

Application Number:	P/FUL/2023/00735		
Webpage:	https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=394281		
Site address:	17 King Street Wimborne Minster Dorset BH21 1DZ		
Proposal:	Demolition of existing single storey attached garage, erection of detached double garage, subdivision of plot, and erection of new two storey four bedroom dwelling.		
Applicant name:	The Salisbury Diocesan Board of Finance		
Case Officer:	Ellie Lee		
Ward Member(s):	Cllr Bartlett and Cllr Morgan		
Publicity expiry date:	3 May 2023	Officer site visit date:	22 September 2022 and 7 March 2023
Decision due date:	3 August 2023	Ext(s) of time:	Yes - 3 August 2023

1.0 This planning application has been referred to committee by the Head of Planning.

2.0 Summary of recommendation:

REFUSE for the reasons set out in section 17.

3.0 Reason for the recommendation:

- 3.1 Section 38(6) of the Planning and Compensation Act 2004 provides that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.
- 3.2 Paragraph 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- 3.3 The location is considered to be sustainable for new housing development in terms of local planning policy KS2.
- 3.4 The proposal's design, scale, impact on character, appearance and heritage assets (including the Wimborne Minster Conservation Area) would be unacceptable and are not justified by the limited public benefits. As such, the scheme is considered to be contrary to local planning policies HE1 and HE2, and contrary to national planning policies within the NPPF.

- 3.5 The proposal is not considered to result in any significant harm to neighbouring residential amenity or protected trees, subject to conditions.
- 3.6 The proposed access and parking on the site are considered acceptable, subject to a turning/manoeuvring and parking condition.
- 3.7 Insufficient information has been provided to demonstrate that the proposal can effectively deal with surface water in an area of high groundwater levels. It has not been demonstrated that the proposal will avoid increased flood risk result in flooding, so the proposal is contrary to local planning policy ME6 and NPPF policies within paragraphs 159 and 167.
- 3.8 No economic benefits of the proposal have been identified that would justify an exception to the proposal being contrary to local planning policies HE1 & HE2 and policies within section 16 of the NPPF.

4.0 Key planning issues

Issue	Conclusion
Principle of Development	Acceptable in principle in terms of local policy KS2.
Scale, Design, Impact on Character and Appearance	Unacceptable, for the reasons set out below.
Impact on Heritage Assets	Unacceptable, for the reasons set out below.
Impact upon Schedule Monuments	Acceptable, subject to a monitoring condition.
Impact on Neighbouring Amenity	Acceptable as no harm to neighbouring amenity, subject to conditions.
Impact upon Trees and Landscape	Acceptable as no harm to landscaping, trees, subject to conditions.
Access and Parking	Acceptable, subject to turning/manoeuvring and parking condition.
Flooding Risk	Unacceptable, due to insufficient information to demonstrate that the high groundwater levels would not result in flooding to the development's surroundings.
Impact upon Biodiversity	Accords with the Dorset Biodiversity Appraisal Protocol and local planning policies, subject to biodiversity enhancement condition.
Economic Benefits	No economic benefits of the proposal have been clearly demonstrated that would outweigh the harm to heritage assets and the character of the area within Wimborne Minster Conservation Area.

5.0 Description of Site

5.1 The application site is located within Wimborne Minster on the south-west side of King Street, within the grounds of The Rectory at 17 King Street. The site lies within the Wimborne Minster Conservation Area, has protected trees along its frontage and is within the Wimborne Minster Town Centre boundary.

5.2 The site is located to the east of the sports pavilion at Wimborne Cricket Club and is to the north-west side of the Model Town & Gardens.



5.3 The existing dwellinghouse is a two-storey detached building with an attached single storey wing to its north-west which includes a garage. The dwelling is generally screened from King Street by an abundance of trees, vegetation and walls, with the land levels sloping upwards away from the street.



5.4 The application site comprises of a large plot within an area of typically spacious, wide and large plots to the south-west of King Street. It is noted that the pattern of development differs on the opposite side of the street and to the north within Julians Road.

5.5 The submitted Design, Access, Heritage, and Planning Statement states that the existing rectory was built c. 1920s, but the ward member and the applicant consider this to be incorrect. There is also an abundance of trees and vegetation within the garden to the sides and the rear of the site, which further characterises the site.

6.0 Description of Development

6.1 The proposed new detached two storey 4 bedroomed dwellinghouse with its attached single storey garage, is located to the north-west side of the existing rectory building at 17 King Street (where the existing single storey north-west wing of the existing building is currently sited). The existing single storey wing to the north-west of the existing dwelling is proposed to be demolished.

