

Officer Report

Application Number:	P/FUL/2021/04205		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Saxon Maybank East Farm Grain Mills Bradford Abbas Sherborne DT9 6JN		
Proposal:	Station 3 holiday lodges and install a package treatment plant and associated works		
Applicant name:	Saxon Holiday Lodges Ltd		
Case Officer:	Steven Banks		
Ward Member(s):	Cllr Legg		
Publicity expiry date:	15 December 2023	Officer site visit date:	21/06/2022
Decision due date:	19 January 2024	Ext(s) of time:	19 January 2024

1.0 Reason for Referral

This application is referred to committee under scheme of delegation process. The recommendation of officers is that planning permission should be granted subject to conditions and completion of a S.106 agreement.

2.0 Summary of recommendation:

Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to:

A) Grant planning permission subject to conditions and 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 landscaping.

B) Refuse to grant planning permission if a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by 05/09/2024 or such extended time as agreed by the Head of Planning.

3.0 Reason for the recommendation:

- The principle of the proposed development taking place is accepted by policy.
- The proposed development would respect the character of the area.
- The proposal would not have an unacceptable impact on highway safety or the efficiency of the transport network.
- The proposal would not harm biodiversity.
- An acceptable level of residential amenity would result.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of the proposed development for holiday purposes taking place, by reason of its nature and location, is accepted by policy. This

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	<p>is an existing site, and the proposal would represent a small-scale addition to the existing holiday provision.</p>
Biodiversity and Nutrient Neutrality	<p>A certificate of approval of a Biodiversity Plan, issued by the Dorset Natural Environment Team, has been submitted as part of the application.</p> <p>Natural England have confirmed that they concur with the Appropriate Assessment, of the proposal, which concluded that the proposal would not have an adverse effect on the integrity of the Somerset Levels and Moors Ramsar Site. It is, therefore, considered that the proposal would not harm biodiversity or water quality.</p>
Impact on amenity	<p>Occupiers of the proposed and existing units of holiday accommodation would not be subject to a harmful overlooking, overbearing or overshadowing effect.</p> <p>The residential use of the proposed holiday units would not introduce noise that would harm residential amenity.</p> <p>A sufficient area of outdoor amenity space would serve the proposed and existing units.</p>
Character and appearance	<p>The proposed holiday lodges, by reason of their form, scale, design, materials, and positioning, would maintain the character of the area where similar units form a characteristic feature.</p>
Financial benefits	<p>The proposed development, by reason of its nature and scale, would: require and support a modest amount of labour from the construction industry; and accommodate a small number of people who would, in turn, make a small contribution, through expenditure, to the viability of local retailers and service providers.</p>
Environmental Implications	<p>Any occupier of the proposed holiday units would be reliant on the private car. The proposal would not contribute to a reduction in emissions. However, the principle of the type of development which is proposed is accepted by policy.</p>

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Rights of way	The proposed development would not affect a bridleway, byway open to all traffic, footpath or restricted byway.
Highway safety	<p>There would not be an unacceptable impact on highway safety and the residual cumulative impacts on the efficiency of the transport network would not be severe.</p> <p>The development would be served by a sufficient level of parking.</p>
Trees	A Tree Officer, of the Council, considered that the proposal would not harm any trees, subject the imposition of conditions.
Ground stability	The site does not comprise of land which has been identified as being unstable.
Flood risk	The application site does not comprise of land which has been assessed as having medium to high probability of flooding and is classed as low risk.
Light pollution	The development of three lodges, by reason of the amount of development, would not result in a harm full increase in light, which would harm the area which includes units used for residential purposes.
Emergency vehicle access	The proposed units, by reason of their positioning, would not prevent emergency vehicles accessing proposed and existing properties.
Site licence	<p>The Caravan Sites and Control of Development Act, which requires the gaining of a site licence by relevant parties, is separate from planning legislation.</p> <p>The site licence covers matters which relate to electricity and foul drainage.</p>
Sites of Special Scientific Interest	It is considered that the proposal, by reason of its location and nature, would not harm the Sites of Special Scientific Interest referred to in

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	the Sites of Special Scientific Interest part of this report.
Scheduled Monuments	Given the separation distance between the proposed development and the scheduled monuments it is considered that the proposed development would not harm the significance of the monuments.

