategy (Part 1) 2014 (Core Strategy)

KS1 Presumption in favour of sustainable development
 HE2 Design of new development

East Dorset Local Plan 2002 (EDLP) (saved policies)

DES2 Criteria for development to avoid unacceptable impacts from types of pollution
 DES11 Criteria for ensuring developments respect or enhance their surroundings.

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5.02 Government Guidance

The National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

6.0 LOCAL REPRESENTATIONS

- 6.01 In addition to letters to neighbouring properties, a site notice was posted outside the site on the 23 June 2020. Neighbours were also consulted by letter dated 16 June 2020.
- 6.02 Due to the Covid -19 pandemic restrictions, the site notice was posted by the agent and photographic evidence of the notice in position was provided by email on the 23rd June.
- 6.03 In total 8 letters of objection from 6 addresses were received raising the following issues:
- Increased traffic on Ringwood Road which will impact negatively on neighbouring amenity
 - Increased noise impacting negatively on neighbouring amenity
 - Varying hours of operation will remove respite for neighbours
 - The proposed change to hours of operation will result in additional noise and pollution
 - Noise impact assessment submitted is as per PA 3/19/1365/FUL and has already been considered by the planning committee
 - The submitted noise assessment is inaccurate and misleading
- 6.04 It was also noted that some neighbours were not aware of the approved PA 3/19/1365/FUL. The consultation for PA 3/19/1365/FUL was carried out as prescribed in article 15 of the Development Management Procedure Order (as amended) paragraph 5 (a) and (b) (<http://www.legislation.gov.uk/uksi/2015/595/article/15/made>). As per paragraph 5 (a), the site notice was posted on Ringwood Road adjacent to the application site (on a telegraph pole adjacent to the footpath). In accordance with paragraph 5 (b), notice was served on adjoining neighbours.
- 6.05 Due to Covid-19 it was considered necessary to extend the consultation for this planning application where a letter dated the 16th June 2020 was sent to additional neighbours surrounding the application site. During the current COVID-19 pandemic Dorset Council are aware that some neighbours of planning application sites may be vulnerable and possibly shielding at this time. While it is not a requirement of planning legislation to consult the additional neighbours, the Case Officer felt it prudent to consult additional neighbours during these difficult times when some neighbours may be shielding and unable to leave their homes.

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7.0 CONSULTATIONS

7.01- The proposed is to vary condition 18 (hours of operation) only. Therefore, only Verwood Town Council and Dorset Council Environmental Health were consulted in relation to this application

7.02 - Verwood Town Council – OBJECTION

Against Policy HE2 – relationship to nearby properties including minimising general disturbance to amenity.

7.03 - DC Environmental Health – COMMENTS

Concerns that although the applicant has demonstrated through noise modelling that there is unlikely to be a statutory nuisance there will be some noise created by the new development, which borders residential properties. Extending operating hours and deliveries to include Sundays and bank holidays when residents are likely to be using their gardens could give rise to complaints of disturbance in the future.

[Officer note: DC Environmental Health comments were discussed with the EH Officer and the Planning Officer noted that an informative as per the previous application could be applied if permission were granted as follows, to which the EH Officer raised no objection:

‘The applicant is advised if substantiated noise complaints from nearby residents in the future are received the Council has a duty to investigate and take action to abate any statutory nuisance identified within the remit of part III of the Environmental Protection Act 1990.’]

8.0 APPRAISAL

8.01 As this application is to vary the hours of operation only the main planning issue for consideration is the impact on neighbouring amenity, which is considered below. If the application is refused, the original planning permission will stand unaffected.

Principle of development

8.02 The guidance contained in the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance is material considerations in the determination of this application.

