

**REPORT SUMMARY**

<b>REFERENCE NO.</b>	3/21/1556/FUL
<b>APPLICATION PROPOSAL</b>	Redevelopment of Wimborne Market to continuing care community comprising of 67 age restricted apartments, 26 age restricted bungalows, 6 age restricted chalet bungalows, one wellness centre, 9 open market houses, parking , highway improvements and pedestrian link (description amended 24.09.2021 as agreed to include dwelling numbers)
<b>ADDRESS</b>	WIMBORNE MARKET, STATION TERRACE, WIMBORNE MINSTER
<b>RECOMMENDATION</b>	- GRANT, subject to the conditions (and their reasons) listed at the end of the report (see Section 9 of the report for the full recommendation)
<b>REASON FOR REFERRAL TO COMMITTEE</b>	The application has been referred to the Eastern Planning Committee by the Head of Planning due to the scale of development and public interest
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>	<ul style="list-style-type: none"> <li>• The principle of development is acceptable.</li> <li>• The number of residential units and mix of unit sizes are considered to be appropriate for the site.</li> <li>• The proposed highway layout is acceptable and sufficient parking is proposed.</li> <li>• The proposal is considered to be acceptable in its design and general visual impact on the character of the area and the adjacent conservation area.</li> <li>• Required heathland mitigation and affordable housing contribution will be secured by legal agreement.</li> <li>• The proposed is considered acceptable and there are no material circumstances which would warrant refusal of this application.</li> </ul>
<b>INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL</b>	<p>The following are considered to be material to the application:</p> <p>Contributions to be secured through Section 106 legal agreement:</p> <ul style="list-style-type: none"> <li>• £111,164 towards heathland mitigation</li> <li>• £1,066,219 towards affordable housing</li> </ul> <p>Contributions to be secured through CIL: n/a</p> <p>Net increase in numbers of jobs: 20</p>

The following are not considered to be material to the application:

Estimated annual council tax benefit for District: £17,553 (approx. calculation only)

Estimated annual council tax benefit total: £155,748 (approx. calculation only)

Estimated annual new homes bonus per residential unit, per year (for first 4 years):  
£1,000 approx. (NB. based on current payment scheme, the assumption that the 0.4% housing growth baseline is exceeded and assuming this baseline is reached through the delivery of other new homes)

<b>APPLICANT</b>	McCarthy & Stone	<b>AGENT</b>	The Planning Bureau Ltd
<b>WARD</b>	Wimborne Minster	<b>PARISH/ TOWN COUNCIL</b>	Wimborne Minster
<b>PUBLICITY EXPIRY DATE</b>	30 September 2021	<b>OFFICER SITE VISIT DATE</b>	November 2020, September 2021
<b>DECISION DUE DATE</b>	8 November 2021	<b>EXT. OF TIME</b>	n/a

**RELEVANT PLANNING HISTORY**

App No	Proposal	Decision	Date
3/20/2172/FUL	Redevelopment of Wimborne Market to continuing care community comprising of 66 age restricted apartments, 26 age restricted bungalows, 6 age restricted chalet bungalows, one wellness centre, 9 open market houses, parking , highway improvements and pedestrian link	Refuse	05/07/2021

Reasons for refusal:

- A financial viability assessment has been submitted, however sufficient time has not been allowed to conclude if the proposed financial contribution is in line with Policy LN6. On this basis it is considered the proposal does not make provision for a policy compliant level of affordable housing contribution, contrary to Policy LN3 and LN6 of the Local Plan Part 1 (2014).
- The site lies within 5km of Sites of Special Scientific Interest (SSSIs) which are also designated European wildlife sites, namely Dorset Heathlands Special Protection Area, Dorset Heaths Special Area of Conservation and Dorset Heathlands Ramsar. The proximity of these European sites means that determination of the application should be undertaken with regard to the requirements of the Conservation of Habitats and Species Regulations 2017, in particular Regulation 63. The proposal fails to secure the avoidance measures identified as necessary to mitigate the impact of the development, in combination with other plans and projects, on the integrity of the designated site as set out in

the Dorset Heathlands Planning Framework Supplementary Planning Document (SPD) 2020-2025 and there are no imperative reasons of overriding public interest in support of the proposal. The development is therefore contrary to policy ME2 of the Christchurch and East Dorset Local Plan, Part 1 - Core Strategy adopted April 2014, the provisions of the National Planning Policy Framework, particularly paragraphs 175-177 and the Conservation of Habitats and Species Regulations 2017.

- The submitted Flood Risk Assessment and Drainage Strategy 'Wimborne Market, Wimborne – WFBA – Rev 02 (13/05/2021) – Ref No: SO-2620/2621-02-DE-0001' fails to demonstrate that flood risk will not increase as a result of the proposed development contrary to Policy ME6 of the Christchurch and East Dorset Local Plan: Part 1 (2014).

## OFFICER REPORT

### 1 SITE

- 1.1 The application site, which is generally flat and extends to approximately 2 ha, is situated approximately 1km to the ESE of the centre of Wimborne Minster. The site is currently in occasional use as a market and contains a number of late 20th century market buildings and a 1994 multi-storey car park. The remainder of the site is generally hardstanding (tarmac) and used for surface car parking.
- 1.2 It is noted the application site is within the Urban Area of Wimborne and Colehill and some 400m from the Town Centre boundary. It is also within the vicinity (within 5 km and beyond 400m) of Ferndown Common SSSI which is a Site of Special Scientific Interest (SSSIs) and forms part of the 'Dorset Heathlands', recognised for their national and international importance for nature conservation.
- 1.3 As noted, the site is predominantly hard standing and has little or no vegetation within the site. There is some existing vegetation adjacent to the western boundary, but no trees of significance are located on the site.
- 1.4 The site is surrounded by residential areas to the north (Grenville Road, Richmond Road, Leigh Gardens), east (Charles Keightly Court, Days Court) and west (Station Terrace), and Riverside Park Industrial Estate to the south.
- 1.5 The area is typified by Victorian tree lined streets made up of predominately larger semi-detached and detached villas. There are more modern infills at Grenville Road and also smaller Victorian terraced cottages along Station Terrace. To the south of the site is the Riverside Industrial Estate. While not within a Conservation Area, the site does sit within the context of the Rowlands Hill/ St Johns Hill Conservation Area and a non-designated heritage asset, the Old Granary 1 Station Terrace. The site has good connections to Wimborne town centre and also to the River Stour.

- 1.6 The main access to the existing market is via the Industrial Estate with access points also located on Station Terrace to the west and Grenville Road to the north.

## 2 PROPOSED DEVELOPMENT

- 2.1 The application proposes the redevelopment of the market site to provide 67 age restricted apartments, 26 age restricted bungalows, 6 age restricted chalet bungalows, 9 open market houses, wellness centre, open space, allotments, parking, associated highway improvements and a pedestrian link. Age restrictions would be 70 years of age for the apartments and 65 for the bungalows/chalet bungalows.

- 2.2 A modern approach to the design of the proposed has been taken across the site. Proposed heights range from 1/1.5 storeys (bungalows), 2 storeys (open market housing) and 3 storeys (apartment block). The submitted Design and Access Statement notes:

*‘From the outset, the design strategy has been to create a new residential community focused on a central ‘village green’. The main apartment building addresses the wider urban context of Wimborne and links with the more ‘intimate’ small scale bungalow clusters. The proposed open market houses on the north-west corner provide a more attractive outlook for the adjacent Conservation Area than the existing market buildings and parking areas. However, an amount of separation is maintained through the positioning of access roads, parking and enhanced planting along this boundary.’*

- 2.4 Access will be from both Grenville Road and Station Terrace. The submitted Transport Assessment (TA) notes:

*‘It is anticipated that Grenville Road will accommodate approximately 70% of the development traffic, given that the site layout lends itself towards the 9 open market houses, the 66 RLP apartments in the main block and 7 bungalows/chalets utilising this access.’*

With regards to Station Terrace it is noted:

*‘Station Terrace will form a secondary type access as it is only anticipated to accommodate approximately 30% of development traffic, primarily associated with the 25 RLP bungalows/chalets on the southern boundary of the site.’*

- 2.5 Parking is provided across the development in the form of 100 spaces for age restricted units (apartment block and bungalows) and 18 allocated spaces and 2 visitor spaces for the open market units.

- 2.6 A summary of the proposed is as follows:

Accommodation	Number	Number of	Parking	Access
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<b>type</b>	<b>of units</b>	<b>storeys &amp; height (approx.)</b>	<b>provision</b>	
Age restricted Apartment Block (age restriction 70)	67	3 storeys Ridge – 11.5m Eaves – 9m	100 spaces for all 99 age restricted units	Grenville Road
Age restricted bungalows (age restriction 65)	26	1 storey Ridge – 4.3m Eaves – 2.5m	As above	Grenville Road – 7  Station Terrace - 19
Age restricted chalet bungalows (age restriction 65)	6	1.5 storeys Ridge – 6-7m Eaves – 3.5m	As above	Station Terrace
Open market houses	9	2 storeys Ridge – 7.5m Eaves – 5m	18 allocated and 2 visitor spaces	Grenville Road
Wellness Centre	1	1 storey Ridge – 4.3m Eaves – 2.5m	Provision included as part of age restricted provision	Grenville Road

- 2.7 The proposed development has been screened for Environmental Impact Assessment (EIA). Under Schedule 2 of the Environmental Impact Assessment Regulations 2017, section 10 (b) 'urban development projects', an Environmental Statement is not required as the proposed development is for less than 150 dwellings and the site does not exceed 5 hectares.
- 2.8 A similar application, PA 3/20/2172/FUL, was submitted in 2020 and refused in July 2021 as noted in under 'relevant planning history' above.
- 2.9 This application is a resubmission of the previously refused application with additional information provided to overcome the previous reasons for refusal.

### 3 CONSULTATIONS

- 3.1 The application was advertised by means of site notices and a press advertisement. In line with revised Dorset Council consultations procedures no neighbour letters were sent to neighbouring properties.
- 3.2 6 representations were received, comprising 3 objection and 3 letters of support. A summary of comments received at the time of writing this report is as follows:

Comments of support (summary of support comments only, full comments available online):

- Good use of the site.
- Housing for older people is needed in the area.
- The market is an eyesore and redevelopment will improve this.
- Will improve the area and is in keeping with the character of the area.
- If not developed the site will become derelict and will attract anti-social behaviour.