5.0 Description of Site

The application site can be found to the east of Yeovil, to the north of the main built settlement of Bradford Abbas and to the south of Over Compton and the A30. The area is characterised by a development, which comprises of holiday lodges and barn conversions, and agricultural fields.

6.0 Description of Development

It is proposed to station 3 holiday lodges and to install a package treatment plant.

7.0 Relevant Planning History

1/D/07/001761- Decision: REF- Decision Date: 21/02/2008

Change of use from redundant grain mill to 7No sustainably built timber holiday lodges and 4No holiday barn conversions

An appeal against the refusal to grant planning permission was allowed on 16/12/2008 and planning permission for a change of use from redundant grain mill to 7 sustainably built timber holiday lodges and 4 holiday barn conversions at East Farm Grain Mills, Underdown Hollow, Bradford Abbas, Dorset, DT9 6JN was allowed subject to conditions.

1/D/08/000573 - Decision: REF - Decision Date: 28/07/2008
Re-develop land for the siting of 10No. timber holiday lodges (with existing consent for office and holiday use)

1/D/08/000825 - Decision: WIT - Decision Date: 23/02/2009
Develop land for the siting of 7No timber holiday lodges and formation of associated access and parking areas

1/D/08/000826 - Decision: WIT - Decision Date: 23/02/2009
Change of use of redundant grain mill buildings to 4No holiday barn conversions and 1No storage barn conversion and formation of associated access and parking areas

1/D/09/001339 - Decision: GRA - Decision Date: 11/11/2009
Use land for 3 holiday lodges. Convert part of remaining building to office/store (Use Class B1)

WD/D/18/000095 - Decision: RES - Decision Date: 29/01/2018
Pre-application consultation: Change of use from barn (B1) to residential letting

WD/D/19/000169 - Decision: GRA - Decision Date: 12/03/2019

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Change of use from (B1) office to (C3) 2 no.dwellings with associated works to include raised decking; change of use from agricultural storage building to (B1) office with associated works; retention of existing temporary building to be used as site accommodation for the Client/Contractor whilst works are done.

WD/D/19/002472 - Decision: GRA - Decision Date: 16/01/2020
Demolition of existing extensions and outbuilding. Erect 2 storey and single storey extensions and erection of a single storey annexe.

8.0 List of Constraints

Tree Preservation Order (TPO/2022/0004) - Distance: 0

Land Outside of any Defined Development Boundary - Distance: 0

Nutrient Catchment Areas - Distance: 0

Somerset Levels Hydrological Catchment (Phosphates) - Distance: 0

Site of Special Scientific Interest (SSSI) impact risk zone - Distance: 0

Scheduled Monument: Roman temporary camp at East Farm (List Entry: 1456547) - Distance: 53.81

Scheduled Monument: Roman villa SE of East Farm (List Entry: 1002414) - Distance: 168.68

Groundwater Source Protection Zone - Distance: 0

Groundwater Source Protection Areas - LOWER MAGISTON - Distance: 0

9.0 Consultations

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

Consultees

Parish Council - Object

- DMMO T474 The Parish Council submitted a DMMO in 2008 and in 2015 an order was made to record a footpath from East Lane (D20502) to the road by Coombe Cottages (D20503), Bradford Abbas. This case (T474) remains in a queue to be submitted to the Planning Inspectorate. Given the close proximity of the proposed dwelling No 18 there is concern it could be encroaching on the footpath. This DMMO must be considered when reviewing this application all information should be available on the Dorset Council website.

- Overdevelopment of the site that is outside of defined development boundaries. This new proposal takes development out into previously undeveloped land and would impact the character of the area. The original application, granted on appeal was for 11 properties/holiday homes in 2008.

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- *Traffic: Unsuitable access from East Farm. The narrow single-track lane is currently coping with the increased agricultural vehicles since the fertiliser store was built in 2019 and the additional dwellings will exacerbate the issues.*

Ward Member – Object

The proposal would harm the character and appearance of the area.

