

<b>Application Number:</b>	P/OUT/2022/04113		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Land off Blackfield Lane, West Moors, Ferndown, BH22 0NH		
<b>Proposal:</b>	Outline application for erection of a church & care home with associated parking & an area for biodiversity enhancement (all matters reserved except access and scale)		
<b>Applicant name:</b>	Nick Aris		
<b>Case Officer:</b>	Naomi Shinkins		
<b>Ward Member(s):</b>	Cllr Dyer; Cllr Shortell		
<b>Publicity expiry date:</b>	7 Dec 2023	<b>Officer site visit date:</b>	Various 2022, 2023
<b>Decision due date:</b>	20 March 2024	<b>Ext(s) of time:</b>	01 May 2024

#### UPDATE 24 APRIL 2024

The following has been updated on this committee report since 13 March 2024 and additions are included in [blue](#).

#### - Changes to the report:

- **Extension of time agreed to 01 May 2024** (required for committee deferral).
- **References to use class D1 now changed to refer to F1 (f) (*For, or in connection with, public worship or religious instruction*)** (as set out in March 13<sup>th</sup> committee update).
- **References to ‘close care’, changed to refer to ‘nursing care’** (as set out in March 13<sup>th</sup> committee update).
- **References to ‘church / community hall’ changed to ‘church’** (as advised at March 13<sup>th</sup> committee in response to public representations).
- **Comments from the Adult Social Care Team added to section 9.7 of the report** (as set out in March 13<sup>th</sup> committee update).
- **Reference to the Dorset Council Strategic Flood Risk Assessment (SFRA) added to section 15.6 of the report** (as set out in March 13<sup>th</sup> committee update).
- **Summary of comments from Dorset and Wiltshire Fire Service added to section 9.7 of the report** (response received April 2024).
- **Summary of local representations received post committee by 1pm Monday 15<sup>th</sup> April. Added to section 9.4 of the report.**
- **Origin Transport Consultant post committee note added to list of local resident reports submitted in section 9.5 of the report** (full note available online).

**- Conditions added or amended:**

- **Renewable energy condition added** (as set out in March 13<sup>th</sup> committee update).
- **Water efficiency condition added** (as set out in March 13<sup>th</sup> committee update).
- **Limit to number of bedrooms (60 bedrooms maximum) added** (as set out in March 13<sup>th</sup> committee update).
- **Grampian condition required for the removal of the pole at Station Road junction added** (as set out in March 13<sup>th</sup> committee update but now referred to as a 'utility pole' for clarity).
- **Removal of permitted development rights for F1 (f) use class added** (as set out in March 13<sup>th</sup> committee update).
- **Condition 15 LEMP – amended with addition required in relation to Dorset Heathland fires** (as set out in March 13<sup>th</sup> committee update).

**1.0** The application has been referred to committee by the nominated officer in accordance with the Council's Scheme of Delegation Process.

**2.0 Summary of recommendation:**

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

A) Grant permission subject to the following conditions and 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 include planning obligations as follows:

- Secure Biodiversity requirements including biodiversity management plan and step-in rights.
- Secure Dorset Heathland restrictions required by Habitats Regulation Assessment (HRA).
- Secure surface water drainage connection outside of the site boundary (or provide proof of ownership, where surface water drainage obligations would no longer be required).

OR

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

### 3.0 Reason for the recommendation:

- Principle of development is acceptable as set out in this report.
- The proposal is acceptable in its scale.
- The proposal is not considered to cause significant harm to neighbouring residential amenity that would warrant refusal (subject to detailed design at reserved matters stage).
- The proposal would not have an adverse impact on road safety.
- The proposal would provide appropriate mitigation for its impact on biodiversity and biodiversity enhancement would be provided.
- Other issues raised by consultees and local residents have been assessed and there are not any material planning considerations which would warrant refusal of the application.