Objections (summary of concerns raised only, full comments available online):

- Concerns regarding loss of the market.
- Highways safety concerns, particularly access to the development
- Concerns regarding increased traffic to surrounding road.
- Trip data provided in the transport assessment was taken during lockdown and is therefore not considered to be a true figure.

3.4 The following consultees have also commented on the application:

[The following is a summary only and full comments are available online. Not all consultees were required to be reconsulted on revised information as noted].

#### 3.4.1 – Wimborne Town Council

Response	Comments
10/09/2021	<ul style="list-style-type: none"> <li>- Concerned about inappropriate access and egress and increased traffic movements</li> <li>- Concerns regarding width of roads internally</li> <li>- Disappointed roads will not be adopted</li> <li>- More than 10% renewable energy resources should be secured</li> <li>- Wider footway should be considered along Market Way</li> <li>- Support previous comments by EDEP about invasive species</li> <li>- Hoped residents guests will be able to use the café</li> <li>- Dwellings should be occupied by local Wimborne residents</li> <li>- Town Council to be consulted on the proposed management plan for construction vehicles</li> </ul>

### 3.4.2 – Colehill Parish Council

Response 07/09/2021	Object <ul style="list-style-type: none"><li>- Concerned about inappropriate access and egress and increased traffic movements</li><li>- Concerns regarding parking on site and overflow parking will impact the surrounding area</li></ul>
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### 3.4.3 – Dorset Council Policy

Response 08/09/2021	No objection <ul style="list-style-type: none"><li>- No objection subject to securing required obligations to ensure policy compliant scheme</li></ul>
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### 3.4.4 – Dorset Council Housing

Response 9/09/2021	No objection <ul style="list-style-type: none"><li>- No objection subject to securing the affordable housing financial housing contribution.</li></ul>
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### 3.4.5 – Dorset Council Urban Design

Response 13/09/2021	<p>No further comments beyond the previously refused application.</p> <p>Comments received on the previous refused scheme received on 28/05/2021 are as follows:</p> <p><i>No objection</i></p> <ul style="list-style-type: none"><li>- <i>While the design changes to the built form are minimal, the bulk of the main building has been reduced due to the changes made to the roof line and reducing the height of the north wing. The retention of trees along this boundary will also help mitigate the impact of development on the existing houses in Station Terrace so in design terms I do not feel as if we could legitimately ask for any further revisions here.</i></li></ul>
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	<ul style="list-style-type: none"> <li>- <i>The lack of changes to the houses along Grenville Road is disappointing. While I understand that the design justification for the use of columned porches is because the designers have taken reference from the projecting flat roof garages on Grenville Road, it is more usual for design cues to be taken from the best of what exists in the area rather than referencing housing from the late 70s/ early 80s. I do feel that there is a missed opportunity to design a modern take on the Victorian terraced housing that characterises so much of Wimborne. However, I am not convinced that objecting again would stand up at appeal due to the overall acceptability of the rest of the scheme.</i></li> </ul>
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### 3.4.6 – Dorset Council Landscape Design

<p>Response</p> <p>27/09/2021</p>	<p>No further comments beyond the previously refused application.</p> <p>Comments received on the previous refused scheme received on 28/05/2021 are as follows:</p> <p><i>No objection subject to condition</i></p> <ul style="list-style-type: none"> <li>- <i>The additional information including the Verified Images has been very helpful in reviewing the apartment building within the townscape. With the minimal elevation revision and additional tree planting, the height of the apartment building appears to create an acceptable transition between the existing industrial and residential areas. Therefore, I remove my objection to the proposed apartment building.</i></li> <li>- <i>The revisions to the landscape have improved the boundary treatment and the developments relationship with its setting. However the footpath along Station road shown in the previous landscape plan should be reinstated. To clarify, the additional hornbeam trees proposed along this edge satisfy previous comments regarding this Western boundary.</i></li> <li>- <i>Planting plans and tree planting details should be submitted for approval. Tree planting should include semi mature/ extra heavy standard tree sizes particularly along Station terrace boundary to provide early mitigation to the scheme.</i></li> <li>- <i>There still does not appear to be any information submitted regarding a sustainable energy strategy for the development.</i></li> <li>- <i>Excepting the few items above, I remove my landscape objection for the application.</i></li> </ul>
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### 3.4.7 – Dorset Council Conservation

<p>Response 03/09/2021</p>	<p>No objection</p> <ul style="list-style-type: none"> <li>- No harm to designated and non-designated heritage assets.</li> <li>- No conditions required.</li> </ul>
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### 3.4.8 - Dorset Council Highways

<p>Response 10/09/2021</p>	<p>No objection, subject to minor changes as follows:</p> <ul style="list-style-type: none"> <li>- Hedging blocking footways at the entrance and visitor parking to be amended.</li> </ul> <p>[Officer note: revised plans providing required amends received on 30.09.2021]</p>
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### 3.4.9 - DC Trees & Landscape

<p>Response 17/09/2021</p>	<p>No objection</p> <ul style="list-style-type: none"> <li>- No further comments beyond previously refused application</li> <li>- Loss of one unprotected tree on Station Terrace for highways safety requirements acceptable given the proposed landscaping</li> </ul> <p>Comments received on the previous refused scheme received on 28/06/2021 are as follows:</p> <ul style="list-style-type: none"> <li>- <i>Although the submitted Keen tree report and protection is now some 30 months old it broadly addresses the tree issues relating to the site. However, the scheme is understood to have been updated slightly since the initial survey. The principle deletion is the footpath running alongside Station Road, which is welcomed. Along that boundary are a number of Mespilus which were planted by the residents of Station Terrace some 25 years ago and there is a keen wish to retain them. The original scheme showed them removed in order to facilitate the footpath, now its deleted it would be desired that a number of these trees are retained in order to soften the impact of the development on those homes facing it. This now appears a reasonable request.</i></li> <li>- <i>Otherwise the protection those off site trees is acceptable.</i></li> </ul>
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	<ul style="list-style-type: none"> <li>- <i>In regards to the landscaping, the site allows for a number of trees to be planted, which is welcomed, but details of planting pits will be needed and an understanding that these trees will be for the long term. The planting pits within the site should be a structural pit such as Tree Bunker or Silvacell in order that the trees have the best chance of survival and will not affect the structure surrounding them (kerbs, road, pathways) but most importantly car parking bays.</i></li> <li>- <i>This could be addressed via condition</i></li> </ul>
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### 3.4.10 - Natural England

<p>Response</p>	<p>None received, however, suitable heathland mitigation has been agreed with NE as set out in this report.</p> <p>[Officer note: comments on the previous revised scheme which is the same as this proposal were received as follows on 11/03/2021]</p> <p><i>No objection subject to securing appropriate mitigation</i></p> <ul style="list-style-type: none"> <li>- <i>The application site is within the vicinity (within 5 km and beyond 400m) of Ferndown Common SSSI which is notified as a Site of Special Scientific Interest (SSSIs) for the special interest of its heathland habitats and associated plant and animal species. Ferndown Common SSSI is also part of the Dorset Heathlands Special Protection Area (SPA) and Dorset Heaths Special Area of Conservation (SAC) and Ramsar</i></li> <li>- <i>We note that the applicant has questioned the appropriateness of the SPD relating to different types of C2 housing provisions. This is a matter for the competent authority, however, we note that mitigation is required for all residential uses that are likely to generate recreational activity. Thus, where the occupants are still active mitigation should be applied, irrespective of their age. We note that the scheme is well served with parking places which would indicate occupants will be active and therefore the appropriate contributions should be secured.</i></li> <li>- <i>Natural England has no objection to the proposal on the condition that your authority secure the appropriate level of mitigation contributions, as set out in the above SPD, to ensure that the identified adverse effects on the protected sites are mitigated according to the measures agreed with Natural</i></li> </ul>
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	<i>England in the documents.</i>
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### 3.4.11 - Dorset Council Green Infrastructure Advice Team (GIAT)

<p>Response 25/08/2021</p>	<p>No objection subject to securing appropriate mitigation</p> <ul style="list-style-type: none"> <li>- Having taken into consideration Natural England’s response, dated 11 March 2021 reference 341652 for the previous application 3/20/2172/FUL, I advise that the current application currently does not secure appropriate levels of heathland mitigation. My judgement is that the council cannot give assurances that a development of this scale would not have adverse effect without a bespoke infrastructure project being delivered concurrently. On the 11th of August an offer (confirmed as satisfactory by Natural England) was made by Dorset Council to the applicant for the delivery of a bespoke HIP, in exchange for a financial contribution to cover the costs of delivery and maintenance in perpetuity. We have not yet received a response. Therefore, I recommend the applicant either seek to secure an accompanying bespoke infrastructure project themselves, or work with Dorset Council to agree the current offer. I would welcome the applicant working directly with NET to identify a suitable contribution reflective of the increase in dwellings, in order to provide the council with the assurance that they require.</li> </ul> <p>[Officer note: Proposed mitigation now agreed and to be secured by legal agreement]</p>
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### 3.4.12 - Natural Environment Team (NET)

<p>Response</p>	<p>None received</p> <p>[Officer note: comments on the previous revised scheme which is the same as this proposal were received as follows on 01/02/2021]:</p> <p><i>No objection subject to condition</i></p> <ul style="list-style-type: none"> <li>- <i>NET received and approved a Biodiversity Plan from the ecological consultant dated 3rd December 2020.</i></li> <li>- <i>NET countersigned the BP and the signed a Certificate of Approval on the 9th December and returned this to the ecological consultant, who in turn would have forwarded to the</i></li> </ul>
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	<i>applicant/developer.</i>
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### 3.4.13 – Environment Agency