The location is unsustainable.

Highways Officer - No objection

A condition, relating to turning and parking areas, should be imposed on any permission.

Tree Officer - No objection

Conditions, relating to the arboricultural method statement and supervision, should be imposed on any permission.

Natural Environment Team

The proposal triggers the need for the submission of relevant ecological material.

Natural England – No objection

A condition, relating to the package treatment plant, should be imposed on any permission.

Building Control – No comment

Senior Ranger – No objection

Senior Definitive Map Technical Officer

Refers to the consultation response from the Senior Ranger.

If the planning application is approved, please could you append an informative note to draw the applicant's attention to the requirement to seek a Public Path Order to divert the footpath (if added to the Definitive Map by Modification Order), either by TCPA or Highways Act depending on the timescales of the planning application and the Definitive Map Modification Order.

Housing

No objection subject to the imposition of conditions, relating to the use of the lodges, on any permission.

A site licence, in respect of Saxon Maybank Underdown Hollow Bradford Abbas Sherborne Dorset DT9 6JN, pursuant to Section 3 of the Caravan Sites and Control of Development Act 1960, subject to conditions, exists. The licence would need to be amend if it is intended to implement any permission.

Landscape

No objection subject to the imposition of a condition, relating to landscaping details, on any permission.

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Representations received

Total - Objections	Total - No Objections	Total - Comments
9	0	0

The authors of the statements of objection, to the proposed development, expressed concerns that the proposed development would:

Harm the appearance of the area.

Result in the over development of the site.

Introduce a level of overlooking, of existing properties, which would harm the residential amenity of the occupiers of existing properties.

Introduce a level of overshadowing, of existing properties, which would harm the residential amenity of the occupiers of existing properties.

Have an overbearing effect which would harm the residential amenity of the occupiers of existing properties.

Introduce noise levels which would harm the amenity of the occupiers of units.

Harm highway safety.

Result in a lack of recreational space serving the site.

Result in a decrease in value of existing properties.

Obstruct views.

Have an adverse effect on the integrity of the Somerset Levels and Moors Ramsar Site.

Harm biodiversity

Result in the overdevelopment of the site.

Take place on unstable ground.

Include land outside of the applicant's control.

Take place in an unsustainable location.

Create light pollution.

Place additional demand on electricity and drainage/sewage infrastructure.

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Not be easily accessed by emergency service vehicles.

Harm the safety of disabled people.

Not provide a sufficient level of parking.

Not provide an acceptable standard of parking.

Harm a tree.

Not satisfy Policy ECON7.

Fail to meet the requirements of building regulations.

Not result in, material, economic benefits.

Not meet site licence conditions.

Result in the extinguishing of a right of way.

Result in an increase in flood risk.

Reference was also made to inaccuracies in the application.

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.

11.0 Relevant Policies

Development Plan

Adopted West Dorset and Weymouth & Portland Local Plan:

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

INT1	-	Presumption in Favour of Sustainable Development
ENV1	-	Landscape, Seascape and Sites of Geological Interest
ENV2	-	Wildlife and Habitats
ENV4	-	Heritage Assets
ENV10	-	The Landscape and Townscape Setting
ENV 12	-	The design and positioning of buildings
ENV 16	-	Amenity
SUS2	-	Distribution of development
ECON6	-	Built Tourist Accommodation
ECON7	-	Caravan and camping sites
COM7	-	Creating a safe & efficient transport network
COM9	-	Parking Standards in New Development

Material considerations

National Planning Policy Framework:

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

- 2 - Achieving sustainable development
- 4 - Decision-making
- 6 - Building a strong, competitive economy
- 12 - Achieving well-designed and beautiful places
- 15 - Conserving and enhancing the natural environment
- 16 - Conserving and enhancing the historic environment

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.

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 these policies would 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.

Those with impaired mobility would not be able to access the proposed units via public transport. Ramped accesses to the proposed units have not been proposed. Those with impaired mobility would not be able to access the proposed units, in the absence of ramps. Private transport, for those with impaired mobility, to and from

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the application site, could be arranged. The use of temporary access ramps, to the proposed units, should be considered.