### 4.0 Key planning issues

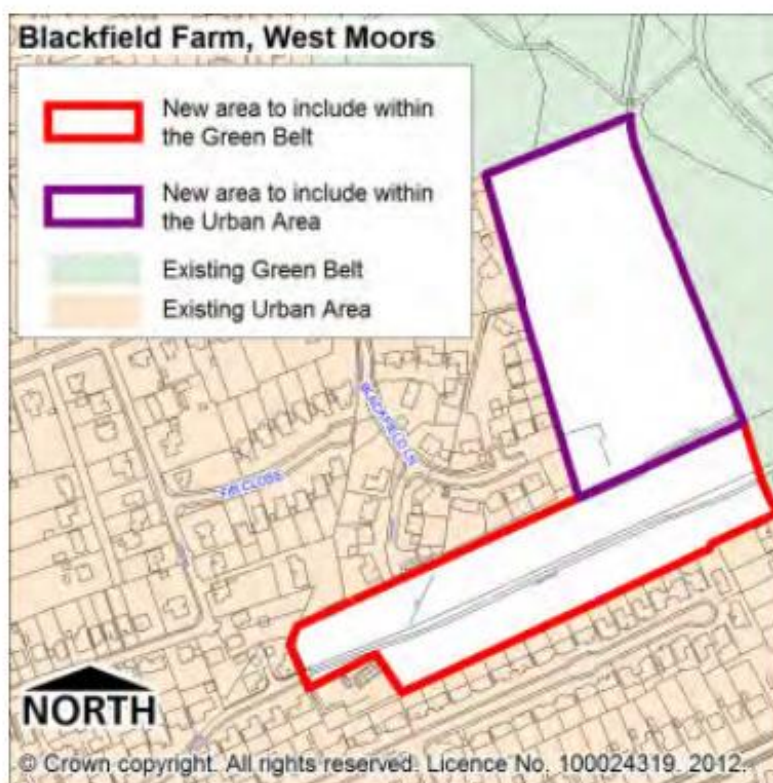
Issue	Conclusion
Principle of development	Acceptable – within the urban area, which is acceptable in accordance with Local Plan Policy KS2.
Scale	Acceptable - the proposed development will be appropriate in scale in relation to the surrounding area.
Impact on amenity	Acceptable - the proposed development will not have a significant adverse impact on neighbouring amenity that would warrant refusal subject to design details.
Highways safety	Acceptable- the proposed development will not have highways safety impacts.
Impact on biodiversity	Acceptable- There would be no adverse impact on biodiversity and biodiversity enhancements can be secured.
Impact on Dorset Heathlands	Acceptable- the proposed development is acceptable in relation to impact on Dorset Heathlands.

### 5.0 Description of Site and Site History

5.1 Land at Blackfield Lane is located within the urban area of West Moors. The site is part of an area of agricultural land enclosed by mature hedgerows and situated east of properties at Blackfield Lane. To the north and east is the protected Dorset

Healthlands SPA site Holt & West Moors Heaths, which is currently used by the MoD. To the south of the site is the Castleman Trailway, a long distance public footpath, bridleway and cycleway. The site has been in Agricultural use but has not been cultivated for some time. It has since been left fallow and the site has regressed to its natural state.

- 5.2 The site is approximately 2 ha in size, and is generally flat, with a gentle fall from east to west. There are boundary tree belts to parts of the north, south and west. Edge vegetation to the east is generally hedgerow. The main part of the site is rough grassland.
- 5.3 The site is accessed through Blackfield Lane, a cul-de-sac serving residential properties. Currently there is a gated entry to the site at the corner on the south west.
- 5.4 The site was previously safeguarded for a future residential development; however, due to its proximity to the Dorset Heathlands this site is no longer considered to be appropriate for general needs housing (e.g. Use class C3). Consequently, the site has simply been identified within the Local Plan Part 1 (2014) as included within the urban area with the potential for development for other uses such as care facilities. The application site is set out in the Christchurch and east Local Plan under Policy VTSW8 as follows:



Map 11.9 Blackfield Farm Green Belt Boundaries, West Moors

*'Land at Blackfield Farm will no longer be safeguarded from development and is included in the urban area.*

*Land which forms the Castelman Trailway to the south of Blackfield Farm will be included in the Green Belt'.*

## 6.0 Proposal

6.1 The scheme submitted seeks Outline permission for the erection of a church & care home with associated parking and an area for biodiversity enhancement. All matters are reserved except **access and scale**. Revised plans were submitted in November 2023, reducing the scale of the care home from accommodating 80 bedrooms to accommodating 60 bedrooms.