<p>Response</p> <p>09/09/2021</p>	<p>No objection subject to condition</p> <ul style="list-style-type: none"> <li>- Water efficiency – The incorporation of energy efficiency will contribute to climate change resilience and other benefits. Water efficiency condition supported by the Planning Inspectorate should be applied.</li> <li>- Flood risk – The site is located partially in current Flood Zone 2 and future Flood Zone 3 under the latest 85% climate change scenario. We have reviewed the Flood Risk Assessment (WFBA Ref: SO-2620/2621-02-DE-0001 dated May 2021) and we are pleased to see that the climate change allowance of 85% has been used as a precautionary approach.. The mitigation proposed is acceptable and would ensure that the development is safe for its lifetime. We request that the LPA lists the FRA as an approved document, to which the development must comply.</li> <li>- Ground water protection - We recommend that you refer to our published ‘Guiding Principles for Land Contamination’ which outlines the approach which should be adopted when managing this site’s risks to the water environment.</li> <li>- Waste - Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.</li> <li>- The submitted CEMP must include safeguarding measures to deal with the following pollution risks:             <ul style="list-style-type: none"> <li>- the use of plant and machinery</li> <li>- wheel washing and vehicle wash-down and disposal of resultant dirty water</li> <li>- oils/chemicals and materials</li> <li>- the use and routing of heavy plant and vehicles</li> <li>- the location and form of work and storage areas and compounds</li> <li>- the control and removal of spoil and wastes.</li> </ul> </li> </ul>
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### 3.4.14 - Lead Flood Authority

<p>Response</p> <p>26/08/2021</p>	<p>No objection subject to condition</p> <ul style="list-style-type: none"> <li>- Additional information required at discharge of conditions stage</li> <li>- Conditions requiring detailed design required</li> </ul>
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### 3.4.15 – Wessex Water

Response	Comments
18/08/2021	<ul style="list-style-type: none"> <li>- Diversion of existing sewers onsite are acceptable and at the developers cost</li> </ul> <p>Foul Drainage:</p> <ul style="list-style-type: none"> <li>- The applicant has proposed to discharge proposed foul flows with two separate gravity connections to the public foul sewers in Station Terrace and Grenville Road which would be acceptable.</li> </ul> <p>Surface Water Drainage:</p> <ul style="list-style-type: none"> <li>- Approval required from LLFA</li> </ul>

### 3.4.16 - Dorset Council Environmental Health

Response	Comments
24/08/2021	<p>Comments for the previous application 3/20/2172/FUL still stand.</p> <p>Previous comments received 07/05/2021:</p> <p>No objection subject to condition</p> <p>Noise - I have viewed the latest noise assessment “Proposed Residential Development Wimborne Market, Noise Impact Assessment Technical Report : R00808-2 Rev 0, Date: 16th April 2021” and have no adverse comments to make. The noise mitigation measure (in the form of fencing) discussed at point 5.3 of the report must be implemented and maintained thereafter. As stated at point 5.15 of the report “The calculations are based on the floor plans and elevations as shown on the latest drawings provided by McCarthy &amp; Stone in March 2021.” Therefore if there are any future changes to the site layout, rooms layouts, room volumes or elevations noise calculations will need to be revised accordingly</p>

### 3.4.17 – Dorset Waste Partnership

Response	Comments
	<p>None received</p> <p>[Officer note: comments on the previous revised scheme which is the same as this proposal were received as follows on 29/06/2021]:</p>

	<p><i>Object</i></p> <ul style="list-style-type: none"> <li>- <i>Satisfied with most collection points except collection point for Plots 26 – 32 our guidance allows us to reverse as per our guidelines:</i></li> </ul> <p><i>“Roads should have a minimum width of 5 metres and allow waste vehicles to continue in a forward direction. Waste vehicles reversing can cause a significant hazard and the maximum recommended reversing distance should be 12 metres<sup>6</sup> in a straight line free from obstacles and visual obstructions and then only in exceptional circumstances”</i></p> <ul style="list-style-type: none"> <li>- <i>From looking at the tracking plan it looks like the vehicle is going to have to reverse around a significant corner, and or the bin pull distances look further than 10m this is not acceptable and will not be approved.</i></li> </ul> <p>[Officer note: amended plans have been received to address DWP concerns]</p>
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### 3.4.18 - Ministry of Defence

Response	<p>None received</p> <p>[Officer note: comments on the previous revised scheme which is the same as this proposal were received as follows on 16/02/2021]:</p> <p><i>No safeguarding objections</i></p>
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### 3.4.19 – Airport Safeguarding

Response	<p>None received</p> <p>[Officer note: comments on the previous revised scheme which is the same as this proposal were received as follows on 05/02/2021]:</p> <p><i>No safeguarding objections</i></p>
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### 3.4.20 – Dorset Fire & Rescue

Response	No objection
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26/08/2021	<ul style="list-style-type: none"> <li>- In the event the planning permission is granted for this development, the development would need to be designed and built to meet current Building Regulations requirements. The Authority raises the profile of these future requirements through this early opportunity and requests the comments made under B5 of Approved Document B, The Building Regulations 2010 be made available to the applicant/planning agent as appropriate.</li> <li>- The assessment of this development proposal in respect of Building Control matters will be made during formal consultation, however early recommendations are identified on the attached schedules and relate to the following areas: <ul style="list-style-type: none"> <li>• Recommendations identified under B5 of Approved Document B relating to The Building Regulations 2010</li> <li>• Recommendations to improve safety and reduce property loss in the event of fire</li> </ul> </li> </ul>
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### 3.4.21 - EDEP

Response	<p>None received</p> <p>[Officer note: comments on the previous revised scheme which is the same as this proposal were received as follows on 16/02/2021]:</p> <p><i>Comments</i></p> <p><i>Concerns regarding invasive species but note landscaping details can be conditioned</i></p>
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3.4.22 - The following consultees were also consulted and no response was received to this application of the previously refused application:

- Dorset Police Crime Prevention
- Dorset Social Care Team
- NHS DCCG
- Southern Gas Networks
- County Archaeologist
- Historic England

## 4 SITE CONSTRAINTS

- Conservation Area
- Neighbouring LPA 1000m Buffer

- SSSI Impact Risk Zone
- Heathland 5km Consultation Area
- Airport Safeguarding
- Main Urban Area
- Contaminated Land - Medium Risk

## 5 POLICY

5.1 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).

5.2 The following policies of the Christchurch and East Dorset Core Strategy Part 1 (2014) are of particular relevance in this case:

- KS1 Presumption in favour of sustainable development
- KS2 Settlement Hierarchy
- KS4 Housing Provision in Christchurch and East Dorset
- KS11 Transport and Development
- KS12 Parking Provision
- ME1 Safeguarding biodiversity and geodiversity
- ME2 Protection of the Dorset Heathlands
- ME3 Sustainable development standards for new development
- ME4 Renewable energy provision for residential and non-residential developments
- ME6 Flood Management, Mitigation and Defence
- HE1 Valuing and Conserving our Historic Environment
- HE2 Design of new development
- HE3 Landscape Quality
- HE4 Open Space Provision
- LN1 The Size and Type of New Dwellings
- LN2 Design, Layout and Density of New Housing Development
- LN3 Provision of Affordable Housing
- LN6 Housing for Vulnerable People
- LN7 Community Facilities and Services

5.3 The East Dorset Local Plan (2002) ("the Local Plan")

DES2 Criteria for development to avoid unacceptable impacts from types of pollution.

LTDEV1 Criteria for external lighting on developments.

### Other

5.4 Dorset Heathlands Planning Framework Supplementary Planning Document (SPD) 2020-2025

- 5.5 The guidance contained in the National Planning Policy Framework 2019 (NPPF), and the National Planning Practice Guidance are also a material consideration.

## 6 OFFICER CONSIDERATIONS

### 6.1 PRINCIPLE OF DEVELOPMENT

- 6.1.1 The application site lies within the urban area of Wimborne and Colehill and is an existing brownfield site proposing residential accommodation for mainly (99 no.) age restricted accommodation and some (9 no.) open market units.
- 6.1.2 An 'Evidence of Housing Demand and Supply' document has been submitted in support of the application, which concludes the supply of specialist accommodation for home ownership is extremely limited in comparison with demand, with two-bedroomed accommodation in particularly short supply.
- 6.1.3 The Dorset Council Policy Planning Team have advised they support the premise of providing suitable housing for older people in Dorset as this will allow older people to live more independently for longer in accordance with relevant Planning Policy Guidance (PPG). In addition, it supports Dorset Council's Plan objectives to '*deliver affordable, suitable and decent housing*'. The Dorset Council Housing Team have also raised no objection to the provision of housing for older people subject to meeting policy requirements including the required affordable housing contributions.
- 6.1.4 However, it is noted under the current Local Plan for this area - Christchurch and East Dorset Core Strategy Part 1 (2014) - the scheme would be classed as C3 as per Policy LN6 and an affordable housing contribution is required. Further details of this are discussed below in section 6.5 'Affordable Housing'.
- 6.1.5 It is also noted the proposed application site is the existing Wimborne Market. Third party concerns have been raised that the proposed would result in the loss of an important local facility. National Planning Policy protects town centre sites, however Wimborne Market is not a town centre site and there is no existing planning policy that protects this specific use. The Dorset Council Economic Development Team advised at pre-application stage that there are currently no future plans for the existing market use.
- 6.1.6 The location is considered to be sustainable for residential use where it utilises brownfield land and is close to the existing town centre (within 400m of the boundary). The principle of development is considered acceptable subject to compliance with other relevant local and national planning policies.

### 6.2 FLOODING AND DRAINAGE ARRANGEMENTS

- 6.2.1 The Environment Agency (EA) (for fluvial flooding); Dorset Council's Flood Risk Management (DCC FRM) (for surface water flooding and drainage), and Wessex Water (for foul drainage) were consulted on the application as statutory consultees.

#### Flood Risk

- 6.2.3 The Environment Agency's (EA) online flood zone maps show the site to be partially within Flood Zone 2 and Flood Zone 3 under the 85% climate change allowances scenario. The submitted FRA reflects this.
- 6.2.4 Parts of the site within flood zone 2 includes parts to the north and a significant amount to the west of the site.
- 6.2.5 The nearest Main River is the River Stour which runs to the south of the site. The River Allen also flows near the site, towards the south west. The Allen joins the Stour to the south of the site. The site is circa 300m from these watercourses.