6.2 The proposed materials are as follows:

Materials

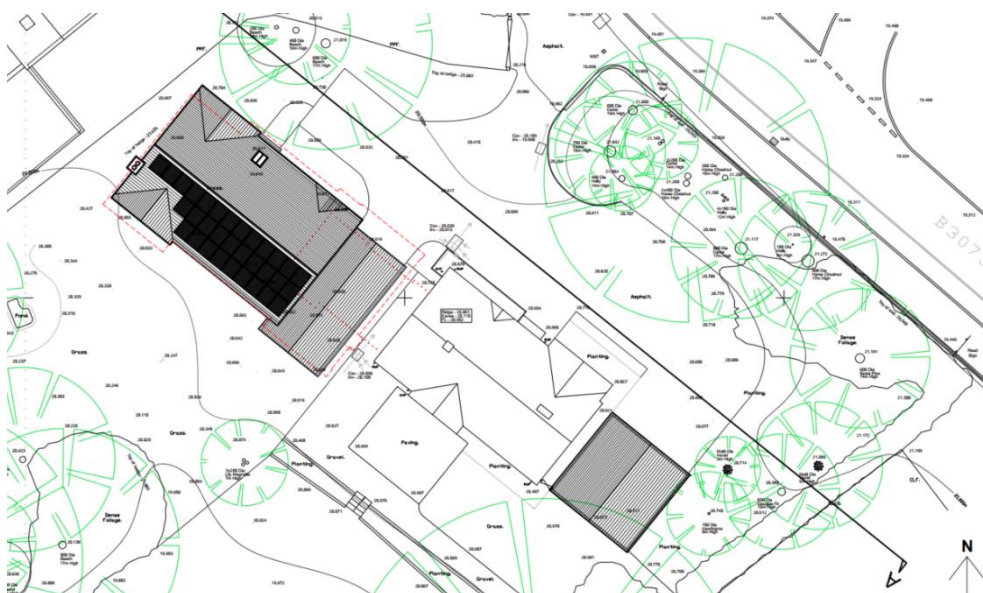
Walls - Red brick and white render

Roof - Plain tile to match adjacent dwellings

Windows/Doors - White uPVC to match adjacent dwellings

RWG - Black Plastic to match adjacent dwellings Bat Bo

6.3 A new single storey detached garage is also proposed to the south-east side of the existing rectory, which would serve the occupants of the existing dwellinghouse.



7.0 Relevant Planning History

Application No.	Description	Decision	Date
P/FUL/2022/05572	Demolition of existing single storey attached garage, erection of detached double garage, subdivision of plot, and erection of new two storey four bedroom dwelling.	Withdrawn	23/11/2022
P/TRC/2022/03547	<i>Tree works:</i> T1 Copper Beech: Reduce lateral limbs growing towards Wimborne Model Village by 1.5 metres.	No objection	07/07/2022
P/TRC/2022/02298	<i>Tree works:</i> G1 Willows: Coppice.	No objection	09/11/2021
P/TRD/2021/04530	<i>Tree works:</i> Willow: Remove split limbs.	Consent not required	09/11/2021
3/21/0223/TCA	<i>Tree works:</i> T2g Beech and Sycamore: Prune lower lateral branches to provide a 4m clearance over drive. T17 Beech: Remove crossing branches growing to the north at 7m above ground level. (Also major deadwood to be removed). T18g Goat Willow: Remove decayed and fractured stem on willow growing nearest boundary.	No objection	19/03/2021
3/21/0213/TTPO	<i>Tree works:</i> T10 Western Red Cedar: Prune lower lateral branches to provide a 4m clearance over drive.	Granted	26/03/2021
3/18/2358/TCA	<i>Tree works:</i> T1 Copper Beech - Raise canopy by removal of first 4 lesser primary branches	No objection	01/10/2018
13/582	<i>Tree works</i>	Objection	18/11/2013
13/327	<i>Tree works:</i> F1P2	No objection	18/07/2013
12/004	<i>Tree works:</i> Trees: F1	No objection	17/01/2012

8.0 List of Constraints

- Within the Wimborne Minster Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
- Tree Preservation Order (TPO) reference :EDDC/WIM/82

- Settlement Boundary; Wimborne/Colehill
- Location: Wimborne Minster Town Centre, Local Plan Policy: WMC1
- Dorset Heathlands - 5km Heathland Buffer
- Neighbourhood Area; Name: Wimborne Minster; Status Designated 13/02/2020
- Flood Zone 2 (*overlaps parts of the front north-east site boundary and the rear south-west boundary*)
- JBA – High risk of groundwater emergence; high groundwater levels - Within this zone there is a risk of groundwater flooding to both surface and subsurface assets. There is the possibility of groundwater emerging at the surface locally and groundwater may emerge at significant rates and has the capacity to flow overland and/or pond within any topographic low spots. (*Covers whole application site area*)
- Groundwater Source Protection Zone
- Natural England Designation - RAMSAR: Dorset Heathlands (UK11021); - Distance: 3906.28m from site
- Dorset Heathlands - 5km Heathland Buffer
- Scheduled Monuments:
 - The Leaze medieval site (List Entry: 1002441) Distance: 23.83m from site
 - Mound on The Leaze (List Entry: 1005573) Distance: 347.96m from site
- Business Improvement Districts: Wimborne BID
- Radon: Class: Less than 1%
- Contaminated Land (factory or works – use not specified)

9.0 Consultations

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

Consultees

1. Natural England (23/03/2023)

No objection, subject to mitigation

No objection, subject to securing appropriate mitigation for recreational pressure impacts on Habitats sites (European Sites).