The revised plans for the 60 bed care home form the basis for the assessment of this report.

6.2 Two buildings are proposed as follows:

Use	Approx. Floor Area	Number of storeys
F1 (f) – place of worship	Approx 115 sqm	Single storey Approx. 5.5m to ridge
C2 – Residential Institutions	Approx 2313 sqm	Two storey Approx 7m to ridge

6.3 As the application is for Outline consent only (with all matters reserved except for access and scale) the proposed design details are unknown and would be determined under a Reserved Matters application if Outline consent is granted. It is noted that the submitted Design and Access Statement advises that the church and care home elements are likely to have a traditional appearance.

6.4 A site plan has been submitted, showing an indicative layout identifying the footprint of a 60 bed care home and a community centre, parking, areas for landscaping, boundary vegetation and access. However, as the layout is a reserved matter it will only be considered in terms of if an acceptable layout can be achieved for the quantum of development in principle.

## 7.0 Relevant Planning History

7.1 Planning history for the site includes:

**3/20/1280/OUT-** Outline application for a care home, church hall and industrial unit. Refused June 2021.

Reasons for refusal include the following and are detailed at the end of this report:

- Highways safety
- Impact on onsite ecology
- Impact on adjacent heathland ecology

**3/19/1512/OUT**- Outline application for a similar proposal to 3/20/1280/OUT, which was withdrawn in November 2019.

**3/81/0786** - Outline application for residential development. Refused 1981.

**3/88/1459** - Outline application for residential development (21 houses). Refused 1988. A subsequent Planning Appeal was allowed 1990 (**T/APP/U1240/A/89/132210/P7**) on the basis of a Section 278 legal obligation to improve visibility at the junction of The Avenue & Station Road (development and road works not completed).

## 8.0 Constraints

Special Area of Conservation - Dorset Heaths

Special Protection Area - Dorset Heathlands

Sites of Special Scientific Interest - Holt and West Moors Heaths

Ramsar Site - Dorset Heathlands

Grade 4 Agricultural Land

SSSI Impact Risk Zone

Green Belt (adjacent to the site)

Heathland 400m Consultation Area Description: Holt & West Moors Heaths

Airport Safeguarding - Applies: developments likely to attract birds and all developments connected with an aviation use

Dorset Minerals Consultation Area - Minerals Safeguarding Area

Tree Preservation Order - TPO Ref: WM/109, Group Ref: T26

Tree Preservation Order - TPO Ref: WM/71, Group Ref: T5

Tree Preservation Order - TPO Ref: WM/109, Group Ref: T25

Tree Preservation Order - TPO Ref: WM/109, Group Ref: T4

Tree Preservation Order - TPO Ref: WM/109, Group Ref: T24

## 9.0 Consultation Responses

- 9.1 The application was advertised by means of site notices and a press advertisement.
- 9.2 Revised information was submitted between September 2022 and July 2023, which was in response to highways, ecological and drainage consultee concerns raised. It was not considered necessary to consult beyond expert consultees in relation to revised information submitted, however all submitted information has been available on the planning portal and local residents have submitted responses to additional information submitted.
- 9.3 Revised plans were submitted in November 2023 reducing the scale of the care home from 80 beds to 60 beds. Additional site notices were erected around the site to advertise this with a consultation expiry date of 7 December 2023. A statutory consultation period of 30 days was advertised for both site notices, however consultee and comments from the public were accepted beyond these periods in both instances.

