

Northern Area Planning Committee

26th September 2023

Application Reference: P/OUT/2021/02187

Application Site: Land at E 381150 N 126745, Barnaby Mead to Bay Lane - Footpath, Gillingham

Proposal: Develop land by the erection of up to 20 No. dwellings, form vehicular access and associated infrastructure. (Outline application to determine access).

Recommendation: Recommendation A: Minded to GRANT, 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:

- 25% affordable housing on site
- Community Facilities Contribution
- Formal Outdoor Sports Contribution
- Formal Outdoor Sports Maintenance Contribution
- Informal Outdoor Space Contribution
- Informal Outdoor Space Maintenance Contribution
- Play Facilities Contribution
- Play Facilities Maintenance Contribution
- On-site Open Space Provision
- Public Footpath Connections and the conditions (and their reasons) listed at the end of the report.

Recommendation B: Refuse permission for failing to secure the obligations above if the agreement is not completed by 6 months or such extended time as agreed by the Head of Planning.

Decision: A) **GRANTED**, 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:

- 25% affordable housing on site
- Community Facilities Contribution
- Formal Outdoor Sports Contribution
- Formal Outdoor Sports Maintenance Contribution
- Informal Outdoor Space Contribution
- Informal Outdoor Space Maintenance Contribution
- Play Facilities Contribution
- Play Facilities Maintenance Contribution
- On-site Open Space Provision
- Public Footpath Connections

Or,

B) **REFUSED** permission for failing to secure the obligations above if the agreement is not completed by 6 months or such extended time as agreed by the Head of Planning.

Conditions

Reserved Matters

1. Approval of the details of the layout, scale or appearance of the buildings and the landscaping of the site (hereinafter “the Reserved Matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced. The development shall be carried out in accordance with the approved Reserved Matters.
Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).
2. Application for the approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission.
Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).
3. The development hereby permitted shall be begun before the expiration of two years from the date of final approval of the Reserved Matters or, in the case of approval on different dated, the final approval of the last Reserved Matter to be approved.
Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

Approved Plans

4. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details: Site Location Plan 200801 L 01 01 A Proposed Road Extension and Raised Crossing 4632-001-REV D
Reason: For the avoidance of doubt and to clarify the permission.

Quantum and Parameters of Development

5. The development hereby approved shall be limited to a maximum of 20 dwellings only and shall allow for the provision of the public open space and ecological buffer zone areas as shown on the Illustrative Layout (Drawing No. 200801 L 02 02 F).
Reason: To define the extent and parameters of the permission.

Landscaping

6. No dwelling hereby approved shall be first occupied or used until details of the onsite public open space has been submitted to and approved in writing by the local planning authority. The submission must include details relating to the design, laying out and future arrangements for management and maintenance of the open space. The open space shall then be laid out and maintained as approved for the lifetime of the development.
Reason: To ensure the landscape scheme secured by reserved matters is implemented and satisfactorily maintained in the interests of the character and amenity of the completed development.

Ecology

7. The development hereby approved shall be undertaken in accordance with the ecological mitigation and net gain measures as set out in the Biodiversity Plan dated 01st September 2023 and agreed by Dorset Natural Environment Team on 06th September 2023.
Reason: To conserve and enhance biodiversity.
8. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of any development. The content of the LEMP shall include the following:
 - a) Description and evaluation of features to be managed.

- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management, including management of the retained and new hedgerows, wildflower grassland and other habitats.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved LEMP must be implemented in accordance with the approved details. Reason: To protect the landscape character of the area and to mitigate, compensate and enhance/provide net gain for impacts on protected species and biodiversity.

- 9. The submission of reserved matters for appearance and layout shall include a scheme showing precise details of all external lighting (including appearance, supporting columns, siting, technical details, power, intensity, orientation and screening of the lamps). Any such scheme shall comply with the Bat Conservation Trust lighting guidelines (Guidance Note 08/18 Bats and Artificial Lighting in the UK. Bats and the built environment series) and the mitigation requirements as set out in the agreed Biodiversity Plan. Reason: In the interests of the visual and residential amenity of the area, public safety, protected species and biodiversity.

Highways

- 10. No development of the access, highway layout, turning and parking areas hereby approved shall commence until details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Planning Authority. Reason: To ensure the proper and appropriate development of the site
- 11. Before the development hereby approved is occupied or utilised the following works must have been constructed to the specification of the Planning Authority: - The proposed raised table crossing of Footpath N64/45 as shown on Dwg No 4362-001 Rev D (or similar scheme to be agreed in writing with the Planning Authority). Reason: These specified works are seen as a pre-requisite for allowing the development to proceed, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal.
- 12. The development hereby permitted must not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities is submitted to and approved in writing by the Planning Authority. The approved scheme must be constructed before the development is commenced and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified. Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

Flooding/Drainage

- 13. Prior to the commencement of the development, a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the

development, and providing clarification of how drainage is to be managed during construction, along with details of maintenance and management of the surface water sustainable drainage scheme, shall be submitted to and approved in writing by the local planning authority. The surface water management and maintenance scheme shall be implemented in accordance with the approved details before the development is completed and maintained for the lifetime of the development.