#### Sequential Test

- 6.2.6 Paragraph 157 of the NPPF requires Local Plans to:

*'apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.'*

This approach also applies to individual applications on unallocated sites.

- 6.2.7 It is noted that the proposed development is considered to be within the 'more vulnerable' category as set out in the PPG as it is class use C3 (dwelling houses – see section 6.5 'Affordable Housing' section for information on C2/C3 use). This requires a sequential test to be carried out given the flood zones and vulnerability category. The applicant submitted a sequential test with the application in April 2021 and concluded that there are no alternative available sites for the development.
- 6.2.8 A development proposal would only fail to pass the sequential test if alternative sites are identified within the search area that are at lower risk of flooding, would be appropriate for the proposed development and are 'reasonably available' for development. A site is only considered to be reasonably available if it is both 'deliverable' and 'developable'.
- 6.2.9 A sequential test was submitted under the previously refused application and has been submitted under this application as it is still applicable. The area of search used for the test was Wimborne and some surrounding areas including Furzehill and Merley. Given the specialist type of accommodation being proposed this was considered acceptable, however submitted planning application documents state the proposed development would be for residents of Wimborne and immediate neighbourhoods. Under the previously refused

application an addendum to the sequential test was submitted which included 3 sites in Colehill and has been included in this application.

6.2.10 In total 18 sites were tested. All sites were rejected on the grounds of deliverability or suitability. Having reviewed the information supplied the LPA is satisfied that there are no other sequentially preferable sites outside flood zone 2 for the specialist type of development proposed and it is acceptable to apply the exceptions test.

6.2.11 The exceptions test should be informed by a site specific flood risk assessment and for the test to be passed it should be demonstrated that; there would be wider sustainability benefits to the community that outweigh the flood risk, the development would be safe for its lifetime without increasing flood risk elsewhere, and where possible would reduce flood risk overall.

6.2.12 The development would offer wider sustainability benefits as it would provide housing to meet a specific need and it would regenerate a brownfield site that would improve the setting of the adjacent Conservation Area.

6.2.13 Based on the submitted FRA the Environment Agency (EA) advise the FRA demonstrates that flood risk will be managed satisfactorily, while allowing the development to go ahead. The EA advise mitigation proposed is acceptable, which includes minimum finished floor levels are secured through an appropriate planning condition at set at no lower than 19.22mAOD as stated in the FRA, which is 600mm above the 1 in 100 year event plus an 85% allowance for climate change. Levels drawings have been submitted to show finished floor levels at 19.22m AOD. A condition is imposed to secure these finished floor levels (condition13). The EA have also requested the FRA is listed as an approved document (condition 2).

#### Surface Water

6.2.14 The proposed development would increase the area of hard surfacing, and if not properly drained, could substantially increase surface water runoff with potential flooding impacts for land downstream of the site.

6.2.15 Under the previously refused application, the Local Lead Flood Authority (LLFA) reviewed the submitted FRA and advised in respect of drainage, they considered the proposals unacceptable due to a lack of information.

6.2.16 Under this application additional drainage information has been submitted.

6.2.17 The LLFA have been consulted on the additional information and have raised no objection subject to conditions requiring detailed surface water management and maintenance for the site (conditions 11 & 12).

#### Foul Drainage

- 6.2.18 The foul water from the site will discharge into the existing foul water network maintained by Wessex Water. The site will utilise new connections into the sewer to be agreed with Wessex Water and the a diversion of existing sewers is required onsite.
- 6.2.19 Wessex Water has been consulted and advised they have no objection to foul drainage proposals. The FRA also provides correspondence from Wessex Water to confirm they can accommodate the proposed foul flows from the development. Foul drainage proposals are therefore considered acceptable.

#### Ground Water Protection

- 6.2.20 The EA also advised in relation to ground water protection as the site may have been the subject of past industrial activity which poses a risk of pollution to controlled waters. The submitted application form identifies that “contamination is suspected for all or part of the site”.
- 6.2.21 The EA has advised their ‘Guiding Principles for Land Contamination’ should be adopted to manage risks to the water environment. An informative has been added to advise this (informative 4).
- 6.2.22 Further assessment in relation to contaminated land and required planning controls follow later in this report.

#### Flood Risk and Drainage Conclusion

- 6.2.23 Wessex Water have also advised previously that some plots conflict with existing surface water and foul drainage sewers. It is noted this can be resolved where existing sewers can be diverted at the developers cost in agreement with Wessex Water.

### 6.3 HIGHWAYS, ACCESS AND PARKING

#### Access

- 6.3.1 Access is from both Grenville Road (serving 70% of the development) and Station Terrace (serving the remaining 30% of the development). The main parking area is located fronting Station Terrace and with the remainder dispersed throughout the development. Pedestrian routes are provided throughout the site and roads are sufficiently wide enough to accommodate both vehicles and pedestrians.
- 6.3.2 Policy KS11 stipulates a number of general requirements in relation to new development, including that it be designed to provide safe access onto the highway network. Policy KS12 states that adequate vehicle and bicycle parking should be provided to serve new development.

6.3.3 Third party concerns have been raised that the proposed access points are unacceptable and will create highways safety issues. Concerns have also been raised pedestrian routes are unacceptable.

6.3.4 Dorset Council Highways have been consulted and while they raised concerns in response to layout issues they have confirmed they have no objection to the proposed access at both Grenville Road and Station Terrace in line with the Transport Assessment (TA) submitted.

Highways

6.3.5 Third party concerns have been raised that the proposed would impact negatively on the surrounding area in relation to traffic increase.

6.3.6 Trip rate information computer system (TRICS) data has been provided in the submitted Transport Assessment (TA) for both the existing market use and the proposed development as per the following table. This shows a reduction in trips compared to the existing market use.

	AM Peak Period (0800 – 0900)		PM Peak Period (1700 – 1800)		12 Hour Day*
	Arrivals	Departures	Arrivals	Departures	
Existing Site Use	105	106	0	0	1,896*
Proposed Development	7	7	9	6	281
<b>Net Impact</b>	-98	-99	+9	+6	-1,615
	<b>-197</b>		<b>+15</b>		<b>-1,615</b>

**Table 9:** Net Impact Assessment

\*market site on TRICS only operates 9 hours per day

6.3.7 Third party concerns have been raised that the Transport Assessment submitted is not correct. Dorset Council Highways is responsible for the proposal’s impact on the local road network and have assessed the development based on their own research and data. They have raised no concerns regarding the proposed development and impact on the surrounding area.

6.3.9 The Highways team raised some concerns which relate to the adoption of roads only. The applicant has confirmed that all internal estate roads and infrastructure will remain private. As the majority of comments related to adoptable standards for construction and not matters such as highways safety, the fact that the comments remain unaddressed is not a substantive issue for the Highways Team.

6.3.10 However the Highways Team have highlighted some outstanding issues in relation to with pedestrian inclusivity remaining as a concern:

- *Primarily, pedestrian continuity/access is limited in a few areas by inclusion of hedges unnecessarily running fully across the width of footways resulting in pedestrians either having to walk in the carriageway or undertake a number of additional road crossings to reach their point of destination. Hedges identified should be removed from blocking footways.*
- *The proposals in the existing highway at Station Terrace should be amended to provide a clear and logical route for pedestrians using the link to Grenville Road, and removing the tapering kerb-line to maximise road width along Station Terrace as detailed specified.*

6.3.11 Amended plans were received to address the concerns above. Changes to the pedestrian route at Station Terrace does result in the loss of one unprotected tree and this is addressed later in this report. The Highways Team has advised considering the development is to remain private, they have no objection subject to conditions regarding vehicle crossing construction, estate road construction and construction method statement to be submitted. While adopted roads are preferred, private road construction is acceptable in planning terms and does not form a reason for refusal. It is also noted the proposed development is a privately managed development, where residents are required to pay a management fee regardless of the road adoption. Privately managed roads are considered to be more acceptable for this type of development.

#### Parking provision

6.3.12 Third party concerns have been raised the proposed does not provide sufficient parking. The submitted Transport Assessment (TA) notes in the absence of any like-for-like car parking standards within Dorset, the parking provision for the age restricted apartments, bungalows and chalets has been informed by independent research undertaken at existing similar McCarthy & Stone developments across the country.

6.3.14 The research identifies an average car parking provision of 0.55 spaces per apartment for the apartment block, a total requirement for 37 spaces. The TA also notes given that the residents of the bungalows/chalets would have very similar characteristics to those in the apartments, the McCarthy & Stone independent research suggests that a demand for 0.55 spaces per unit is considered appropriate. This would equate to a requirement for 18 spaces. Therefore, as a worst-case across the site as a whole, a total of 80 spaces would be required to serve both the RLP block (max.37 spaces) and the bungalows and chalets (max. 43 spaces).

6.3.15 A total of 100 spaces are to be provided on site for age the 99 restricted units; 48 within the main RLP car park; 44 spaces in and around the bungalows/chalets and 8 visitor spaces. With an additional 11 spaces provided over the anticipated requirement within the RLP parking court, the provision

reflects the possibility that the additional services provided (bistro, allotments etc) could increase the staffing levels above that of the surveyed developments used to generate the parking provision requirement.

6.3.16 Parking provision for the 9 open market houses has been provided in accordance with the Dorset Residential Car Parking Calculator in the form of 18 allocated spaces (2 spaces per property) and 2 visitor parking spaces. It is noted the 3 unallocated spaces have not been provided, however proposed streets are of a sufficient width (5.5m) to allow for on street parking.

6.3.17 All parking spaces meet the space requirements at 2.8x5m.

6.3.18 Bicycle parking has also been provided based on independent research as follows:

- A shed for each of the 9 open market houses
- Buggy store within the main apartment block which can accommodate 22 buggies and cycle parking.

6.3.19 Dorset Council Highways have been consulted and raise no objection to the proposed parking. Given the type of development proposed and evidence submitted proposed parking is considered acceptable and complies with Policy KS12 subject to conditions regarding vehicle crossing, road layout and parking retention and a construction method statement is required.

## 6.4 HOUSING MIX

6.4.1 Policy LN1 of the Core Strategy states that individual sites will be expected, in terms of the size and type of new market and affordable dwellings, to reflect the needs of the Strategic Housing Market Assessment (SHMA).