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.

14.0 Financial benefits

The proposed development, by reason of its nature and scale, would: Require and support a modest amount of labour from the construction industry; and accommodate a small number of people who would, in turn, make a small contribution, through expenditure, to the viability of local retailers and service providers.

15.0 Environmental Implications

Any occupier of the proposed holiday units would be reliant on the private car. The proposal would not contribute to a reduction in emissions. However, the principle of the type of development which is proposed is accepted by policy.

16.0 Planning Assessment

Principle

Policy INT1 of the Local Plan sets out a presumption in favour of sustainable development. Policy SUS2 of the Local Plan contains the settlement hierarchy which directs new development to the most sustainable locations. The main towns of Dorchester and Weymouth are identified as being the highest priority locations for new development. It is identified, at the second tier, that elsewhere, in the plan area, the settlements of Beaminster, Bridport, Lyme Regis, Portland, Sherborne and Crossways will be the focus for future development. At the third tier, it is identified that development, in rural areas, will be directed to the settlements with defined development boundaries and will take place at an appropriate scale to the size of the settlement. It is also identified that settlements with no defined development boundary may also have some growth to meet their local needs. The settlement hierarchy aims to achieve a distribution of development, across the plan area, which meets local needs, enables economic growth, and safeguards the special environment of the plan area.

At part (iii) of Policy SUS2 it is expressed that outside of defined development boundaries, development will be strictly controlled, having particular regard to the need for the protection of the countryside and environmental constraints and be restricted to, amongst other things, new tourism related development.

The application site falls outside of any defined development boundary and the proposed development is tourism related.

It is identified in part i) of Policy ECON6, amongst other things, that new built tourist accommodation will be supported through the replacement, intensification or extension of existing premises where the expansion would improve the quality and appearance of the accommodation and site.

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Policy ECON7, amongst other things, requires a clear demonstration that proposals for the expansion of existing caravan and camping sites form part of a long-term management plan to improve the quality and appearance of the accommodation and site.

The proposed units, which fall within the definition of a caravan, as defined in subsection 29 (1) of the Caravan Sites and Control of Development Act 1960 and subsections 13 (1) and (2) of the Caravan Sites Act 1968, would form part of a site which comprises of both built tourist accommodation and mobile units.

It is proposed to install a new package treatment plant which would serve the proposed units and six existing units. It is expressed, in the submitted material, that the proposed package treatment plant would be more efficient than the current septic tank of which it is proposed to abandon.

As noted by a Senior Landscape Officer, of the Council, the site includes mown grass banks, remnants of hawthorns, maintained grass areas, areas of gravel, specimen trees, a mature oak tree which is protected by a TPO, ash trees, and a horse chestnut tree. Reference was also made to the boundaries being largely fenced but unplanted.

An attractive external environment can result in therapeutic benefits and encourage exercise. A contribution to emotional and physical wellbeing can be made. The implementation and maintenance of a successful landscaping scheme, which would create a more attractive external environment, would improve the way that residents would experience the site both from within and outside of the units of accommodation. The securing of a landscaping scheme and its maintenance would ensure that the quality and appearance of the site and accommodation would be improved.

A scheme for the landscaping of the Saxon Maybank site has been submitted as part of the application, which is the subject of this report. It should be noted that some of the proposed measures fall outside of the red line of the application site. In order to ensure that a landscaping scheme and its maintenance is secured it is recommended that a planning obligation, under Section 106 of the Town and Country Planning Act 1990 (as amended) should be completed.

Subject to the completion of a planning obligation, it is considered that the development would form part of a long term management plan to improve the quality and appearance of the accommodation and site.

Paragraph 85 of the NPPF, amongst other things, applies an obligation on decision makers to place significant weight on the need to support economic growth. An obligation, on decision makers to enable: The sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings; and to enable sustainable rural tourism developments which respect the character of the countryside, can be found in paragraph 88 of the NPPF.

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The proposed development represents a proposal to expand a rural tourism based business in the countryside. The proposed buildings are well designed and would respect the character of the part of the countryside concerned.