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

14. The reserved matters should be informed with particular regard to the attributes of the various character areas established in the Gillingham Neighbourhood Plan (especially Tables 12.3 and 12.6) and Gillingham Town Design Guide (2012) insofar as they pertain to this site.

Reason: To preserve or enhance the character and appearance of the surrounding heritage assets.

Construction

15. Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Planning Authority. The CTMP must include:

- construction vehicle details (number, size, type and frequency of movement)
 - a programme of construction works and anticipated deliveries
 - timings of deliveries so as to avoid, where possible, peak traffic periods
 - contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
 - wheel cleaning facilities
 - vehicle cleaning facilities
 - Inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
 - a scheme of appropriate signing of vehicle route to the site
 - a route plan for all contractors and suppliers to be advised on
 - temporary traffic management measures where necessary
- The development must be carried out strictly in accordance with the approved Construction Traffic Management Plan.
Reason: to minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway.

Archaeology

16. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant to and approved by the Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results. The archaeological work shall be implemented in full in accordance with the approved scheme.

Reason: To safeguard and/or record the archaeological interest on and around the site

Potential Contamination

17. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). Should any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority, and implemented as approved. On completion of the

approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised

Application Reference: P/FUL/2022/05225

Application Site: 91 Cheap Street Sherborne Dorset DT9 3LS

Proposal: Continue use of the building as a takeaway (sui generis), retain enhanced extract plant.

Recommendation: GRANT subject to conditions

Decision: GRANTED subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
P01 Location Plan.pdf
P02 Existing Floor Plan.pdf Officer Report
P03 Proposed Floor Plan.pdf
P04 Existing and Proposed Principal Elevations.pdf
P05 Existing and Proposed Secondary Elevations.pdf
Reason: For the avoidance of doubt and in the interests of proper planning.
2. The Extract System as outlined & described in Equipment Maintenance Plan, produced by Southern Air Solutions Ltd, dated 17 August 2023, shall be switched on and ran at full speed (ie No. 5 on the fan speed controller) at all times during cooking to ensure a suitable discharge velocity in excess of 10m/sec at all times.
Reason: In order to protect the living conditions of surrounding residential properties.
3. The Extract System as outlined & described in Equipment Maintenance Plan, produced by Southern Air Solutions Ltd, dated 17 August 2023, shall be cleaned, maintained and serviced in strict accordance with the schedule outlined in the Maintenance Plan, namely: The carbon filter shall be checked and, if required, replaced every six months; or no later than every 12 months; Every six months professional cleaning of the internal duct from canopy to the filter unit shall be undertaken. A maintenance log (including receipts) demonstrating this servicing has been suitably carried out shall be maintained and submitted to the Local Planning Authority no later than 14 months after granting of the permission. Thereafter a maintenance log (including receipts) shall be maintained in perpetuity, for inspection by the Local Planning Authority within 14 days notice.
Reason: In order to protect the living conditions of surrounding residential properties.
4. During opening hours, all doors and windows of the premises shall remain closed at all times (except for the access and egress of patrons and staff from the building).
Reason: To safeguard the character and amenity of the area and living conditions of any surrounding residential properties.
5. The premises shall only be open to patrons between the hours of 4:00pm to 10:30pm Sundays to Thursdays, and Bank Holidays, and 4:00pm to 11:00pm Friday & Saturdays.
Reason: To safeguard the character and amenity of the area and living conditions of any surrounding residential properties.
6. No alterations or changes to the measures of odour control of the Extract System, nor deviation of the approved Maintenance Plan, as outlined & described in Equipment Maintenance Plan, produced by Southern Air Solutions Ltd, dated 17 August 2023, shall be undertaken without an application to and approval in writing from the Local Planning Authority

Reason: In order to protect the living conditions of surrounding residential properties.

Application Reference: P/FUL/2022/03360

Application Site: Former Priory Hospital, Fairfield Bungalows, Blandford Forum, Dorset, DT11 7HX

Proposal: Convert former special needs residential care home into 16 No. flats and carry out associated external alterations, including construction of terraces and balconies. Erect cycle store.

Recommendation: Refuse permission on the grounds of loss of an in-need care use and associated loss of jobs owing to the future cessation of the care use.

Decision: REFUSED for the following reason:

1. The development would result in the loss of a specialist care provision use, given its current occupation as reablement care, and would result in the loss of jobs. As such, it would be contrary to both Policy 11 and 14 of the North Dorset Local Plan (adopted 2016), policy 3 of the Blandford+Neighbourhood Plan (made March 2023) and the NPPF.