6.4.2 Proposed age restricted apartments and bungalows are 1-2 bedroom units, which is considered acceptable for housing for older people. As noted previously, the 'Evidence of Housing Demand and Supply' document has been submitted in support of the application, which concludes the supply of specialist accommodation for home ownership is extremely limited in comparison with demand, with two-bedroomed accommodation in particularly short supply.

6.4.3 However 9 open market units are also provided on site and are 3-4 bedrooms, where 1 unit is 3 bed only and the remaining 8 have 3 bedrooms and one smaller study/bedroom.

6.4.4 The SHMA identifies a need for 3 bedroom houses and the proposed is considered acceptable to meet this need and complies with Policy LN1.

## 6.5 AFFORDABLE HOUSING

- 6.5.1 Policy LN3 of the Core Strategy states that brownfield residential development resulting in a net increase of housing is to provide up to 40% of the residential units as affordable housing. However the proposed mainly provides for housing for older people and Policy LN6 states:

### ***Category C2 health and care related development proposals***

*New social, care or health related development proposals, or major extensions to existing developments, within the C2 use classification will not be subject to Policy LN3 however they will be required to demonstrate that any impacts upon, or risks to, the strategic aims and objectives of Dorset County Council and NHS Dorset health and social care services have been taken into account and mitigated against*

### ***Non C2 residential development proposals for older and vulnerable people***

*All other residential development proposals for older and vulnerable people including sheltered housing, assisted-living and extra-care accommodation, must meet the requirements of policy LN3.*

*Subject to viability, open market development proposals to provide housing for older or vulnerable people will be required to meet policy LN3 through a commuted sum contribution, calculated in accordance with the approved methodology.*

- 6.5.2 The Planning Statement submitted argues that the proposed age restricted units are C2 use and therefore not subject to Policy LN3. However policy LN6 expressly states that assisted living and extra care accommodation must comply with policy LN3.
- 6.5.3 The Applicant's position is that the proposed development is not required to make an affordable housing contribution on the basis that the nine dwelling houses (Class C3) are below the 1,000 sqm threshold and that the remainder of the development (continuing care community) falls within Class C2 of the Use Classes Order. The applicant contends it is a type of development specifically exempt from affordable housing by virtue of Policy LN6 given the use of the phrase 'C2' in the subheadings within policy LN6 as that, in their opinion, means that policy LN3 does not apply to any class C2 development.
- 6.5.4 The Council is of the view that the above position ignores both the clear wording of policy LN6 and its context. The first part of policy LN6 sets out the types of development within class C2 to which policy LN3 does not apply. It

then goes on to set out the types of residential development to which policy LN3 does apply including assisted living and extra care accommodation. Whilst there may appear to be ambiguity between the subheadings and the wording of the policy, it is the policy wording that must take precedence. Policy LN6 expressly requires assisted living and/or extra care accommodation to make affordable housing contributions. That is what this development is, and the development plan policy dictates that it should comply with Policy LN3.

6.5.5 Further and in any event, the proposed development falls under use Class C3 and should provide affordable housing contributions under LN6. The PPG states that consideration can be given to, for example, the level of care and the scale of communal facilities to be provided when considering whether a proposed development falls within use class C2 or C3 (Paragraph: 014 Reference ID: 63-014-20190626).

6.5.6 The self-contained nature of the units, indicates that the level of care provided is unsuitable for those with complex needs, but more for older people who are still able to live somewhat independently. The communal facilities appear to be confined to a 'wellness centre'. The wellness centre consists of a hairdressers and treatment room and is not extensive nor essential for the residents of this scheme. The submitted Planning Statement notes:

*'Staff provide 24 hour cover for the benefit of the residents, and typically consist of a Manager, assisted by a team of Deputy Managers and support staff, who provide assistance with daily activities and care to residents, as well as a chef and grounds management.'*

Potential employees listed in the Planning Statement are estate managers, night staff (1 person), receptionist, cleaners, waitresses, housekeeping, chef and kitchen assistants, grounds man, window cleaner, handyman and hairdresser. No health care staff are listed, which further suggests care services are very limited.

6.5.7 In this case, the Council considers that the nature and design of the development, including the nature and extent of the communal facilities, indicates that the development and the level of care provided does not fall within a C2 use. Further, the staffing and operational arrangements do not provide the level of care that would be expected for a C2 use and the level of care would appear to be limited or even unnecessary for future residents. As such, the whole scheme should provide a contribution towards affordable housing.

6.5.8 Notwithstanding the above, an offer of a financial contribution of £498,388 was submitted with the previous application and supported by a financial viability assessment (FVA).

- 6.5.9 This FVA has been assessed by the District Valuer who concluded a policy compliant contribution is viable. A rebuttal to the District Valuer's viability report was submitted by the Applicant on 27 July 2021. The DV has reviewed the rebuttal and continued to consider that a policy compliant contribution is viable.
- 6.5.10 On the 8<sup>th</sup> September 2021 the applicant offered (without prejudice to its appeal for the previously refused application) a policy compliant affordable housing financial contribution of £1,066,219. The Dorset Council obligations team and housing officer have been consulted on this offer and raise no objection to the proposed development subject to securing this contribution by a s106 obligation.

## 6.6 DESIGN

- 6.6.1 Policy HE2 of the Core Strategy states that new development must be of a high quality and that in various respects, including its visual impact, it must be compatible with or improve its surroundings. Policy DES11 of the Local Plan states that development will only be allowed where, in terms of its form and materials amongst other things, it would respect or enhance its surroundings. Section 12 of NPPF 2019 notes '*good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*' Paragraph 127 also notes (inter-alia);

*Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

### Layout

- 6.6.3 The Planning Practice Guidance (PPG) defines layout as:
- 'the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.'* (Paragraph: 006 Reference ID: 14-006-20140306).
- 6.6.4 The submitted DAS notes the proposed layout aims to create a design strategy that creates a new residential community focused on a central 'village green'.

- 6.6.5 The proposed development is centred on the main apartment block with the 'village green' to the side/rear and clusters of bungalows then surround this to the north, east and south. Bungalows are single aspect and face inwards towards private amenity space to the front. The proposed open market housing is located to the north west as a separate element, which aims to integrate with existing neighbouring terraces.
- 6.6.6 Access is from both Grenville Road (serving 70% of the development) and Station Terrace (serving the remaining 30% of the development). The main parking area is located fronting Station Terrace and with the remainder dispersed throughout the development. Pedestrian routes are provided throughout the site and roads are sufficiently wide enough to accommodate both vehicles and pedestrians. Concerns raised regarding pedestrian access by the Highways Team have been noted but do not warrant refusal.
- 6.6.7 There are some concerns regarding the quantum of parking fronting Station Terrace and the impact this could have on the character of the area, however, this can be mitigated by landscaping as noted below. Concerns were also raised that bungalows to the south, which are single aspect and north facing, would not provide sufficient light for future occupiers. While it is anticipated these units would be darker internally than other units on site, given the depth of rooms and extent of floor to ceiling fenestration provided, it is considered a sufficient level of light would be provided so as to not form a reason for refusal.
- 6.6.8 In general the layout is considered to achieve the proposed strategy and creates a welcome environment for retirement living. With a defined central focal point and clear road structure, which physically separates the open market units, it is considered that the proposed layout is generally acceptable and complies with Policy HE2.

#### Scale

- 6.6.9 The PPG defines scale as:  
*'the height, width and length of each building proposed within the development in relation to its surroundings.'* (Paragraph: 006 Reference ID: 14-006-20140306).
- 6.6.10 The scale of the wellness centre, bungalows and open market housing is considered acceptable and in keeping with the local area.
- 6.6.12 The proposed scale of the apartment block is as per the revised design submitted under the previously refused application, which was considered to be acceptable. The proposed is considered to comply with policy HE2 subject to a condition regarding finished floor levels to ensure the proposed heights are not increased, which has been imposed as noted previously.

### Appearance

6.6.12 The PPG defines appearance as:

*'the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.'* (Paragraph: 006 Reference ID: 14-006-20140306).

6.6.14 The proposed design approach is modern in nature but is considered to take a sensitive approach to the modern idiom in the setting of adjacent heritage assets, given the proposed built form, materials, landscaping and texture. While initial concerns were raised about the apartment block, this has been addressed under 'scale' above and the sensitive modern approach has been welcomed by the Planning, Urban Design, Landscape and Conservation Officers.

6.6.15 As noted previously the proposed layout and scale are considered acceptable, which are elements of the built form. Landscaping is considered below, which also adds to the appearance of the development.

6.6.16 The proposed development will use a sympathetic palette of traditional materials with contemporary detailing that responds to the local architectural character of the area. Proposed materials for all elements include the following:

- Walls - red brick, red multi brick, grey brick, light grey brick
- Roofs – slate coloured tiles
- Windows/doors – grey
- Balconies – composite decking

6.6.17 Proposed elevations submitted appear to show a sensitive and well considered use of materials and detailing, however a condition is required for samples of materials to be provided to ensure materials are of a suitable quality, if the application was considered acceptable in all other respects (condition 7).

6.6.18 It is noted the Urban Design Officer in the previously refused application did raise concerns regarding the detailing of the open market units, in particular the porches. While this concern has not been addressed it is acknowledged that this alone would not warrant refusal. It is considered that the proposed appearance is generally acceptable and complies with Policy HE2 subject to a condition for material samples to be provided.

### Landscape

6.6.19 The PPG defines landscape as:

*'the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.'* (Paragraph: 006 Reference ID: 14-006-20140306).

6.6.21 Planting includes both native and non-native species to boundaries and within the development. Existing trees to Station Terrace will be retained and existing vegetation to boundaries is retained where appropriate and possible.

6.6.22 Proposed hard landscape materials include gravel, paving, resin bound gravel, poured rubber and asphalt.

6.6.23 Proposed boundary treatments include hedging to the south, east, west and the northern boundary backing on to Leigh Gardens. Wildflower grass will be provided adjacent to boundary hedging where possible. The existing closed board fence to Grenville Road properties to the north will be retained and gravel will be placed here for maintenance purposes.