9.4 553 local residents and members of the public submitted objections and comments to the various consultations. Due to the volume of comments received the following table provides a high level summary of concerns raised only throughout the course of the application process. Full comments are available online:

<p><b>Proposed Use</b></p>	<ul style="list-style-type: none"> <li>• Size and density of development is not appropriate.</li> <li>• The site is not suitable for industrial/commercial uses as it is predominantly a residential area.</li> <li>• Inappropriate location and uses proposed on the site.</li> <li>• Overdevelopment of application site.</li> <li>• Another care home is not considered to be required in the area as there are already existing care homes nearby.</li> <li>• Another church is not considered to be required in the area.</li> <li>• Concerns that the community hall would not be for public use.</li> <li>• There are other more suitable sites for this development in the surrounding area.</li> <li>• Application site is next to Green Belt land and as such the proposed uses do not relate.</li> <li>• Development out of keeping with the adjoining residential neighbourhood.</li> <li>• Objection to private churches.</li> </ul>
<p><b>Impact on character of the area</b></p>	<ul style="list-style-type: none"> <li>• Development would result in a harmful visual impact.</li> <li>• Out of character with surrounding area and not appropriate.</li> <li>• Proposed care home too large.</li> <li>• Concerns over removal of trees on the character of the area.</li> <li>• Reference to the Special Character Area outside of the application site, to the west &amp; north-west (Woodside Road, West Moors Special Character Area), the proposal's impact on the SCA.</li> <li>• Reference to policies in the NPPF – para 130, and concerns that the proposal does not comply.</li> <li>• Reference to local policies, and concerns that the proposal does not comply (HE2, HE3).</li> <li>• Loss of countryside.</li> <li>• Area has been identified as a Priority Habitat by the EDEP and DWT.</li> <li>• Another greenspace lost in the area.</li> </ul>

	<ul style="list-style-type: none"> <li>• A car park and large open space in a remote location will attract illegal activities at night.</li> <li>• Concerns over the impact of development on the Castleman Trail.</li> </ul>
<p><b>Neighbouring amenity</b></p>	<ul style="list-style-type: none"> <li>• Harmful impact on neighbouring amenity from development in terms of privacy, overlooking, noise, pollution, well-being and living conditions of existing occupants.</li> <li>• Reduction in outdoor amenity space that residents can use outside of their homes.</li> <li>• Concern over proximity to Ministry of defence (MOD) land.</li> <li>• Concerns over impact on existing neighbouring amenity from use of new development.</li> <li>• Opening hours of proposed uses not clear, limits should be made on the times the church can be open</li> <li>• Concerns over disturbance, noise pollution, light pollution and air pollution as a result of the proposal and the impacts upon amenity for surrounding neighbours.</li> <li>• Concerns over the noise impact from and opening hours of the church.</li> <li>• The church will need soundproofing to protect care home residents from disturbance.</li> </ul>
<p><b>Access, Traffic and Parking</b></p>	<ul style="list-style-type: none"> <li>• Impact of additional traffic and parking as a result of the proposal.</li> <li>• Poor cycle access for the site’s workforce so impeding any climate change benefits.</li> <li>• New employment uses would increase parking demand &amp; congestion.</li> <li>• Concerns over safety of pedestrians at the school, other pedestrians and cyclists.</li> <li>• Road safety concerns in relation to the proposal’s proximity to the school and associated vehicles that pass the school.</li> <li>• Existing access/roads are unsuitable &amp; inadequate (too narrow) for large vehicles which would require access to the application site.</li> <li>• Additional vehicular movement, in particular large vehicles through the residential area would be excessive.</li> </ul>