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- 8.03 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area; except, where material considerations indicate otherwise.
- 8.04 The principle of development has been established under PA 3/19/1365/FUL, where the proposed was in accordance with Core Strategy Policies:
- KS1 Presumption in favour of sustainable development
 - KS5 Provision of Employment Land
 - KS11 Transport and Development
 - KS12 Parking Provision
 - HE2 Design of new development
 - HE3 Landscape Quality
 - ME1 Safeguarding biodiversity and geodiversity
 - ME3 Sustainable development standards for new development
 - ME4 Renewable energy provision for residential and non-residential developments
 - ME6 Flood Management, Mitigation and Defence
 - ME2 Protection of the Dorset Heathlands
 - PC1 Christchurch and East Dorset Employment Land Hierarchy
 - DES2 Criteria for development to avoid unacceptable impacts from types of pollution
 - DES6 Landscaping schemes in rural areas and on the edge of settlements should be of indigenous species
 - DES7 Criteria controlling the loss of trees
 - DES11 Criteria for ensuring developments respect or enhance their surroundings.

Impacts on Neighbouring Amenity

- 8.05 Adjacent and opposite the application site there a number of residential dwellings in the surrounding area. In particular Oakdene Nursing Home to the east on the other side of the access road and Casa Vehla and Oakdene Orchard to the south. There are also residential dwellings on the opposite side of Ringwood Road to the north and future occupants of the extant permission to the west need to be considered.
- 8.06 A number of objections were received in response to PA 3/19/1365/FUL in relation to impact on neighbouring amenity including noise, disturbance, smells, vibration from traffic, loss of light, overshadowing and loss of views.

The approved scheme was judged to be acceptable in relation to noise, disturbance, overlooking and loss of light and granted subject to conditions. The scheme was considered to be in accordance CS Policy HE2.

- 8.07 As per PA 3/19/1365/FUL, the proposed use for B1, is defined as '*uses which can be carried out in a residential area without detriment to its amenity*'. These

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include the proposed uses of B1 (b) (research and development), B1 (c) (light industrial). It is acknowledged B8 (storage and distribution) is also proposed but this is only for one third of the proposed units and has been conditioned as such. The closest dwellings are 13-14m from the proposed units and this is Casa Vehla to the south and Oakdene Nursing Home to the east. The rest of the units are 14-25m from surrounding residential dwellings. Also, units are generally bordered by roads (on and off site) to the east, west and Ringwood Road to the north. The only exception to this is unit 11 to the south west, where it is adjacent to neighbouring amenity space and the garage of the extant planning permission to the west.

8.08 Concerns raised in relation to the change of hours of operation include:

- Additional traffic on Ringwood Road which will impact negatively on neighbouring amenity
- Additional noise impacting negatively neighbouring amenity
- Varying hours of operation will remove respite for neighbours
- Noise impact assessment submitted is as per PA 3/19/1365/FUL and has already been considered by the planning committee
- The submitted noise assessment is inaccurate and misleading

8.09 By way of comparison, table below compares the hours of operation originally proposed, with the hours recommended in the officer report to committee in March, the approved scheme (for PA 3/19/1365/FUL) and the variation of condition application PA 3/20/0657/CONDR.

Application 3/19/1365 as originally submitted proposed a start time of 00:00 with an end time of 23:59 operating every day of the week.

The officer report to Committee recommended a condition (condition 18) to allow operation on Sundays between 09:00 and 18:00. That recommended condition was amended by members to prevent operations on Sundays and Public Holidays. The proposed variation to the officer recommended condition would change operation hours from 10:00 to 16:00 on Sunday's and Public Holidays to reduce the effect of the development on the neighbouring nursing home.