6.6.25 As per the previously refused application, outstanding concerns remain regarding non-native invasive plant species and these are dealt with under biodiversity. The Dorset Council Tree Officer has also previously advised details of tree planting pits would be required, which could be secured by condition. It is considered reasonable that this condition should also be applied to this application (condition 20).

6.6.26 On balance, proposed landscaping is considered to be acceptable and details of planting, boundary treatment and hard and soft landscaping have been conditioned. The proposed landscaping is considered to generally acceptable and complies with Policy HE2 subject to a condition regarding hard and soft landscaping.

#### Design Conclusion

6.6.27 On balance the proposed design is considered to comply with Policy HE2 and is acceptable subject conditions noted above. It has been considered whether permitted development (PD) rights should be removed. Given the nature of the proposed design where the apartment block will not benefit from PD and the potential to change bungalows that would impact on neighbouring amenity or the character of the area is very limited (if at all possible), it was not considered necessary to remove PD rights.

6.7 HERITAGE ASSETS

- 6.7.1 There are no designated and no known non-designated heritage assets on the site and it is not within a Conservation Area. It is noted the findings of the Heritage Statement/Desk-Based Assessment that there is low archaeological potential of all periods on the site. However, the application site is in close proximity to conservation area of Wimborne St John's and the Old Granary, 1 Station Terrace, which is considered to be a non-designated heritage asset.
- 6.7.2 It is considered the development on the site has the potential to affect the significance of heritage assets through impacts on their setting, as follows:
- Wimborne St John's Conservation Area :  
its broader spatial and built context of late 19th century residential development associated with the railway, which it shares with New Borough Road, Station Road and Station Terrace.
  - Old Granary, 1 Station Terrace :  
historic interest – the building is the sole survivor in the 'railway town' area of a contemporary light industrial building which reflects the working environment and the transit and storage of bulk goods;  
landmark status – within the immediate local context, the building stands out as a landmark above the adjoining low terraces of Station Terrace and in the view out of the Conservation Area towards the former station site along Market Way (identified in the Heritage Statement, p. 19);  
setting – the visual experience of the building in the context of Station Terrace and the view from the Conservation Area along Market Way, in which the building is dominant against the former station site in the background.
- 6.7.3 Development is acceptable provided it accords with Policies HE1 to 3 of the Christchurch and East Dorset Core Strategy 2014 as well as sections 12 'Achieving Well Designed Places' and 16 'Conserving and enhancing the historic environment' of the NPPF.
- 6.7.4 Guidance contained within the NPPF at paragraph 199 concerning both heritage assets is quite clear. The degree of harm to a heritage asset is a material consideration and must be taken into account.
- 6.7.5 The Conservation Officer has been consulted. As per the previously refused application, the DC Conservation Officer is satisfied that the proposed development will not result in harm to the significance of the identified heritage asset and the non-designated heritage asset. As noted in section 6.6, the proposed design, materials and detailing create a sensitive and well considered approach to the surrounding context. This includes the visual impact to the adjacent Wimborne St John Conservation in general and the Old Granary at

Station Terrace. Submitted verified views provide a clear representation of the visual and spatial relationship to the Conservation Area and the Old Granary and based on this information the Planning Officer agrees the proposed will result in no harm.

- 6.7.6 As noted previously the site has been identified as low archaeological potential and comments from consultees contrary to this have not been received. The County Archaeologist was consulted but no response was received.
- 6.7.7 As the proposed development is now considered to not result in harm to surrounding heritage assets, the proposed is considered to be in accordance with Policy HE1 of the Core Strategy.

## 6.8 OPEN SPACE

- 6.8.1 The NPPF advises *that "Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities"*. Policy HE4 states that applicants are obliged to provide adequate open space to meet the needs of residents.
- 6.8.2 Policy HE4 requires the provision of 35 sqm per person amenity green space and a requirement children and young people's space, within 450m of a development. As the proposed development is mainly age restricted, it is considered children/young person space is not required.
- 6.8.3 The submitted Planning Statement advises occupancy rates that equate to approx. 154 persons. Therefore approx. 0.5ha of open space is required. A provision of approx. 0.2ha is accomplished on site through the provision of a 'village green', allotments, outdoor gym and outdoor terrace areas. The application site is also within 400m of the existing recreation ground on Gordon Road which provides 2.71ha of open space.
- 6.8.4 Given the provision of 0.2ha of open space on site and the proximity to open space in the area, the proposed is considered to be in accordance with Policy HE4 of the Core Strategy.

## 6.9 AMENITY

- 6.9.1 Policy HE2 of the Core Strategy states that new development should be compatible with or improve its surroundings in relation to nearby properties and general disturbance to amenity. Policy DES2 of the Local Plan states that developments will not be permitted which will either impose or suffer unacceptable impacts on or from existing or likely future development or land uses in terms of noise, smell, safety, health, lighting, disturbance, traffic or other pollution.

- 6.9.2 Third party concerns have been raised that the proposed will impact negatively on neighbouring amenity in terms of loss of light, loss of privacy, noise and pollution.
- 6.9.3 It is noted that development to the north is adjacent to existing residential neighbouring boundaries. However given the single storey and single aspect nature of the proposed age restricted dwellings on this part of the site the relationship to existing neighbours is considered acceptable.
- 6.9.4 The 2 storey open market units are also in close proximity to adjacent neighbouring dwellings on Station Terrace. However, the design of these dwellings is considered to respect neighbouring dwellings and creates a similar relationship as already existing on Station Terrace. A third party concern was raised that the 2 storey dwellings would overlook a neighbouring property on Richmond Road. However these dwellings are 13m from the neighbouring boundary and are separated by a proposed cul-de-sac road. This forms a similar relationship to existing properties at 1-9 Richmond Road and 48 Grenville Road.
- 6.9.5 Concerns have also been raised that the proposed 3 storey apartment block will result in the loss of privacy to properties on Station Terrace. The proposed apartment block is approx. 32m from the existing neighbours on Station Terrace and are also separated by car parking and the road
- 6.9.6 Based on the information submitted, there would be adequate separation distances between the proposed units, and between the proposed development and existing properties, to ensure adequate levels of residential amenity in general.
- 6.9.7 It is considered that the occupiers of the proposed residential development would have adequate access to private and communal amenity spaces to be contained within the proposed development as previously noted.
- 6.9.8 In terms of the proposal's layout, scale, and design it is considered that there would not be any significant adverse impacts on the amenities of existing or future occupiers, in terms of their privacy, outlook, and access to light. As noted under 'Design', it is not considered necessary to remove Permitted Development (PD) rights where the proposed design offers limited (if any) opportunity for extensions and changes under PD rights that would impact neighbouring amenity.
- 6.9.9 A noise assessment has been submitted and further information submitted. The Dorset Council Environmental Health Officer has been consulted and noted they have no further comments from the response they made to the previously refused application where the proposed development is the same. As advised under the previously refused application, the noise mitigation measure (in the form of fencing) discussed at point 5.3 of the report must be implemented and

maintained thereafter. A condition has been imposed to secure this (condition19). The Environmental Health Officer has also advised as stated at point 5.15 of the report *“the calculations are based on the floor plans and elevations as shown on the latest drawings provided by McCarthy & Stone in March 2021.”* Therefore if there are any future changes to the site layout, rooms layouts, room volumes or elevations noise calculations will need to be revised accordingly.

- 6.9.10 An Air Quality Assessment has been submitted in relation to the application. It advises air quality will be improved due to the reduced number of daily trips. The Dorset Council Environmental Health (EH) Officer, as per the previously refused application, are in agreement with the outcome of the Technical Note dated Nov 2020, subject to imposing a condition regarding odour from proposed kitchen facilities. The quality assessment also refers to possible odour from the commercial kitchen and the EH Officer has advised an odour condition is imposed. This condition has been imposed (condition18).
- 6.9.11 The proposed is considered to be acceptable in terms of existing neighbour and future occupier amenity and complies with policy HE2 of the Core Strategy subject to conditions in relation to noise and air quality.

## 6.10 TREES

- 6.10.1 Policy HE2 of the Core Strategy states that development will only be permitted if it is compatible with or improves its surroundings in terms of its relationship, amongst other things, to mature trees.
- 6.10.2 As the application site is mainly hardstanding, little exists in terms of trees and vegetation on site. There are no protected trees in the area, however there are trees located within the highway verge of Station Terrace.
- 6.10.3 The proposed design is as per the previously refused application, except for the loss of one unprotected tree on Station Terrace to allow for a footway which is required to extend along the highway as proposed for highways safety. For the previously refused application the tree officer raised no objections subject to the retention of trees on Station Terrace and the submission tree pit details. While one tree will be lost for highways requirements, the tree officer has confirmed this is acceptable given the extent of boundary landscaping adjacent to the lost tree. A condition has been imposed to secure the protection of the remaining trees and tree bunker details (conditions 8 and 20). The proposal is considered to be in accordance with Policy HE2 of the Core Strategy in terms of its impact on trees.

## 6.11 SERVICING

6.11.1 Waste collection information has been provided and the Dorset Waste Partnership (DWP) have been consulted. No response has been received however the design is the same as the previously refused application and concerns were raised by DWP regarding plots 26-32 not being in line with their guidelines.

6.11.2 DWP advised previously:

*From looking at the tracking plan it looks like the vehicle is going to have to reverse around a significant corner, and or the bin pull distances look further than 10m this is not acceptable and will not be approved.*

6.11.3 Revised plans have been received to ensure the bin store location is within 10m of the collection lorry where it will turn when servicing the open market houses. The proposed is therefore considered acceptable in terms of servicing.

## 6.12 BIODIVERSITY

6.12.1 Policy ME1 of the Core Strategy states that the Core Strategy aims to protect, maintain, and enhance the condition of nature conservation sites, habitats and species. The application includes a Biodiversity Mitigation Plan (BMP) dated 03/12/2020 and was endorsed by the Dorset Natural Environment Team (NET) on 9/12/2020.

6.12.2 The BMP advises there is little vegetation on site and no evidence of bats or nesting birds were found in buildings onsite. Negligible potential for protected species has been found on site. It is noted that a band of scrubby vegetation outside the development boundary to the east has potential for nesting birds and this will be retained and managed as part of the development. The BMP sets out net gains on site including planting and the provision of grassland, bat boxes, bird boxes and hedgehog holes.