	<ul style="list-style-type: none"> <li>• There is only one access point on to the application site, which is unsuitable.</li> <li>• Roads not suitable for large vehicles including emergency vehicles that may use the roads as a result of the proposal.</li> <li>• The junction to The Avenue from Station Road, and also the junction of Blackfield Lane from The Avenue are not suitable for large commercial vehicles.</li> <li>• Road junctions that provide access to the roads that lead to the site have poor visibility, are dangerous and have inadequate sight lines.</li> <li>• Public transport is now lacking, and the bus no longer serves the road during the day, as the road/junction is too narrow for the bus.</li> <li>• Current public transport is not sufficient to support the proposed development.</li> <li>• There have been a number of road traffic accidents in the area recently.</li> <li>• Concern that the access roads to the proposal would not be in line with government advice 'Manual for Streets'.</li> <li>• Insufficient parking provided.</li> <li>• Possible increase in damage to the road.</li> <li>• Submitted Transport Statement suggests articulated lorries will be prevented from the site, and concern over how this would be controlled.</li> <li>• Reference to previous appeal decision for the site (T/APP/U1240/A/89/132210/P7) and inspector's comments on the basis of approval subject to a S278 to improve visibility at the junction of The Avenue &amp; Station Road and concerns regarding any larger development on the site.</li> <li>• In correct and/or misleading information submitted in relation to highways.</li> </ul>
<p><b>Housing Need</b></p>	<ul style="list-style-type: none"> <li>• Concerns that there is a lack of starter homes /affordable housing within the proposed scheme.</li> </ul>
<p><b>Infrastructure</b></p>	<ul style="list-style-type: none"> <li>• Lack of existing infrastructure for proposal.</li> <li>• Drainage issues in the area may increase, risking flooding.</li> <li>• Concerns existing infrastructure such as power and sewage connections do not have capacity to deal with the level and type of development.</li> </ul>

	<ul style="list-style-type: none"> <li>• Proposal would increase demand for appointments at the Doctors Surgery and put pressure on other local facilities such as the school.</li> </ul>
<p><b>Ecology / Environment / Flooding</b></p>	<ul style="list-style-type: none"> <li>• Blackfield Farm is within 400m of heathland.</li> <li>• Not appropriate development within a SSSI.</li> <li>• Not appropriate as in a Special Area of Conservation (Dorset Heaths).</li> <li>• Not enough analysis of the existing ecology and the potential harm to nature.</li> <li>• Insufficient mitigation provided.</li> <li>• Loss of habitats &amp; vegetation.</li> <li>• Only solution is to de-zone the land for greenbelt</li> <li>• Harm to biodiversity in the natural wetland habitat, such as birds, reptiles, amphibians, hedgehogs, badgers, dormice, insects and invertebrates.</li> <li>• Flood risk may increase as a result of the proposal, as site may increase existing flooding risk to nearby dwellings.</li> <li>• Hazardous material storage and ground contamination.</li> <li>• Proximity to fuel storage/MOD fuel storage.</li> <li>• Proposal's impact on global warming.</li> <li>• Reference to ecology reports that have identified this land as high value to local wildlife.</li> <li>• Reference to policies ME1 &amp; ME6 in the Core Strategy and comments that the proposal does not comply.</li> <li>• May encourage further development adjacent to areas of high ecological importance.</li> </ul>
<p><b>Trees</b></p>	<ul style="list-style-type: none"> <li>• Concerns over the removal of trees</li> <li>• Concerns over whether Tree Preservation Orders (TPOs) of trees on adjacent sites have been considered.</li> </ul>
<p><b>Construction</b></p>	<ul style="list-style-type: none"> <li>• Concerns over increase in noise, air and light pollution, during and after construction and the impacts on neighbours.</li> </ul>
<p><b>Other matters</b></p>	<ul style="list-style-type: none"> <li>• Application information is unclear and the EIA contradicts the Design and Access Statement with information such as floor areas.</li> <li>• Incorrect and misleading information submitted across a number of documents.</li> </ul>