Original submitted hours of operation for PA 3/19/1365/FUL	Hours of operation as per officer recommendation for PA 3/19/1365/FUL	Hours of operation as per Committee resolution/decision for PA 3/19/1365/FUL	Proposed hours of operation for PA 3/20/0657/CONDR
(including deliveries to site)	(including deliveries to site)	(including deliveries to site)	(including deliveries to site)
Mondays to	Mondays to	Mondays to	Mondays to

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Saturdays - 0:00 to 23:59	Saturdays - 07:00 to 21:00	Saturdays - 07:00 to 21:00	Saturdays - 07:00 to 21:00
Sundays and public holidays – <u>0:00 to 23:59</u>	Sundays - <u>09:00 to 18:00</u>	Sundays and public holidays – <u>no operations</u>	Sundays and public holidays – <u>10:00 to 16:00</u>

8.10 Paragraph 180 of the NPPF 2019 states:

“180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life¹*
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- c) limit the impact of light pollution from artificial*

8.11 The NPPF refers to the Noise Policy Statement for England (NPSE). This provides clarity regarding current policies and practices for all forms of noise including environmental noise, and neighbour noise. The NPSE defines the concept of “Significant adverse” and “Adverse” impacts of noise which relate to the noise policy aims. These are applied as follows:

NOEL – No Observed Effect Level

This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.

LOAEL – Lowest Observed Adverse Effect Level

This is the level above which adverse effects on health and quality of life can be detected.

SOAEL – Significant Observed Adverse Effect Level

This is the level above which significant adverse effects on health and quality of life occur.

8.12 The NPPG provides generic guidance on how to determine the noise impact and what factors could be a concern. It includes the option types to mitigate any adverse effects of noise stating that there are four broad types of mitigation. These are: engineering, layout, using planning conditions or obligations, and noise insulation.

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- 8.13 Saved Policy DES2 sets out the criteria for development to avoid unacceptable impacts from different types of pollution, including noise, smell, safety, health, lighting, disturbance and traffic.
- 8.14 A noise assessment has been provided with this application, which concludes the noise level will be below the lowest observed adverse effect level (LOAEL) and therefore achieves the aim of the NPPF. DC Environmental Health has been consulted and acknowledges the applicant has demonstrated through noise modelling that there is unlikely to be a statutory nuisance but there will be some noise created by the new development.
- 8.15 The Council's Environmental Health Officer (EHO) notes that extending operating hours and deliveries to include Sundays and bank holidays when neighbouring residents are likely to be using their gardens could give rise to complaints of disturbance in the future. This concern was discussed with the EHO, and while the possibility of future complaints is acknowledged the requirements of related planning policies had been met through the submitted noise assessment and noise modelling. As per the previous application, an informative is recommended - should substantiated noise complaints be received from nearby residents in the future, the Council has a duty to investigate and take action to abate any statutory nuisance identified (informative 4).
- 8.16 The submitted noise impact assessment demonstrates that the impact of site operations for the B1 and B8 during the daytime period, including on Sundays, will have no adverse impact on the dwellings in the vicinity of the site and is considered acceptable in terms of planning and noise. The EH officer offers no objection to this assessment. The EH officer concluded PA 3/19/1365/FUL was acceptable subject to conditions in relation to noise, and lighting in order to protect neighbouring amenity, which have been copied across (conditions 14,15 & 17).
- 8.17 Concerns have been raised that the proposed will disturb neighbouring dwellings with increased traffic. As per the previously approved application, Class B1 uses are uses that can be carried out in a residential area without detriment to its amenity and only up to 388m² will be used for B8. As such it is not considered the proposed will have an impact that would warrant refusal. Noise, external plant, hours of operation and lighting matters have been restricted by condition to protect neighbouring amenity (conditions 14,15, 17 & 18).

Highways

- 8.18 Concerns were raised increased hours of operation would result in an unacceptable increase in traffic. PA 3/19/1365/FUL was assessed by Dorset Council Highways where hours of operation stated in the application form

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started at 0:00 and ended at 23:59. DC Highways was satisfied that the likely impact is not significant and advised there is no objection subject to conditions in relation to parking, access, visibility splays, road construction and gates, which have been copied across (conditions 8, 9, 10, 11, 12, 13). Therefore, the proposed hours of operation would not conflict with Policy KS11 of the CS above the approved application 3/19/1365/FUL.