6.12.3 It is noted that concerns have been raised regarding non-native plant species specified in the BMP. If the application were acceptable in all other respects the Planning Officer would look to address these concerns, however it would not form a reason for refusal.

6.12.4 Mitigation/compensation/enhancement for the development is set out in the BMP, which is endorsed by DCC's Natural Environment Team and which is secured by condition (condition6). It therefore complies with the Dorset Biodiversity Protocol, demonstrating the application is acceptable in respect of its impact on biodiversity. The application thereby accords with Policy ME1 of

the Core Strategy, as it demonstrates the proposal will provide mitigation for the impact on local biodiversity from the proposed development.

- 6.12.5 The application accords with Paragraph 180 of the NPPF, given the biodiversity mitigation measures offered would conserve and enhance biodiversity at the site, subject to a condition that would secure the approved BMP.

## 6.13 DORSET HEATHLANDS

- 6.13.1 The application site is within the vicinity (within 5 km and beyond 400m) of Ferndown Common SSSI which is notified as a Site of Special Scientific Interest (SSSIs) for the special interest of its heathland habitats and associated plant and animal species. Ferndown Common SSSI is also part of the Dorset Heathlands Special Protection Area (SPA) and Dorset Heaths Special Area of Conservation (SAC) and Ramsar. The proposal for a 106 net increase in residential units, in combination with other plans and projects and in the absence of avoidance and mitigation measures, is likely to have a significant effect on the site. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected site, in view of the site's conservation objectives.

- 6.13.2 The appropriate assessment has concluded that the application is likely to have a significant effect on protected sites. The SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). In relation to this development the Dorset Council Green Infrastructure Advice Team (GIAT) have advised the applicant in consultation with Dorset Council and Natural England seek to secure an accompanying bespoke infrastructure project.

- 6.13.3 It is noted a document has been submitted in support of the application 'Consideration of the Potential Impact on the Dorset Heathlands' (Nov 2020) , which questioned the appropriateness of the Heathlands SPD relating to different types of C2 housing provisions. As noted previously in this report, the proposed development is considered to be C3 use. It is also noted that Natural England has advised mitigation is required for all residential uses that are likely to generate recreational activity. Thus, where the occupants are still active mitigation should be applied, irrespective of their age or the specific use class. Facilities provided on site such as extensive parking, gym equipment and allotments, indicate occupants are likely to be active.

- 6.13.4 Paragraph 5.12 of the Dorset Heathlands SPD notes:

*In built up areas, opportunities to provide HIPs alongside large developments are more constrained than in rural areas. Because of this, approaches vary according to local circumstances; i.e. in one area a financial contribution towards*

*a specific strategic HIP may be adequate, but in another area a bespoke HIP may be necessary for the Council to be certain that the urban effects can be mitigated and thereby planning permission granted. These considerations need to be resolved during the plan making stage to ensure certainty and deliverability of allocations. Each planning application will be considered on a case by case basis as the nature of some sites will enable the provision of a HIP within the scheme and again will depend upon the specific requirements of that area. Early engagement with the Councils and Natural England at pre-application stage is recommended.*

6.13.5 Paragraph 5.9 also notes:

*HIPs will be delivered from contributions collected through CIL payments or secured through Section 106 agreements, depending upon the circumstances. Where schemes are exempt from paying CIL, there is likely to be a requirement to provide HIPs through Section 111, Section 106 Agreement or unilateral undertaking.*

6.13.6 The Dorset Council CIL Officer has advised the application is nil CIL given the extent of existing buildings in use on the site. Therefore both paragraphs 5.9 and 5.12 of the SPD apply.

6.13.7 The Dorset Council Natural Environment Team have advised having taken into consideration Natural England's response, dated 11 March 2021 reference 341652 for the previous application 3/20/2172/FUL, that the current application currently does not secure appropriate levels of heathland mitigation. On the 11th of August an offer (confirmed as satisfactory by Natural England) was made by Dorset Council to the applicant for the delivery of a bespoke HIP, in exchange for a financial contribution to cover the costs of delivery and maintenance in perpetuity.

6.13.8 A sum of £111,164 has been agreed to secure mitigation measures which includes the creation of a new path to an existing suitable alternative natural green space (SANG), provision of information panels on this path and the promotion of this path and existing SANGs in the area. Natural England have also requested a 'no dog ownership' clause be included in the 106. These measures will be secured by a legal agreement.

6.13.9 With the above mitigation the proposed is considered acceptable where appropriate levels of mitigation are secured. The proposed is considered to accord with Policy ME2 of the Core Strategy.

6.14 CONTAMINATED LAND

- 6.14.1 Policy DES2 of the Local Plan states that developments will not be permitted which will either impose or suffer unacceptable impacts on or from existing or likely future development or land uses in terms of noise, smell, safety, health, lighting, disturbance, traffic or other pollution.
- 6.14.2 The Council's Environmental Health officers have considered the submitted contaminated land information under the previously refused application and have no further comments to add in response to this application. They have raised no objections to the proposal, subject to the use of a standard contaminate land condition, which has been imposed (condition16). The proposal is considered to be in accordance with Policy DES2 of the Local Plan.

## 6.15 RENEWABLE ENERGY

- 6.15.1 Policy ME4 of the Core Strategy states that 10% of the total regulated energy used in major residential development should be from renewable, low-carbon, and decentralised energy sources. It is also stated that, for the New Neighbourhoods, district heating and/or power facilities should be investigated.
- 6.15.2 It is noted that Wimborne Town Council have requested more than 10% is secured and recommends the use of source heat pumps and solar panels. A condition requiring the approval of details, and their implementation, to ensure that the requirements of Policy ME4 would be achieved has been imposed. However in line with policy only a requirement to provide at least 10% can be conditioned.

## 7 HUMAN RIGHTS

- 7.1 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.

- 7.2 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.

## 8 PUBLIC SECTOR EQUALITIES DUTY

- 8.1 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.

8.2 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 Public Sector Equalities Duty.

## 9 CLIMATE IMPLICATIONS

9.1 As noted in paragraph 6.3.6, the number of daily vehicle trips likely to be created by the proposed use is lower than the existing market use.

9.2 Landscaping and biodiversity will be significantly improved with the proposed landscaping compared to the existing site. The provision of allotments will also add to this and provide residents with some opportunity to grow their own food.

9.3 The applicant has submitted a BREEAM Report, which assesses the sustainability of the development in relation to management, health and wellbeing, energy, transport, water, construction materials, waste management, ecology and pollution. The proposed development has been assessed to achieve a ‘very good’ rating. Further to this a condition has been imposed for 10% of the required energy sources to be provided by renewable energy.

9.4 It is considered the proposed development is likely to have a positive impact on climate impact above the existing use.

## 10 CONCLUSION

10.1 This assessment exercise has involved considering the acceptability of the proposal in relation to the Development Plan, taken as a whole, and all other materials considerations. All of the foregoing factors have also been considered in relation to the social, economic, and environmental benefits to be provided by the proposal.

10.2 It is considered the proposed is acceptable in relation to material planning considerations and previous reasons for refusal related to drainage, heathland mitigation and affordable housing contributions have been overcome with the submission of additional information and the completion of the S106 Legal Agreement securing required contributions.

10.3 The recommendation is for approval of the application.

### **Recommendation:**

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

- **£111,164 towards heathland mitigation**
- **£1,066,219 towards affordable housing**

**And the following conditions:**

[pre-commencement conditions have been agreed by email on 20 Sept 2021]

**Conditions/Reasons:**

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

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

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

SO-2620-03-AC-0101\_P08 Block Plan  
SO-2620-03-AC-0120\_P09 Site Plan  
SO-26202621-03-LA-MCS655-Drg 01\_P12 Landscape Proposals-CF  
SO-2620-03-AC-0310\_REV P04 Proposed Site Elevations and Sections  
SO-2621-03-AC-0311\_P01\_Proposed Site Sections  
SO-2620-2621-03-DE-0600\_P03 Levels Layout North Site  
SO-2620-2621-03-DE-0601\_P03 Levels Layout South Site  
SO-2620-03-AC-0200\_REV P02 RLP BLOCK Ground Floor  
SO-2620-03-AC-0201\_REV P02 RLP BLOCK First Floor  
SO-2620-03-AC-0202\_REV P03 RLP BLOCK Second Floor  
SO-2620-03-AC-0203\_REV P02 RLP BLOCK Roof Plan  
SO-2620-03-AC-0300\_REV P05 RLP BLOCK South and West Elevations  
SO-2620-03-AC-0301\_P05\_North and East Elevations  
SO-2620-03-AC-0260\_REV P01 RLP Bungalow B01-a  
SO-2620-03-AC-0261\_REV P01 RLP Bungalow B01-b  
SO-2620-03-AC-0262\_REV P01 RLP Bungalow B01-c  
SO-2620-03-AC-0263\_REV P01 RLP Bungalow B01-d  
SO-2620-03-AC-0264\_REV P01 RLP Bungalow B01-e  
SO-2620-03-AC-0265\_REV P01 RLP Bungalow B01-f  
SO-2620-03-AC-0266\_REV P01 RLP Bungalow B01-g  
SO-2620-03-AC-0267\_REV P01 RLP Bungalow B02-a  
SO-2620-03-AC-0268\_REV P01 RLP Bungalow B02-b  
SO-2620-03-AC-0269\_REV P01 RLP Bungalow B02-c  
SO-2620-03-AC-0270\_REV P01 RLP Bungalow B02-d  
SO-2620-03-AC-0271\_REV P01 RLP Bungalow B03-a

SO-2620-03-AC-0272\_REV P01 RLP Bungalow B03-b  
SO-2620-03-AC-0274\_REV P01 RLP Bungalow C01-b  
SO-2620-03-AC-0275\_REV P01 RLP Bungalow C01-c  
SO-2620-03-AC-0276\_REV P01 RLP Bungalow C01-d  
SO-2620-03-AC-0277\_REV P03 H01  
SO-2620-03-AC-0279\_REV P03 H02-a  
SO-2620-03-AC-0280\_REV P03 H02-b  
SO-2602-03-AC-0151\_REV P03 Garden shed & garden store  
SO-2620-03-AC-0252\_REV P02 Wellness Centre  
ELECTRIC SUBSTATION BUILDING Brick Construction Details-DWG-020  
1156-KC-XX-YTREE-TPP01 REV B Tree Protection Plan  
SO-2620 2621-03-DE-0500 REV P03 Drainage Layout North Site  
SO-2620 2621-03-DE-0501 REV P03 Drainage Layout South Site  
SO-2620 2621-02-DE-0001 Wimborne Market Flood Risk Assessment P02  
Part 1-3.pdf MAY 2021  
50329 Wimborne\_Air Quality Note\_Draft  
NOISE ASSESSMENT R8808-2 Rev 0 Wimborne Market - Noise Assessment  
APRIL 2021

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

3. Before the development is occupied or utilised the first 10.00 metres of each vehicular 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 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.

4. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number 0120 P09 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.

5. Before the development hereby approved commences a Construction Method Statement (CMS) Construction Environmental Management Plan (CEMP) must be submitted to and approved in writing by the Planning Authority. The CMS & CEMP must include:
  - the parking of vehicles of site operatives and visitors
  - loading and unloading of plant and materials
  - storage of plant and materials used in constructing the development
  - delivery, demolition and construction working hours
  - the use of plant and machinery

- wheel washing and vehicle wash-down and disposal of resultant dirty water - oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The approved CMS & CMP shall be adhered to throughout the construction period for the development.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network.

6. The development hereby approved shall not be occupied unless and until the protected species mitigation measures as detailed in the approved mitigation plan dated 9<sup>th</sup> December 2020 have been completed in full unless any modifications to the agreed mitigation plan as a result of the requirements of a 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 mitigation 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: This information is required prior to the commencement of development to ensure that bat/barn owl species are protected and their habitat enhanced, in accordance with the Wildlife and Countryside Act 1981 as amended, the Conservation of Habitats and Species Regulations 2010 and policy ME1 of the Christchurch and East Dorset Core Strategy.

7. No development above damp proof course (DPC) 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. 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.

8. Notwithstanding landscaping details submitted in drawing 'SO-26202621-03-LA-MCS655-Drg 01\_P12 Landscape Proposals-CF', no development above damp proof course (DPC) shall take place until full updated details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority (LPA). These details shall include full details of structural tree pits (tree Bunker or Silvacell or similar); details of boundary

planting; and schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate). All works shall be undertaken strictly in accordance with the details as approved and maintained as such, unless otherwise agreed in writing with the LPA.

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 and biodiversity. 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.

9. All hard and soft landscape 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: To ensure the long term establishment, maintenance and landscaping of the site to preserve the amenity of the locality and biodiversity. 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.

10. No construction work in relation to the development, including preparation prior to operations, shall take place other than between the hours of 08.00 hours to 18.00 hours Monday to Friday and 09.00 hours to 13.00 hours on Saturdays and at no time on Sundays or Public or Bank Holidays.

Reason: To safeguard the amenity of existing residents having regard to Local Plan Policy HE2.

11. Notwithstanding drainage information submitted , SO-2620/2621-03-DE-0500 P03 and SO-2620/2621-03-DE-0501 P03, 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.

12. 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.

13. All works relating to site levels and finished floor levels shall be undertaken strictly in accordance with the details as set out in drawings SO-2620-2621-03-DE-0601 P03 and SO-2620-2621-03-DE-0600 P03.

Reason: To ensure details of the proposal having regard to the existing site levels, flood risk mitigation and those adjacent hereto.

14. No development above damp proof course (DPC) shall take place until details have been submitted to and approved in writing by the Local Planning Authority that cover the following matters:
- how the development shall achieve at least 10% of the total regulated energy (used for space heating, hot water provision, fixed lighting and ventilation) used in the dwellings in each phase from renewable sources, unless otherwise agreed in writing with the local planning authority;
  - that options for district heating, and/or power facilities to serve the development have been investigated;
  - where it is possible to do so the development should be connected to a district heating and/or power facility in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.

The scheme shall be implemented in accordance with the agreed details.

Reason: To help meet the UK's carbon emissions targets and comply with Policy ME4 of the Christchurch and East Dorset Core Strategy.

15. No development above damp proof course (DPC) shall take place until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme should demonstrate a standard of a maximum of 110 litres per person per day is applied for all residential development. The scheme shall be implemented in accordance with the agreed details.

Reason: This condition contributes to sustainable development and meeting the demands of climate change. Increased water efficiency for all new developments also enables more growth with the same water resources.

16. Notwithstanding the Preliminary Risk Assessment report submitted, 5007900-RDG-XX-ST-DOC-C-00GCA01 (Nov 2020), prior to the commencement of development a scheme shall be submitted to the Local Planning Authority (LPA) to deal with potential contamination of the site. Such scheme shall include the following actions and reports, which must provide and disclose all

relevant information and be carried out by appropriately qualified consultant(s):

(a) A Field Investigation (site investigations) report which must characterise and identify the extent of contamination, identify hazard sources, pathways and receptors and develop a conceptual model of the site for purposes of risk assessment. A Detailed Quantitative Risk Assessment based on the information contained in the Preliminary Risk Assessment, will be required where the Preliminary Risk Assessment or Field Investigation report set out that contamination may be present in, on or near the proposed development area.

(b) No works shall commence on site until the Local Planning Authority has

- i. confirmed in writing whether or not intrusive site investigation work is required and
- ii. if it is required the sampling strategy for the intrusive site investigation work to the Local Planning Authority for approval in writing and
- iii. the intrusive site investigation work must be carried out before any works commence on site.

(c) Where contamination is found which the Local Planning Authority has confirmed in writing requires remediation, a detailed Remediation Strategy, including effective measures to avoid risk to future and neighbouring occupiers, the water environment and any other sensitive receptors when the site is developed, shall be submitted to the Local Planning Authority. Any measures or works recommended in the Remediation Strategy, shall require approval to be obtained in writing from the Local Planning Authority.

(d) No development shall occur until the measures and/or works approved in the Remediation Strategy have been implemented in accordance with the Remediation Strategy to the satisfaction of the Local Planning Authority prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority.

(e) If, during works on site, contamination is encountered which has not previously been identified, no further works shall take place until the additional contamination has been fully assessed and a Further Remediation Strategy which contains the same detail as for the Remediation Strategy at paragraph (d) has been submitted to and approved by the Local Planning Authority in writing.

(f) On completion of all the works detailed in the agreed Remediation Strategy and/or the Further Remediation Strategy, a Remediation Verification Report must then be completed and submitted to the LPA by the persons who carried out the remediation work confirming that they have supervised all the agreed remediation actions and confirming that all works as specified and agreed have been carried out to the point of completion. No development shall commence until the LPA is in receipt of said Remediation Verification Report and has confirmed in writing that it is satisfied with the contents of the statement and the standard of work completed.

Reason: This information is required prior to commencement to safeguard the amenity of the locality and future residents in accordance with of the Local Plan and Government Guidance contained in the National Planning Policy Framework.

17. Prior to the commencement of installation of externally mounted plant, details of any externally mounted plant (electrical substation and commercial kitchen extraction system) shall be submitted to the Local Planning Authority (LPA) along with a noise assessment such as that conducted in accordance with BS4142:2014 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. The assessment shall be submitted to and approved in writing by the LPA. The agreed scheme (together with any required measures) shall be installed to the agreed specification prior to the first use, and maintained and operated in that condition thereafter unless agreed in writing by the LPA.

Reason: In the interests of amenity and in accordance with Policy DES2 of the East Dorset Local Plan.

18. Prior to the commencement of installation of the commercial kitchen extraction system, a scheme containing full details of the arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the Local Planning Authority (LPA) along with an appropriate odour assessment. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless agreed in writing by the LPA.

Reason: In the interests of amenity and in accordance with Policy DES2 of the East Dorset Local Plan.

19. Prior to the first occupation of the dwellings hereby approved, the acoustic fence to be located along the site's southern boundary, as detailed in the submitted document "Proposed Residential Development Wimborne Market, Noise Impact Assessment Technical Report : R00808-2 Rev 0, Date: 16th April 2021" paragraph 5.3 (1.8m high, surface density 12 kg/m<sup>2</sup>, no holes or gaps), shall be fully constructed, and shall thereafter be retained and maintained in perpetuity.

Reason: In the interests of amenity and in accordance with Policy HE2 and DES2 of the East Dorset Local Plan.

20. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars set out in 1156-KC-XX-YTREE-TPP01 Rev B before any equipment, machinery or materials are brought on to the site for the purposes of the development, and

shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: In order to prevent damage during construction to trees that are shown to be retained on the site

21. The development hereby permitted shall be occupied only by:
- (i) person(s) aged 65 or over in the case of approved bungalows/chalets; or
  - (ii) person(s) aged 70 or over in the case of approved apartments; or
  - (iii) person(s) qualifying for personal care due to age, illness or disability; or
  - (iv) a person living as part of a single household with a person falling within category (i), (ii) or (iii); or
  - (v) a person who was living as part of a single household with a person falling within category (i), (ii) or (iii) who has since died.

Occupants of the approved dwellings shall be able to access at least 1 hour of non-regulated care per week.

Reason: To ensure the approved development is occupied by and maintained with the proposed restriction given the need for specialist accommodation for vulnerable people and in accordance with Policy LN6 of the Christchurch and East Dorset Core Strategy.

### **Informatives:**

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 01305 221020, by email at [dorsethighways@dorsetcouncil.gov.uk](mailto:dorsethighways@dorsetcouncil.gov.uk), or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway
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. The Environment Agency Advise that developers should:
  - Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination
  - Refer to EA Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from

the site - the local authority can advise on risk to other receptors, such as human health

- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the contaminated land pages on gov.uk for more information

4. The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

5. Non-regulated care requirements set out in condition 21 are related to this permission only. This requirement is not the Council's definition of minimum care required for extra care development.

or

**(B) Refuse permission if the legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by (6 months from the date of committee) or such extended time as agreed by the Head of Planning.**

### **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.