2. DC - Highways (14/03/2023)

No objection subject to condition

The Highway Authority has no objection, subject to the following condition(s):
Turning/manoeuvring and parking construction

Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number 2518-P01C must

have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified. Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

3. DC - Conservation Officer (05/05/2023)

Unable to support

Summary of Response:

- Proposal cannot be supported as it would result in harm, albeit less than substantial harm – to the character and setting of the Conservation Area, by virtue of design, location, and scale.
- The proximity and the design of the new development would result in harm to its significance as a non-destinated heritage asset.
- No viable grounds or public benefits have been submitted that outweigh the harm.
- Pre-application discussion is encouraged.

DC - Conservation Officer (27/06/2023)

Unable to support – Re-consult response

Summary of Response:

- It is acknowledged that the paragraph 2.1 of the applicant's Heritage Statement describes the existing building as an *"existing rectory c1920s two storey dwelling with a single detached garage to its north"*. Paragraph 2.4 of the same document confirms that the *"site, along with 18 Kings Street to the NE and the Wimborne Model Town and gardens to the SW, date to the pre-war period"*. Based upon the architecture of the building, there is no reason to doubt the building was built in 1958 but that is not set out in the application.
- It is not clear from the submitted Heritage Statement why a replacement Rectory is required, when there is already a Rectory on site, and it is not clear if the current building complies with the 'green book standards' and why it is not possible to retain the existing Rectory building for use by the Diocese. In addition, it is not explained why the new building is not being proposed to be built for sale on the open market (which could negate the need to restrict the new building to comply with the Diocesan standard). Furthermore, it is unclear if alternative building designs have been explored which would meet the Diocesan standard but appear ancillary and subservient to the existing Rectory on site. (Other paragraphs within the submitted Heritage Statement are also addressed by the Conservation Officer).
- With regards to economic and financial considerations, no details have provided within the application that set out the connection to the Minster or demonstrate how the proposed development has "serious impact on the wealth and prosperity of the town" and tourism in the area.
- In conclusion, the siting, form, scale, proportions and detailed design does not respect the historic context of the site or area. The placement on site and in close proximity to the existing dwelling does not protect significant views identified in the Heritage Statement submitted. The gap between buildings and large plot contributes positively to the historic character of the area and fails to register the historic connection with the water meadows to the south and west. The application does not demonstrate that the existing building is not capable of

erving the need of the Diocese. Furthermore, a case for enabling development has not been made.

- Pre-application discussion is encouraged to understand the scope of the project, establish the significance of the site and buildings and setting of heritage assets and explore alternative solutions.

4. DC – Archaeology (16/03/2023)

No objection, subject to condition

I have attached my comments on the previous application at this site (P/FUL/2022/05572). Those comments also apply to the present application, and so I again advise that the following condition should be attached to any grant of consent:

'The applicant shall make arrangements for archaeological observation and recording to take place during groundworks. Details of these arrangements shall be submitted to and approved in writing by the Local Planning Authority, at least one month before any work commences on the development site.'

Attached comments mentioned above:

The site of the proposed development lies on the western side of the Medieval town, so that it may lie within the suburbs of that settlement. Also, archaeological evaluation in 2004 of the site of the proposed cricket pitch to the southwest of the present site identified archaeological remains, principally of the Iron Age and Roman period. Taking this together, in my opinion there is a high potential for archaeological remains to survive within the present site.

However, I also note that part of the footprint of the proposed development would occupy areas that would have been disturbed when the present building was constructed. Hence it is likely that only parts of the proposed development would affect any archaeological remains.

In my opinion the appropriate mitigation for this potential level of archaeological impact would be archaeological monitoring of the groundworks.

5. DC - Trees (East & Purbeck) (03/05/2023) re-consult following receipt of requested information.

No objection subject to conditions

I have been to this site and reviewed the plans and arboricultural information. I am of the opinion that the development could be undertaken with relatively minimal impact on the surrounding tree cover if the recommendations from the arboricultural report are followed. There are some areas where construction is planned which are within root protection zones – we will want to confirm and agree the engineering solutions for these areas before work can commence and we will want to ensure there is adequate arboricultural supervision during arboriculturally sensitive periods. With that in mind, no objection subject to conditions:

1. Pre-commencement Meeting
2. Works in accordance with the AMS and TPP
3. Method statement for excavation and foundations