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

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

10.0 PUBLIC SECTOR EQUALITIES DUTY

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

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

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

11.0 CLIMATE IMPLICATIONS

- 11.1 It is acknowledged the proposed, by its nature will increase traffic movements to the site which will result in vehicle emissions and increased hours of operation will add to this. However, this was considered acceptable under the officer’s original recommendation for PA 3/19/1365/FUL for hours of operation which included Sundays 09:00 to 18:00 as there is a bus stop outside the site and cycle parking has been provided, which provides alternative modes of transport for employees.

12.0 CONDITIONS

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- 12.1 The previously approved application 3/19/1365/FUL has not commenced on site nor have any conditions been discharged. Therefore, all conditions of PA 3/19/1365/FUL are outstanding and have been carried across with condition 18 varied as requested.

13.0 CONCLUSION

- 13.1 The noise impact assessment demonstrates that the impact of site operations for the B1 and B8 during the daytime period, including on Sundays, will have the Lowest Observed Adverse Effect Level (LOAEL) adverse impact on the dwellings in the vicinity of the site and is considered acceptable in terms of planning and noise.
- 13.2 Having assessed the material considerations as outlined within the report above, with the conditions set out in this report there are not considered to be any matters which would warrant a refusal of planning permission in this case. Approval subject to the following conditions is therefore recommended.

Recommendation: Grant, subject to the following conditions:

Conditions

[Officer note: All pre-commencement conditions agreed with the agent by email dated 03/02/2020 under PA 3/19/1365/FUL]

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

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. (Approved Plans)
The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 19112.11 Rev H Proposed Site plan
 - 19112.12 Rev B Proposed Elevations
 - 19112.13 Rev B Proposed Elevations
 - 19112.14 Rev B Proposed Elevations
 - 19112.15 Rev C Proposed Elevations
 - 19112.16 Rev D Proposed Street Elevations
 - 19289-901 P3 Road Layout
 - 19289-990 P3 Vehicle Tracking

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

3. (Materials)

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No development above DPC (damp proof course) shall take place until details and samples of all external facing and roofing materials have been provided on site, and approved in writing by the Local Planning Authority (LPA). All works shall be undertaken strictly in accordance with the details as approved, unless otherwise agreed in writing with the LPA.

Reason: This information is required prior to above ground work commencing to ensure satisfactory visual relationship of the new development to the existing.

4. (Use)

The premises hereby approved shall be used only for B1 (b) – research and development B1 (c) – light industrial (up to 1163.02m²); and B8 – storage or distribution (up to 388m² only); and for no other purpose whatsoever, (including any other purpose in Parts A and B) of the schedule to the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment).

Reason: To ensure that (i) adequate vehicle parking can be accommodated on site (ii) and to protect neighbouring amenity.

5. (Landscape Design)

No development above DCP (damp proof course) shall take place until full details of both hard and soft landscape works and boundary treatments have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include hard surfacing materials; means of enclosure; details of boundary planting, schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate).

Reason: This information is required prior to above ground work commencing as the long term establishment, maintenance and landscaping of the site is necessary to preserve the amenity of the locality. This decision has also had regard to Policies HE2 and HE3 of the Local Plan and Government Guidance contained in the National Planning Policy Framework.

6. (Landscaping - Implementation)

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development and the planting carried out in the first planting season following completion of the development. Any planting found damaged, dead or dying in the first five years following their planting are to be duly replaced with appropriate species.

Reason: This information is required prior to occupation of development in order to ensure the implementation of the scheme is carried out in accordance with the approved plans and to accord with Policies HE2 and HE3 of the Local

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Plan and Government Guidance contained in the National Planning Policy Framework.

7. (Tree Protection Plan)

Prior to any equipment, materials or machinery being brought onto the site for the purposes of development, an updated tree protection plan annotated with the updated site layout and location of soakaways and service routes shall be submitted to the LPA and approved in writing. Where and if these are located within the root protection areas of trees shown on the submitted Tree Protection Plan, a method statement shall be submitted to the Local Planning Authority for written approval prior to any development commencing on site. Their installation will then be in strict accordance with the approved plans and method statement.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

8. (Estate Road Construction (adopted or private))

Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number 19289-901 Rev P3 must be constructed, unless otherwise agreed in writing by the Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site.