	<ul style="list-style-type: none"> <li>• Application lacks detail with so many matters reserved.</li> <li>• No benefits to the local area</li> <li>• Decrease in value of properties.</li> <li>• No need to build this development as more suitable properties will become available after the impacts of Covid-19.</li> <li>• Concerns regarding emissions from the proposed facility and how this will be monitored.</li> <li>• Concerns third parties previously consulted have not been consulted.</li> <li>• Concerns the application site is situated on contaminated land.</li> <li>• Proposal would increase the population of the local area.</li> <li>• Diminished quality of life for residents.</li> <li>• Builders and private individuals are profiteering from the local area.</li> <li>• Inadequate provision for families on lower income in the area.</li> <li>• Need homes to support low cost housing.</li> <li>• Existing care homes are not 100% full in the area.</li> <li>• Church buildings are vacant places of worship. Religious organisations should co-opt and share facilities – organised religion on the decline</li> <li>• Application will lead to building industrial units.</li> <li>• A safety analysis is needed for evacuation.</li> </ul>
<p><b>Summary of comments received post committee by 1pm 15<sup>th</sup> April (full comments available online)</b></p>	<ul style="list-style-type: none"> <li>• Negative impact on ecology on site and adjacent heathlands.</li> <li>• Negative impact on road safety.</li> <li>• Junction to Station Road is still unsafe and does not meet road safety requirements.</li> <li>• Relocation of utility pole does not make the junction safe.</li> <li>• Not a telegraph pole, it is a main distribution multi way distributor power pole.</li> <li>• Alternative routes to the site are unsuitable for traffic and access.</li> <li>• Concerns regarding traffic noise from the proposed.</li> <li>• Guidelines for noise traffic are being ignored.</li> <li>• Applicant’s noise impact assessment dismisses noise impact.</li> <li>• Another care home is not required in the area.</li> <li>• Evidence from the Adult Social Care team comments against the need for a care home and the suitability of the location.</li> <li>• Need for a care home has not been proven.</li> <li>• Type of care home has not been specified.</li> </ul>

	<ul style="list-style-type: none"><li>• Covenant required to the use of the land to secure close care.</li><li>• Still insufficient amenity space for future occupiers.</li><li>• DC Landscape Officer objects to the application.</li><li>• No need for a church.</li><li>• Funding for ecology area not identified.</li><li>• No explanation how visitors with pets will be prevented from using the site.</li><li>• Current use of the site has no regard for onsite ecology.</li><li>• Only a modest change to previously refused application.</li><li>• Scale will impact negatively on the area.</li><li>• Information not shared prior to committee with enough time for the public to comment.</li><li>• Emerging local plan identifies the site outside of the settlement boundary.</li><li>• Site visit should have taken place sooner.</li><li>• Why were Dorset and Wiltshire fire service consulted after committee?</li><li>• Community hall not part of the proposed and references are confusing.</li><li>• Separation distances unknown as it is an indicative plan.</li><li>• The process is not following the correct procedures.</li></ul>
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9.5 Local residents have also submitted the following reports in objection to the proposed developments. These reports have been reviewed by the relevant consultees as set out in associated sections of this report.

Highways:

- Traffic Assessment Suitability Report - Sept 2022
- Response to DC Highways 'no objection' – May 2023
- Transport Technical Note 2 – July 2023
- [Post committee note – 11 April 2024](#)

Flood Risk:

- Flood Risk Assessment (FRA) – Sept 2022
- FRA and Surface Water Management Review – March 2023

Impact on local residents:

- Environmental Impact Noise Assessment - Oct 2022
- Response to WSP Noise Impact Report – 8 October 2023

Ecology:

- Ecological Concerns – November 2022
- Ecological Concerns – July 2023
- BNG Review – September 2023

9.6 14 letters of support were also received with the following summary of comments (full comments available online):

- Will add to the local community subject to traffic calming measures
- The development would have less impact than a residential development
- There have been no accidents recorded at the junction to The Avenue
- Appropriate ecological mitigation can be secured
- The proposed will provide local jobs and employment
- The proposed industrial use is acceptable in residential areas
- Noise from churches is not generally an issue in residential areas
- A care home is potentially acceptable adjacent to Site of Special Scientific Interest (SSSI)
- Benefits of the proposed outweigh impacts.
- In need of these facilities to release much needed housing stock
- Will be a valuable contribution to the local economy and our community
- Local congregation will have less distance to travel
- Halls would not be rented to any third parties
- Traffic movement from the church will be minimal with sufficient parking on-site
- Hall is in keeping with the local area
- Gatherings are quiet