Application Reference: P/FUL/2022/06061

Application Site: Summerfield Farm, Butts Lane, Stour Provost, Gillingham SP8 5RU

Proposal: Erection of rural workers dwelling

Recommendation: The recommendation is to grant permission subject to conditions. The conditions include an occupancy restriction (to respond to the fact that the dwelling would not be permitted in this countryside location were it not for a need being demonstrated). It is also recommended that certain permitted development rights are removed so that the Council, as local planning authority, retain control over the floorspace of the dwelling; this is to ensure that the dwelling size remains commensurate to the need identified.

Decision: GRANTED permission subject to the following conditions: -

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 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - SK-1580-100 A Proposed site plan
 - SK-1580-101 B Proposed floor plans
 - SK-1580-102 A Proposed elevations
 - Location plan received 30th September 2022.Reason: For the avoidance of doubt and in the interests of proper planning.
3. Prior to the first occupation of the dwelling hereby approved: -
 - a) details of all proposed means of enclosure, boundary walls and fences to the site, shall be submitted to, and approved in writing by, the Local Planning Authority.
 - b) The said approved boundary treatments shall have been completed.

Reason: To minimise landscape harm given the prominence of the site from public footpaths to the east and west.

4. Any soft landscaping that comprises part of the boundary treatment scheme required by condition 3 shall be maintained in accordance with the agreed details and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To minimise landscape harm given the prominence of the site from public footpaths to the east and west.

5. Prior to their use on the development hereby approved, details and samples of the facing stonework (including coursing, mortar mix and pointing) and roof slates shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development given the prominence of the site when viewed from public visual receptors on the public footpaths and the B3092.

6. The occupation of the dwelling hereby approved shall be limited to a person solely, or mainly, employed, or last employed, prior to retirement, in the locality in agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990, or in forestry (including any dependants of such a person residing with him/her) or a widow, or widower, of such a person.

Reason: The site is in an area where new dwellings would be contrary to the provisions of the approved Local Plan and normally would not be permitted except where there is an overriding need in the interests of agriculture or forestry.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and reenacting that Order) (with or without modification) no enlargement(s) of the dwellinghouse hereby approved, permitted by Classes A, AA and B of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To ensure that the size of the dwelling in terms of floorspace remains commensurate in scale to the need identified.

8. The integral garage and carport as shown on approved drawing numbers SK-1580-101 Rev B and SK-1580-102 Rev A shall be retained for use as a garage/car port and shall not be incorporated into the living areas of the dwelling.

Reason: In the interests of allocated parking provision and to restrict the size and affordability of the occupational dwelling

9. Prior to the first occupation of the dwelling hereby approved, 2 bat boxes, 2 bird boxes and a bee brick shall have been installed within the site in accordance with details previously submitted to and agreed in writing by the Local Planning Authority. The said bat boxes, bird boxes and bee brick shall be retained thereafter for the lifetime of the development.

Reason: To secure the necessary biodiversity net gain measures.

10. Prior to the first occupation of the dwelling hereby approved, the first 5.00 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note 2 below), must be laid out and constructed to a specification previously submitted to and approved in writing by the Local Planning Authority.

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

11. Prior to the first occupation of the dwelling hereby approved the turning/ manoeuvring and parking shown on Drawing Number SK-1580-100 A shall be completed in accordance with the details shown on this drawing. 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.

12. Before the dwelling hereby approved is first occupied any entrance gates must be set back a minimum distance of 5.00 metres from the edge of the carriageway and hung so that the gates can only open inwards. Thereafter, the gates must be retained at their approved position, maintained and kept free from obstruction.

Reason: To enable a vehicle to be parked clear of the public highway whilst the gates are opened or closed, preventing possible interruption to the free flow of traffic.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

2. 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, 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

Application Reference: P/HOU/2023/01242

Application Site: River House Stalbridge Lane Sturminster Newton DT10 2JQ

Proposal: Erect first floor extension to roof and raise height, erect studio.

Recommendation: GRANT subject to conditions

Decision: GRANTED permission subject to the following conditions:

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 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 5099-01 Location, block and proposed plans 5084-02 C Existing & Proposed first floor plan
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Prior to development above damp proof course level, details (including colour photographs) of all external facing materials for the wall(s) and roof(s) shall have been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed. Reason: To ensure a satisfactory visual appearance of the development.
4. Prior to first occupation or use of the development hereby approved the mitigation measures as detailed in the Biodiversity Mitigation Plan dated 24 July 2023 shall be completed in full.
Reason: To minimise impacts on biodiversity.

Informative Notes:

1. The applicant is reminded of their responsibility to submit photographic evidence of compliance with the Biodiversity Plan to Dorset Natural Environment Team in order to comply fully with requirements of condition 4.
2. Informative: National Planning Policy Framework Statement

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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case: - The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.