9. (Vehicle access construction)

Before the development is occupied or utilised the first 15.00 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing – see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

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

10. (Cycle parking)

Before the development is occupied or utilised the cycle parking facilities shown on Drawing Number 19289-901 Rev P3 must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

11. (Gates)

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

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

12. (Visibility Splays)

Before the development hereby approved is occupied or utilised the visibility splay areas as shown on Drawing Number 19289-901 Rev P3 must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

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

13. (Open Storage)

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 to protect the amenities of the area, and to maintain adequate parking areas.

14. (Noise)

The noise levels from the use and premises hereby permitted shall not exceed the predicted noise levels set out in the submitted Noise Impact Assessment by Acoustic Consultant Ltd ref: 7800/PR/BL Rev B, July 2019.

Reason: To protect the amenities of nearby residents.

15. (External Plant)

Details of any external plant to be installed shall be submitted to and approved in writing by the Local Planning Authority before any such installation is carried out. The installation shall then be implemented precisely in accordance with these agreed details which shall then not be varied without express written permission. Furthermore, no additional external plant shall be installed without the express written permission of the Local Planning Authority.

Reason: This information is required prior to occupation of the development hereby approved to safeguard the amenities of the area and to minimise the

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possibility of inconvenience to nearby residents and to accord with Policies HE2 of the Local Plan.

16. (CMS)

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) wheel washing facilities
- v) measures to control the emission of dust and dirt during construction
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interest of the living conditions of nearby residents and sustainable development.

17. (Lighting)

Details of any floodlighting to be installed shall be submitted to and approved in writing by the Local Planning Authority before any such installation is carried out. The installation shall then be implemented precisely in accordance with these agreed details which shall then not be varied without express written permission. Furthermore, no additional external lighting shall be installed without the express written permission of the Local Planning Authority.

Reason: This information is required prior to occupation of the development hereby approved to safeguard the amenities of the area and to minimise the possibility of inconvenience to nearby residents and to accord with Policies HE2 of the Local Plan.

18. The development hereby approved shall only be in operation during the hours 07:00 to 21:00 Mondays to Saturdays and during the hours of 10:00 to 16:00 on Sundays or public holidays, including deliveries to site.

Reason: to protect the amenities of nearby residential properties.

19. (Biodiversity)

The development hereby approved shall not be first brought into use unless and until the mitigation measures as detailed in the approved mitigation plan ABR Ecology Ltd dated 08/09/2019 have been completed in full, unless any modifications to the agreed mitigation plan as a result of the requirements of a

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European Protected Species Licence, or the results of subsequent bat surveys have first been submitted to and agreed in writing by the local planning authority. Thereafter approved mitigations measures shall be permanently maintained and retained in accordance with the approved details, unless otherwise first agreed in writing by the local planning authority.

Reason: In the interests of nature conservation.

20. (Adverts)

There shall be no advertisements or other signage displayed on the north walls of units 1-4 that face onto Ringwood Road.

Reason: In order to protect the visual amenity.

21. (Surface water management)

No development shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be fully implemented in accordance with the submitted details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.

22. (Surface water management)

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

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

Informatives:

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1. 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@dorsetcc.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.
2. As the new road layout does not meet with the Highway Authority's road adoption standards or is not offered for public adoption under Section 38 of the Highways Act 1980, it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.
3. If the applicant wishes to offer for adoption any highways drainage to DC, they should contact DC Highway's Development team at DLI@dorsetcouncil.gov.uk as soon as possible to ensure that any highways drainage proposals meet DCC's design requirements.
4. The applicant is advised if substantiated noise complaints from nearby residents in the future are received the Council has a duty to investigate and take action to abate any statutory nuisance identified within the remit of part III of the Environmental Protection Act 1990.

Background Documents:

Case Officer: Naomi Shinkins

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

Planning Committee

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