6. DC - Building Control East Team (22/02/2023)

No comment

7. **DC - Env. Services – Protection (01/03/2023)**
No comments or objections
8. **DC - Dorset Waste Team**
No comments received
9. **Wimborne Minster Town Council (14/03/2023)**
No objection, subject to trees
No objection provided that all tree analysis comments were observed and tree screening from the road was retained.
10. **Wimborne Minster Ward Councillor- Councillor Shane Bartlett (07/06/2023)**
Comment
 - The committee need to take into consideration due to the peculiarities of fulfilling the Church of England's requirement to build in accordance with a "green book standard", so it can function and meet the requirements demanded by the Church of England.
 - There appears to be some factual inaccuracies contained within the report which refers to *"this 1958 existing rectory as a 1920 house of architectural merit"*! This is not correct.
 - There is a reasonable challenge to be made over what value and importance the existing rectory and proposed rectory have on the conservation area and what any perceived level of harm may be economic and financial considerations t need to be taken into account which could potentially have a serious impact on the wealth and prosperity of the town, significant impact consequences regarding tourism in the area, foot fall into the town/surrounding area and Dorset as a whole.
 - The rector and the diocese of Salisbury are of the opinion that,
"Our plan involves the exchange of land and build cost amongst the three parties above to assist the finances of The Minster itself - which as we know is an ancient heritage building of the highest significance to the town. If this plan falls there will be consequences that are a matter of anxiety".
 - The new rectory has to be of a particular minimum size to meet national Church of England clergy housing specification. It cannot be a small 'coach house' that the conservation officer requests.

Representations received

Site notices were displayed in three locations: two site notices within King Street and 1 at the gated entrance to Wimborne Cricket Club. The application was also publicised via a press advert.

No third party response were received during the consultation period.

10.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 includes a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

11.0 Relevant Policies

Development Plan

Adopted Christchurch and East Dorset Local Plan – Part 1, Core Strategy 2014 (CED):

The following policies are considered to be relevant to this proposal:

- KS1 - Presumption in favour of sustainable development
- KS2- Settlement hierarchy
- KS11- Transport and Development
- KS12- Parking Provision
- LN1- Size and Types of New Dwellings
- LN2- Design, Layout and Density of New Housing Development
- HE1- Valuing and Conserving our Historic Environment
- HE2 - Design of new development
- HE3 - Landscape Quality
- ME1- Safeguarding biodiversity and geodiversity
- ME2- Dorset Heathlands
- ME6- Flood Management, Mitigation and Defence

Material Considerations

Emerging Dorset Council Local Plan

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021.

Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

Emerging Neighbourhood Plans

Wimborne Minster Neighbourhood Plan- In preparation – limited weight applied to decision making.

National Planning Practice Framework (NPPF)

Paragraph 11: Presumption in favour of sustainable development

Paragraph 47: Determining applications in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 100: Planning decisions should take opportunities to provide better facilities for users.

Paragraph 130: Planning decisions should ensure developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Paragraph 159: Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 167: When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere... It should be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Para 199: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Para 200: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Para 202: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Other material considerations:

- Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (SPD)
- SPG15 Wimborne Minster Conservation Area (Conservation Area Appraisal) 2006

'When considering applications for new development, the Council as Local Planning Authority takes particular care to ensure that it fits in satisfactorily with the established character and appearance of the Conservation Area.

Positioning, massing, design and choice of materials are of particular importance, as well as the visual impact of 'building over' an area of hitherto open land. The special character of these areas stem not only from the age, disposition and architectural interest of the buildings, but also from the treatment of the spaces in between.

The presence of gardens, paddocks, soft verges, hedges and old boundary walls contribute greatly to the individual sense of place. Applications for new development must demonstrate that the proposal will harmonise with the Conservation Area i.e. that it will preserve or enhance its character.

Applications for new development must demonstrate that the proposal will harmonise with the Conservation Area i.e. that it will preserve or enhance its character.

...when considering such applications the local planning authority will pay particular attention to the following elements of the design:

The positioning of the building and its relationship with adjoining buildings, existing trees or other features;

- 1. the proposed building materials, particularly the walls and roof, and their suitability to the area and in relation to neighbouring buildings;*
- 2. the proportions, mass and scale of the proposal and their relationship with the area in general and adjoining buildings in particular.*
- 3. whether the proposed development might adversely affect existing trees, hedges or other natural features of the site.*

In some cases it may be necessary to reproduce an historic style of architecture in order to match existing buildings. Generally, however, the Council encourages new construction to be designed in a modern idiom provided the criteria listed above are applied. Poor copies or imitations of architectural styles detract from the genuine older buildings and are normally discouraged’.

- Historic England’s guidance – Setting of Heritage Assets – Dec 2017

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

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

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

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

The proposal would result in a net of 1 dwelling being provided, which will be required to meet building regulations. There may be some limited impact on persons with protected characteristics living in the locality during the construction period.

14.0 Environmental Implications

None

15.0 Planning Assessment

Principle of Development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 says planning applications shall be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

- 15.1 The location within the urban area of Wimborne Minster is considered to be sustainable for new housing development, in accordance with policy KS2 of the CED Local plan.
- 15.2 The site is also within the Wimborne Minster Town Centre Boundary, so CED policy WMC1 is relevant. Policy WMC1 (Wimborne Minster Town Centre Vision) defines the focus of where town centre uses may be appropriate, subject to compliance with other Local plan policies and national planning guidance.
- 15.3 Dorset Council has less than five years housing supply in the former East Dorset Area, so there is a presumption in favour of sustainable development as set out in paragraph 11d of the NPPF. This means that planning permission should be granted unless:

i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 of the NPPF states that '*the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making*'.