In light of the above, it is concluded that the principle of the development taking place complies with policy ECON6 and ECON7 of the Local Plan.

Nutrient neutrality

The Somerset Levels and Moors are designated as a Special Protection Area under The Conservation of Habitats and Species Regulations 2017 (as amended) and are listed as a Ramsar Site under the Ramsar Convention. The Somerset Levels and Moors habitat site is in an unfavourable condition due to high levels of phosphorus. The phosphorus causes eutrophication. Development should not result of an increase in phosphorus entering, and causing harm to the integrity of, the habitat site. The application site falls within the Somerset Levels and Moors hydrological catchment. It is therefore necessary for the proposed development, by reason of its nature, to demonstrate that it would not harm the integrity of the habitat site.

A Nutrient Assessment has been submitted as part of the application. The assessment details the proposal to install a 30 PE Marsh Ensign package treatment plant which would serve the proposed, three, units and six existing units. It is proposed that the proposed package treatment plant would be more efficient, than the existing septic tank, at removing phosphates from wastewater. It is expressed that the proposed package treatment plant would result in a decrease of between 0.6kg and 1.27kg of phosphorus entering the environment per year. It is further identified that discharging to ground via a drainage field would present a low risk.

An Appropriate Assessment concluded that the proposal would have no adverse effect on the integrity of the habitat site. Natural England concurred with the conclusion.

It is recommended that conditions, relating to the package treatment plant, should be imposed on any permission, in order to ensure that the proposal would not result in an adverse effect on the integrity of integrity of the habitat site.

The proposal would comply with policy ENV2 of the Local Plan.

Biodiversity

A certificate of approval of a Biodiversity Plan, issued by the Dorset Natural Environment Team, has been submitted as part of the application.

It is recommended that a condition, relating to the Biodiversity Plan, should be imposed on any permission, in order to ensure that the proposal would not harm the natural environment.

The proposal would comply with policy ENV2 of the Local Plan.

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Character and appearance

The proposed holiday lodges, by reason of their form, scale, design, and positioning, would maintain the character of the area where similar units form a characteristic feature.

The proposal would comply with policy ENV1 and ENV10 of the Local Plan.

Amenity

The Saxon Maybank development is a holiday park. The siting of the units of the holiday park reflect this. The level of amenity afforded to the occupants of the units is typical of a holiday park.

Holiday lodge 18, 19 and 20 are of a single storey design. It is proposed to site holiday lodge 18 approximately 34m from number 7 and approximately 10.76m from number 10. It is proposed to site holiday lodge 19 approximately 9.5m from number 10 and approximately 7.57m from number 11. It is proposed to site holiday lodge 20 approximately 14.61m from number 11. Given the nature of the site, occupiers of the proposed and existing units of holiday accommodation would not be subject to an overbearing or overshadowing effect, which would harm their amenity, due to the size and form of the buildings concerned and their separation distance from each other.

It is proposed to site the three holiday lodges in locations where occupiers of existing properties on Saxon Maybank could stand. The siting of the holiday lodges would not introduce views which are not currently possible. It should be noted that the north west elevations of the proposed lodges do not include openings. Occupiers of the existing units of holiday accommodation, would not be subject to a harmful increase in overlooking, which would harm their amenity, due to the views that would be possible from proposed openings and vantage points.

Given the nature of the site, occupiers of the proposed holiday units, would not be subject to an overlooking effect, which would harm their amenity, due to the views that would be possible from openings and vantage points.

The residential use of the proposed holiday units would not introduce noise that would harm residential amenity.

A sufficient area of outdoor amenity space would serve the proposed and existing units.

The proposal would comply with policy ENV16 of the Local Plan.

Rights of way

An order has been made and not yet confirmed to record a public footpath within the site. At present, no recorded rights of way would be affected. If permission is granted and the order to record the footpath is confirmed, the applicant would need to apply to divert the footpath if it is affected by the development.