9.7 The following consultees have also commented on the application:

[The following is a summary only and full comments are available online]

**9.7.1 – West Moors Town Council**

<p>Initial submission Sept 2022</p>	<p><b>Objection</b></p> <ul style="list-style-type: none"> <li>- Contrary to ME1 - sustainable transport, planning and flood risk and enhancing the natural environment</li> <li>- No local need for the development</li> <li>- Environmental impacts – incompatible with residential development, impact on wildlife despite mitigation, impact SSSI, contaminated land concerns, objections from Environment Agency (EA), impacts local medical services, impact of visitors to care home</li> <li>- Highways safety concerns</li> </ul>
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	<ul style="list-style-type: none"> <li>- Traffic noise/pollution concerns</li> <li>- Flood risk concerns</li> <li>- Fire risk concerns</li> </ul>
<p>Response to highways comments</p> <p>April 2023</p>	<p>Concerns regarding highways safety and why the development is now acceptable when this was previously a refusal</p>
<p>Response to revised design</p> <p>Nov 2023</p>	<p><b>Objection</b></p> <p>Members feel the reduction in the scale of the development is marginal, so they strongly maintain their previous objection and all reasons for it. Request to go to committee if the Officers recommendations are at variance to the above.</p>

**9.7.2 - Dorset Council Highways**

<p>Initial submission</p> <p>Sept 2022</p>	<p><b>Defer</b></p> <p>Further information required</p>
<p>Additional submission</p> <p>March 2023</p>	<p><b>No objection</b></p> <p>With the submitted TRICS (Trip Rate Information Computer System) data confirming the low-level traffic generation in the AM and PM peak hours, and bearing in mind the uses proposed, the Highway Authority considers that the residual cumulative impact of the development cannot be thought to be "severe" when consideration is given to paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) - July 2021.</p> <p>Therefore, the Highway Authority has NO OBJECTION, subject to condition.</p>

**9.7.3 - DC Trees & Landscape**

<p>Initial submission</p> <p>July 2023</p>	<p><b>No objection subject to condition</b></p> <ul style="list-style-type: none"> <li>- No insurmountable tree issues.</li> </ul>
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	<ul style="list-style-type: none"> <li>- However, detail of services will be needed ensuring there's no conflict with the retained trees and also a landscaping scheme showing all details of proposed tree planting.</li> </ul>
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#### 9.7.4- Natural England

<p>Initial submission Sept 2022</p>	<p><b>Objection</b></p> <p>Further information required</p>
<p>Additional submission June 2023</p>	<p><b>Comments</b></p> <ul style="list-style-type: none"> <li>- Habitats Regulations Appraisal (HRA) to be carried out by the Local Authority</li> <li>- Reconfirms the retained areas are significant ecological interest and functionally linked to adjacent protected sites.</li> <li>- Satisfied that the area should not be treated as priority habitat</li> <li>- Sand lizards to the northern boundary of the site but suitable provision provided on site</li> <li>- Appropriate mitigation provided including planting, wildlife pond, however, advise a sandbank is provided and secured by condition</li> <li>- Pet restriction to be secured appropriately</li> <li>- Impacts on nightjar to be considered</li> <li>- Ecological areas to be retained in perpetuity by an appropriate organisation and step-in rights included</li> </ul>
<p>Additional submission in response to neighbour comments and HRA Jan 2024</p>	<p><b>No objection subject to condition</b></p> <p>Having considered the assessment by Dorset Environmental Records Centre (DERC) Natural England (NE) maintains its advice as set out in our previous response (email dated 28 June 2023). We would however recommend that the scheme is required to include the creation of a permanent sandy bank across the northern boundary to help provide further opportunities for the host of invertebrates reliant on sandy ground specialists. We would also reiterate our advice that any permission should secure the provision of appropriate monitoring of site condition and appropriate step in rights with funding necessary to ensure the long-term management of the retained acid grassland areas and ecological mitigation measures provided within the developed area. Further, provided these measures are in place it is reasonable to conclude that the scheme will be able to retain its current ecological function in relation to the adjacent Special Area of Conservation(SAC) / SSSI.</p>