- 15.4 It is accepted that the development would make a positive contribution to housing supply, albeit modest by adding 1 additional dwelling. Further consideration of the proposal is provided in the relevant sections that follow.

Scale, Design, Impact on Character, Appearance and Heritage Assets

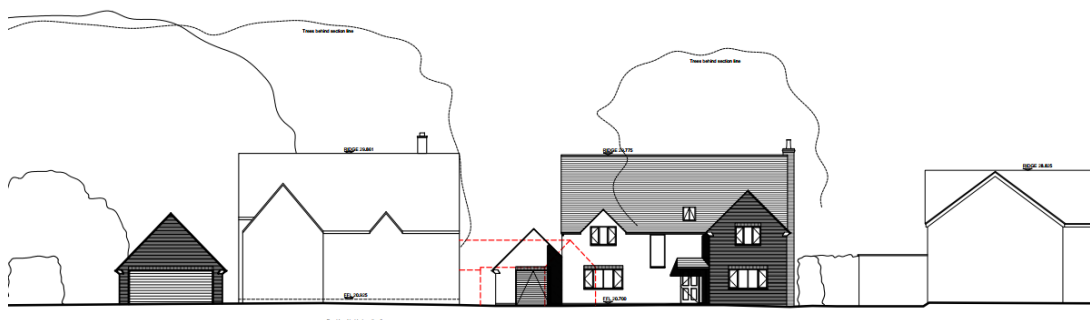
- 15.5 The application site is located within the Wimborne Minster Conservation Area (CA), which is characterised by spacious plots and generous spacing between neighbouring buildings.
- 15.6 The previous planning application ref: P/FUL/2022/05572 for a similar proposal was withdrawn on 23 November 2023. The current scheme proposes to sub-divide the plot to enable the erection of a new two storey rectory dwellinghouse, of a similar scale, form, footprint and design to that of the existing rectory on the site. Two new garages are proposed, a detached double garage with a ridge height of approx. 5.5m to serve the existing dwelling and single width attached garage with a ridge of approx. 4.7m to serve the new dwelling.
- 15.7 The Wimborne Conservation appraisal advises that: *'When considering applications for new development, the Council as Local Planning Authority takes particular care to ensure that it fits in satisfactorily with the established character and appearance of the Conservation Area.*

Positioning, massing, design and choice of materials are of particular importance, as well as the visual impact of 'building over' an area of hitherto open land. The special character of these areas stem not only from the age, disposition and architectural interest of the buildings, but also from the treatment of the spaces in between.

The presence of gardens, paddocks, soft verges, hedges and old boundary walls contribute greatly to the individual sense of place. Applications for new development must demonstrate that the proposal will harmonise with the Conservation Area i.e. that it will preserve or enhance its character'.

- 15.8 The proposed dwelling is taller than its neighbour to the north at 18 King street. Whilst the development will be partially screened by vegetation and trees at the front of the site, when viewed from the street scene this height differential with 18 King Street will be apparent.

NEW RECTORY - WIMBORNE MINSTER



- 15.9 The spaciousness of the plot and street frontage reflects the historic significance of this site. Infilling the plot with a built form extending across the full plot width

significantly alters the character and disposition of buildings on the site. The proposed dwelling and the introduction of two new garages measuring 4.7m and 5.5m in height will also diminish the spaciousness between properties to the south-western side of the street (King Street) and appear at odds with the established character of development in the immediate vicinity which is defined by these gaps and a hierarchy of form.

- 15.10 The heritage section of the submitted Design, Access, Heritage and Planning Statement sets out that the existing rectory building was erected c. 1920s, but an email from the Agent of 20 July 2023 confirms that the existing Rectory at 18 King Street was constructed in 1958.
- 15.11 A reference has been made in consultee comments 'There are economic and financial considerations that need to be taken into account which could potentially have a serious impact on the wealth and prosperity of the town of Wimborne Minster'. No information has been provided by the applicants for consideration in this respect.
- 15.12 Third party comments that the proposed new rectory has been designed to meet a minimum standard for the national Church of England clergy housing specification are acknowledged but these could be achieved through a different design.
- 15.13 Further comments regarding the provision of additional accommodation for a local worker carry limited weight as there is an existing rectory on the site to meet that purpose.

Design

- 15.14 The Conservation appraisal advises that '*Positioning, massing, design and choice of materials, as well as the visual impact of building are important factors in assessing the acceptability of new development*' within the Conservation Area.
- 15.15 The scale height, design and materials of the proposed dwelling, are a handed imitation of the existing 1950's dwellinghouse on the site. The proposed dwelling and garage extends across the full width of the plot and is higher than its neighbour at number 18. The street scene will be altered by its inclusion, with spaces between dwellings reduced and the character of the street altered. Rather than complementing the existing development, the proposal competes with it. Imitations of existing architectural styles and are generally discouraged by the Conservation Area Appraisal The submitted Heritage Statement acknowledges that there is variation of materials through the western part of King Street but the proposed scheme does not respond appropriately to this context as the design, including the materials, varies minimally from that of the existing dwelling on the site.
- 15.16 The two proposed garages on the site will further reduce the appearance and feeling of spaciousness between dwellings on the site and with neighbouring properties.