Highway safety

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Development should only be refused, on highways grounds, if there would be an unacceptable impact on highway safety or if the residual cumulative impacts on the efficiency of the transport network would be severe. The Highway Authority considered that the provision of passing places along the access road would have been desirable. However, in light of the amount of development proposed and the straight nature of the access road, the Highway Authority, subject to the imposition of a condition, relating to parking and turning, on any permission, did not object to the proposal on the grounds that there would be an unacceptable impact on highway safety or that the residual cumulative impacts on the efficiency of the transport network would be severe. Neither did the Highway Authority object to the application, subject to imposition of the recommended condition on any permission, on the grounds that there would be an insufficient level of parking serving the development. It is recommended that that the condition, which has been recommended by the Highway Authority, should be imposed on any planning permission. It is therefore concluded that the proposal should not be refused on highways grounds.

Letters of representation raise comments over access for emergency vehicles. The highways authority did not raise an issue in this regard and by reason of their positioning the proposed units, would not prevent emergency vehicles accessing proposed and existing properties.

The proposal would comply with policy COM9 of the Local Plan.

Trees

Tree Preservation Order TPO/2022/0004 was placed on an Oak Tree, which can be found in the southern part of the site, on 04/02/2022. A Tree Officer, of the Council, on 10/01/2023, considered that the proposal would not harm any trees, subject the imposition of conditions. It is recommended that the recommended conditions should be imposed on any permission, in order to ensure that the proposed development would not harm the tree which is subject to the Tree Preservation Order and other trees

Scheduled monuments

Scheduled monument 1456547, the buried remains of a Roman temporary camp, dating probably to the C1 AD, can be found approximately 53.81m to the east of the application site.

Scheduled monument 1002414, Roman Villa SE of East Farm, can be found approximately 168.68m to the southeast of the application site.

Given the separation distance between the proposed development and the scheduled monuments it is considered that the proposed development would not harm the significance of the monuments.

Sites of Special Scientific Interest

The Bradford Abbas Railway Cutting Site of Special Scientific Interest can be found approximately 950m to the south of the application site. One Babylon Hill Site of Special Scientific Interest can be found approximately 859m to the west of the

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application site. One Babylon Hill Site of Special Scientific Interest can be found approximately 714m to the northwest of the application site. Halfway House Quarry Site of Special Scientific Interest can be found approximately 1394m to the northeast of the application site.

It is considered that the proposal, by reason of its location and nature, would not harm these Sites of Special Scientific Interest.

Flood risk

In the letter of representation comments have been raised over flooding on the site. The application site does not comprise of land which has been assessed as having medium to high probability of flooding.

Ground stability

In a letter of representation comments have been made over land stability. The site does not comprise of land which has been identified as being unstable.

Light pollution

The development of three lodges, by reason of the amount of development, would not result in a harmful increase in light, which would harm the area which includes units used for residential purposes.

Ownership of land

The agent, acting on behalf of the applicant, has completed certificate B which certifies, amongst other things, that the requisite notice has been given to everyone else who, on the day 21 days before the date of the application was the owner of any part of the land to which the application relates.

Other Legislation

Letters of representation have referred to both Building Regulations and the Site Licence.

The building regulations are separate from planning legislation. Compliance with building regulations is not being considered under this application for planning permission.

The site is a registered caravan site and therefore requires a site licence. There is an existing site licence for the site. The Caravan Sites and Control of Development Act 1960, which requires the gaining of a site licence by relevant parties, is separate from planning legislation. The licence in place controls the site boundaries, density and space between caravans, roads, gateways and footpaths, hard standings, telephones, the storage of LPG, electrical installations, water supply, drainage, sanitation and washing facilities, refuse disposal, parking, and recreational space. Compliance with the conditions imposed on the site licence is, therefore covered by this legislation. Any increase in the number of caravans on the site or increase in site area would result in the need for a new site licence.

The value of existing property

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Letters of representation have raised concerns over the impact that proposed development would have on the value of existing property. This does not represent a material planning consideration and cannot be given any weight in the consideration of this planning application.

The extinguishing of a private right of way

The right of pedestrian access is a private property matter and not a material planning consideration.

17.0 Conclusion

The proposal is considered to be an appropriate holiday use on an established tourism site. The comprehensive landscaping scheme would improve the visual appearance of the site, and enhance the amenity afforded to the site as a whole.