- 15.17 In weighing applications that directly or indirectly affect heritage assets, a balanced judgment is required, having regard to the scale of any harm and the significance of any heritage assets. In this case, the proposal to provide an additional dwellinghouse and 2 new garages, to contribute to the local housing supply is not judged to outweigh the harm to the character of the Wimborne Minster Conservation Area, arising from the design, footprint, scale, height and width of the proposed development.
- 15.18 The proposed new dwelling and associated development fails to establish a comfortable visual relationship with the existing dwelling, compounded by the similarity of the new dwelling to the existing rectory and the scale of the garaging. Furthermore, the proposed new dwelling would inhibit views through the plot to the trees to the rear of the site, and the proposed dwelling would be more visible from the street scene than the existing rectory. As such, the proposed dwelling would detract from the distinctive and established spacious character of the plot at 17 King Street.
- 15.19 For these reasons, the proposed development would result in harm to the character and setting of the Wimborne Minster Conservation Area (less than substantial harm) and would result in harm to the street scene of King Street for the reasons set out above. No viability or public benefits have been identified which outweigh the harm from the proposed development upon heritage assets, so the proposal is contrary to local planning policies HE1 and HE2, and NPPF paragraphs 130 and 120.

Impact upon Scheduled Monuments

- 15.20 The application site is near to scheduled monuments: 'The Leaze medieval site' (23.93m from the site) and 'Mound on The Leaze' (347.96m from the site).
- 15.21 The Council's Archaeologist has no objection to the proposed scheme, subject to condition that would ensure that the applicant undertakes archaeological observation and recording of the groundworks, with details of these arrangements to be submitted & approved in writing by the Local Planning Authority at least 1 month before commencement of development.
- 15.22 Therefore, subject to an archaeology condition, the proposal is not anticipated to result in harm to scheduled ancient monuments.

Impact on Neighbouring Amenity

- 15.23 Whilst the proposed development would result in 1 no. new dwelling and 2 no. new garages that would be in closer proximity to neighbouring dwellings than the existing development on the site, the proposed new dwelling would not have any upper windows within its side elevations. The upper windows within the rear elevation of the proposed dwelling may have some impact upon the amenity of neighbouring occupants in terms of privacy and overlooking, but only to the neighbouring garden

areas. Therefore, subject to conditions, the proposal is judged to have a limited impact upon neighbouring amenity that is not considered to be harmful to the occupants of neighbouring properties and accords with policy HE2 in this regard.

Impact upon Trees and Landscape

- 15.24 Wimborne Town Council have no objection to the proposals subject to tree analysis comments being observed and tree screening from the road is retained.
- 15.25 There are important trees at the front of the site which are subject to a Tree Protection Order TPO ref: EDDC/WIM/82 and the whole site is within the Wimborne Minster Conservation Area.
- 15.26 Following the initial consultation response from the Council's Tree Officer, an Arboricultural Survey, an Arboricultural Method Statement, an Arboricultural Impact Assessment and a Tree Protection Plan were received for consideration.
- 15.27 The Council's Tree Officer reviewed these additional tree documents and had no objection to the proposed scheme, subject to conditions including a pre-commencement meeting condition.
- 15.28 Therefore, subject to conditions, the proposal under consideration accords with local planning policy HE3 of the adopted Local Plan.

Access and Parking

- 15.29 The Council's Highways Officer has no objection to the proposals, subject to the imposition of a turning/manoeuvring and parking construction condition.
- 15.30 Therefore, subject to this condition, the proposal accords with local planning policies KS11 and KS12 of the adopted Local Plan.

Flooding Risk

- 15.31 The front north-eastern part of the site is partly overlapped by areas within Flood Zone 2 by a maximum of 2.4 metres, and the ground levels slope downwards towards the front of the site to the road. It is noted that the land levels are also lower to the rear/south of the site behind the proposed dwelling.
- 15.32 The majority of the application site lies within Flood Zone 1, but the whole application site also is at high risk of groundwater emergence, due to high groundwater levels.
- 15.33 The submitted Flood Risk Assessment (FRA) sets out that the proposed finishes floor levels are at least 1 metre above the area of flood risk, and that electrical points will be raised. However, the FRA does not mention the high groundwater levels on the site and how this is to be addressed.
- 15.34 Following a request by the Case Officer, a Conceptual Surface Water Drainage Scheme drawing ref: 2518-P06 was submitted for consideration on 3 July 2023,

along with a general specification (produced by RainActiv) for the proposed system to be used in the development. Subsequently, a revised Conceptual Surface Water Drainage Scheme drawing ref: 2518-P06 (revision A) was received on 17 July 2023.

- 15.35 Whilst it is noted that Wessex Water would appear to accept a discharge to the public surface water sewer at a maximum rate of 1 l/s in principle, no calculations have been submitted to Dorset Council for consideration (within this application) to demonstrate that the surface water discharge from the proposed development on the site will be no greater than existing run-off rate.
- 15.36 In addition to the above, no calculations have been provided that demonstrate how the required surface water attenuated storage volume requirement on site is appropriate for the proposed development.
- 15.37 The application site levels do not demonstrate a gravity fall to the proposed attenuation storage, as per the levels shown on the revised Conceptual Surface Water Drainage drawing. Furthermore, no drainage modelling to support the viability of this proposal has been submitted and the strategy does not take the proposed paved areas into account.
- 15.38 The application site should remain safe from flooding for the lifetime of the proposed development, and proposals should ensure that there is not a worsening of the surface water flood risk elsewhere. It is considered that the submitted strategy does not demonstrate this requirement.
- 15.39 As such, it is considered that insufficient evidence and clarification has been submitted to the Council, to ensure that the proposed Conceptual Surface Water Drainage strategy is both viable and deliverable at the site in order that a condition could reasonably be imposed. Furthermore, it has not been demonstrated that the site will remain safe for its lifetime without a worsened flood risk elsewhere.
- 15.40 Therefore, the proposed development would fail to accord with local planning policy ME6 and would fail to comply with policies 159 and 167 within section 14 of the NPPF.

Impact upon Biodiversity

- 15.41 As the application site is greater than 0.1ha it triggers the need for a Biodiversity Appraisal under the Dorset Council's Biodiversity Protocol. In this case no Biodiversity Plan has been submitted but a Bat Survey Report by Pete Etheridge of Greenwood Ecology & Countryside Management accompanies the application which has concluded that:

“The property was surveyed in accordance with current best practice guidelines and no evidence of bat presence or suitable roosting habitat was recorded. It is therefore considered that the proposed works can proceed in accordance with wildlife legislation & planning policy.”

- 15.42 The Dorset Environmental Records Centre (DERC) identifies that there are bat records within 140 metres of the application site, and it is noted that to the rear of the site there is an abundance of open space.
- 15.43 On the basis that the site is in residential use the likely harm to protected species is sufficiently low that refusal on the grounds of biodiversity would not be warranted. However, an informative note has been added to inform the applicant that should a new application be submitted in the future then the scheme would benefit from a Dorset Council Natural Environment Team approved Biodiversity Plan and Certificate to confirm that the proposals accord with local policy ME1.

Public Benefits

- 15.44 Paragraph 202 of the NPPF states that '*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset [as in this case], this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*'.
- 15.45 Enabling development can be a useful tool to secure future funding to assist with the conservation of heritage assets. This is development that would not normally be granted permission due to conflict with local/national policies, except in circumstances when a proposed scheme secures the future conservation of a heritage asset. Historic England's '*Enabling Development and Heritage Assets*' guidance (June 2020) sets out that if a decision maker is to agree to an exception to planning policies, the submitted evidence will need to be clear and convincing. This guidance sets out a seven step approach that meets the requirement of NPPF paragraph 202, which should be proportionate and appropriate to the specific circumstances.
- 15.46 From the information submitted, there is insufficient information to connect the proposal to benefits to conservation of The Minster or to demonstrate the proposed development's impact upon the town and tourism in the area.
- 15.47 The Council would not be able to prevent the sale of the current Rectory in the event that permission is granted so there is no guarantee of additional social benefit arising from the proposed development.
- 15.48 As the information submitted does not clearly set out details of the financial benefits of the proposed development, it is not possible to fully assess the financial benefits of the scheme within this application. The proposal has not demonstrated that public benefits will outweigh the harm arising to heritage assets.

Dorset Heathlands

- 15.49 The application site is located approximately 3906.28m from protected Dorset Heathlands and is within the 5km Heathland Buffer zone.

- 15.50 Natural England has no objection to the proposed development, subject to securing appropriate mitigation.
- 15.51 The proposal for a net increase of 1 residential unit, in combination with other proposals in the area and in the absence of avoidance and mitigation measures, is likely to have a significant effect on protected sites. It has therefore been necessary for the Council, as the appropriate authority, to undertake an Appropriate Assessment of the implications for the protected site.
- 15.52 The appropriate assessment has concluded that the mitigation measures set out in the Dorset Heathlands 2020-2025 SPD can prevent adverse impacts on the integrity of the site. The SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). In relation to this development the Council will fund HIP provision and SAMM via the Community Infrastructure Levy (CIL).
- 15.52 With the mitigation secured via CIL, the development will not result in an adverse effect on the integrity of the designated site so in accordance with regulation 70 of the Habitats Regulations 2017 the application accords with local policy ME2.