For the reasons outlined it is recommended that conditional planning permission should be granted subject to the completion of a planning obligation, under Section 106 of the Town and Country Planning Act 1990 (as amended), concerning landscaping. If the obligation is not signed within six months of a committee resolution to grant permission, the planning permission should not be granted.

18.0 Recommendation

Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to:

A) Grant planning permission subject to the following conditions and subject to the completion of a planning obligation, under Section 106 of the Town and Country Planning Act 1990 (as amended), concerning landscaping, in a form to be agreed by the legal services manager.

B) Refuse to grant planning permission if an obligation, under Section 106 of the Town and Country Planning Act 1990 (as amended), concerning landscaping, in a form to be agreed by the legal services manager, is not signed within six months of a committee resolution to grant permission.

Written agreement to the pre-commencement condition was received from the agent on 23/02/2023.

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 documents:

Proposed site plan - 4777/02 E – Received 20/06/2023

Proposed elevations and proposed floor plan – Received 22/10/2021

Location plan and proposed block plan – 4777/01 C – Received 06/09/2022

Arboricultural Report – Received 09/08/2022

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Nutrient Assessment – Received 22/09/2022

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

3. The measures set out within the approved Biodiversity Plan, certified by the Dorset Council Natural Environment Team, on 24/01/2023 must be strictly adhered to. The units of holiday accommodation hereby approved must not be occupied until the measures detailed in the approved Biodiversity Plan have been completed in full and evidence of compliance, in accordance with section J of the approved Biodiversity Plan, has been supplied to the Local Planning Authority. Thereafter, the approved measures must be permanently maintained and retained in accordance with the approved details.

Reason: In the interest of biodiversity.

4. Prior to the commencement of any development hereby approved, above ground level, details of all external facing materials for the walls and roofs 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.

5. Prior to the occupation of any of the units of holiday accommodation hereby approved the turning/manoeuvring and parking areas shown on approved document 4777/02 E must have been constructed. Thereafter, these areas must be maintained, kept free from obstruction and made available for the turning/manoeuvring and parking of vehicles in perpetuity.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

6. No more than 3 holiday lodges shall be sited within the boundary of the land edged in red on the location plan and block plan of approved document 4777/01 C. The accommodation hereby approved shall be occupied for holiday purposes only; shall not be occupied as a person's sole, or main place of residence; and the owners/operators must maintain an up-to-date register of the names of all owners/occupiers of the units of accommodation and of their main home addresses, and must make this information available at all reasonable hours at the request of a duly authorised officer of the Local Planning Authority.

Reason: To ensure that approved dwellings are not used for unauthorised permanent residential occupation.

7. Prior to the commencement of any development hereby approved, above ground level, details of the finished floor levels of all of the buildings hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be relative to an ordnance datum or such other fixed feature as

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may be agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

8. Prior to the commencement of any development hereby approved, an arboricultural supervision statement, shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such details as have been agreed.

Reason: In the interest of the character of the area.

9. Prior to the occupation of the development, hereby approved, the 30 PE Marsh Ensign package treatment plant, hereby approved, shall have been installed.

Reason: In the interest of nutrient neutrality.

10. Prior to the occupation of the development, hereby approved, a maintenance plan for the 30 PE Marsh Ensign package treatment plant, hereby approved, shall have been submitted to and approved in writing by the Local Planning Authority. The maintenance plan shall be adhered to for the lifetime of the 30 PE Marsh Ensign package treatment plant, hereby approved.

Reason: In the interest of nutrient neutrality.

11. Any replacement wastewater treatment systems shall achieve the equivalent or better effluent phosphorus concentration as the 30 PE Marsh Ensign package treatment plant. Any replacement wastewater treatment system shall be maintained so as to ensure that the equivalent or better effluent phosphorus concentration as the 30 PE Marsh Ensign package treatment plant is achieved.

Reason: In the interest of nutrient neutrality.

Informative Notes:

1. 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.

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2. The applicant is reminded of their responsibility to submit evidence of compliance with the Biodiversity Plan to Dorset Natural Environment Team in order to comply fully with requirements of condition 3.