Conclusions

- 16.0 The proposal would have unacceptable impacts upon the character of the Conservation Area, resulting in overdevelopment contrary to the spacious pattern of development within this area to the south-west of King Street, and the proposal would therefore not be compatible with its surroundings. The overall development would fail to establish a comfortable and acceptable visual relationship within the plot and its surroundings. As such, the proposal would be contrary to paragraph 130 of the NPPF and would result in less than substantial harm to the heritage asset of Wimborne Minster Conservation Area contrary to the aims of section 16 of the NPPF.
- 16.1 Insufficient information has been provided to demonstrate that the development would not result in an increase of flooding to the proposed development's surroundings from the site's high groundwater levels and potential future flooding.
- 16.2 In the light of the lack of 5 year housing land supply in the former East Dorset Local Plan area, the housing policies are out-of-date and the tilted balance at NPPF paragraph 11 d) applies. This means that permission should be granted unless policies within the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed or any adverse impacts would demonstrably outweigh the benefits. Footnote 7 relating to NPPF paragraph 11 d) sets out areas or assets of particular importance such as designated heritage assets, which would include conservation areas. However, in this instance the proposed development would result in harm to a designated

heritage asset (Wimborne Minster Conservation Area) which is not outweighed by any public benefits.

- 16.3 Therefore, the proposal is recommended for refusal, as the scheme is contrary to local planning policies HE1, HE2, and ME6 and also policies within paragraphs 130, 159, 167 and 200 of the National Planning Policy Framework.

17.0 Recommendations

Refuse permission for the reasons set out below:

1. The design, massing, height and siting of the proposed new buildings would result in overdevelopment of the spacious site within its immediate location, would detract from the character of the area, would not be compatible with its surroundings, and would harm the historic and architectural significance of the setting of the Wimborne Minster Conservation Area which is a heritage asset. No clear and convincing justification has been provided to justify this harm. Accordingly, the proposals would fail to enhance and conserve heritage assets and their significance, and settings would not be protected or enhanced. Furthermore, the proposal would not add to the overall quality of the area within King Street and would not be sympathetic to local character and history. No public benefits have been identified that outweigh the harm that would result from the development upon the Wimborne Minster Conservation Area and the proposals would therefore be contrary to policies HE1 and HE2 of the Christchurch & East Dorset Core Strategy 2014 and contrary to paragraphs 130 and 200 of the National Planning Policy Framework 2021. Furthermore, the proposal is contrary to Historic England guidance, in particular 'Enabling Development and Heritage Assets.'
2. The Council's records indicate that the application site lies within an area with high ground water levels where development may be at risk of flooding and the proposed development may result in surface water flooding to its surroundings. Insufficient evidence and clarification have been submitted to ensure that the proposed conceptual surface water scheme is both viable and deliverable on the site, to ensure that the proposed development on the site will remain safe for its lifetime without a worsened floor risk elsewhere. The benefits of the proposed development do not outweigh the harm from increased risk of flooding, and the application is contrary to Local Plan policy ME6 and policies within paragraphs 159 and 167 of the National Planning Policy Framework (2021).

Informative Notes:

1. National Planning Policy Framework
In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on

providing sustainable development. The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and –
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent did not take the opportunity to enter into pre-application discussions.
- The applicant was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these concerns.
- The applicant was offered the opportunity to submit further information to overcome concerns identified by the case officer with regards to flooding.

2. The plans that were considered by the Council in making this decision are:
 - 2518-S01 Location Plan
 - 2518-P01C Proposed Site Plan
 - 2518-P02C Proposed Floor Plan
 - 2518-P03C Proposed Elevations (New Dwelling)
 - 2518-P03 Proposed Elevations (New Garage)
 - 2018-P05A Proposed Site Section
3. The applicant is advised that the site is in an area at high risk of groundwater flooding.
4. If planning permission is subsequently granted for this development at appeal, it will be subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL liability notice will then be issued by the Council that requires a financial payment, full details of which will be explained in the notice.
5. As the application site area is greater than 1 hectare, the applicant is advised to submit a Biodiversity Plan that has been approved by Dorset Council's Natural Environment Team (DC NET) with a Certificate of Approval from DC NET with any future application or appeal. An approved Biodiversity Plan will ensure that the proposals accord with the Dorset Biodiversity Appraisal Protocol in line with Natural England's Standing Advice and that the proposal accords with local planning policy ME1 and policies within section 15 of the NPPF.
6. The applicant is advised that bats are protected in the UK by Schedule 5 of the Wildlife and Countryside Act 1981 and Part 3 of Conservation of Habitats and Species Regulations 2017 (as amended). Work should proceed with caution and if any bats are found, all work should cease, the area in which the bats have been found should be made secure and advice sought from Natural England (tel: 0300 060 3900), website www.naturalengland.org.uk before proceeding.

Eastern Area Planning Committee
2 August 2023

Further information about the law and bats may be found on the following website
<https://www.gov.uk/guidance/bats-protection-surveys-and-licences>

7. If planning permission is subsequently granted for this development at appeal, it is advised that a condition is imposed to cover the possibility that unexpected contaminated land could be found during development.