	No objection to submitted appropriate assessment.
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**9.7.5 - Natural Environment Team (NET)**

<p>Initial submission Feb 2023</p>	<p><b>Comments</b> Further information required</p>
<p>Additional submission July 2023</p>	<p><b>Comments</b></p> <ul style="list-style-type: none"> <li>- Sand lizard licence advice required from NE</li> <li>- For the purposes of the Metric the grassland which covers much of the southern part of the site and northeast corner has been inputted as 'Other neutral grassland'. The central northern section is rapidly developing pioneer heathland which is to be retained and enhanced within the development. This has allowed the scheme to achieve sufficient compensation and net gain without the need for offsite or financial compensation.</li> <li>- No objection to management by the 'Brookfield Trust' subject to appropriate step-in rights being secured</li> </ul>
<p>Additional submission in response to neighbour comments Jan 2024</p>	<p><b>Comments</b></p> <p>The grassland having not been classified as Priority Habitat was one of the concerns raised in a previous NET consultation response, because they are a material consideration in planning, and which prompted the National Vegetation Classification (NVC) survey to be undertaken. Despite the difference in interpretation of the NVC data for the grassland habitat, it is important to note that neither interpretation of the NVC data places the grassland as being a community that translates to a Priority Habitat. As such, we are satisfied that the NVC survey, and amended ecology documents, address this concern.</p> <p>In addition, the disparity in interpretation does not materially change the output of the Biodiversity Metric. Under the DERC interpretation the grassland as a whole, not being Priority Habitat, would be inputted as 'Other lowland acid grassland' which creates a reduction in the total net percentage change in habitat units from 19.82% to 18.18%. This difference is not, in our view, significant for the purposes of decision making, and we advise that the Ecological Impact Assessment (EIA), Biodiversity Net Gain (BNG) Assessment and Biodiversity Metric can be relied upon.</p>



	<p>The Landscape and Ecological Management Plan (LEMP) describes proposals to manage the grassland in a way that sees a transition to a mosaic of acid grassland and lowland heathland with management actions including removing Scot's Pine, restricting Heather coverage, and a cut and collect regime aimed at reducing nutrient load. Given the nature of the management actions, and that the target habitat in both scenarios would be 'Other lowland acid grassland' in 'Good' condition, it appears unlikely that the recommendations given in the LEMP would differ significantly on the basis of the two different interpretations of the grassland habitat present. Given this we advise that this document can also be relied upon for decision making.</p>
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**9.7.6 - Dorset Wildlife Trust**

<p>Initial submission Sept 2022</p>	<p><b>Objection</b></p> <ul style="list-style-type: none"> <li>- Scope reduced, however care home footprint increased and landscape buffer lost</li> <li>- Nesting birds should be explicitly addressed in mitigation plan</li> <li>- Environmental Statement (ES) not updated to reflect 2012 invertebrate surveys</li> <li>- Supporting habitat will be lost resulting in impact on retained habitats</li> <li>- Native planting welcomed, however concerns regarding maintenance and management</li> <li>- Concerns regarding sedum roof and non-native species</li> <li>- Soil management not considered in the submitted Construction Ecological Management Plan (CEMP).</li> <li>- Net gain assessment not available.</li> <li>- Consider that the development of the site at this proximity to the adjacent heathland and the additional pressure put on the retained habitats on site by the partial development of the area is unlikely to result in a favourable balance when it comes to ensuring that there is no long-term negative impact on biodiversity.</li> </ul>
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**9.7.7 - East Dorset Environment Partnership**

<p>Initial submission Sept 2022</p>	<p><b>Objection</b></p> <ul style="list-style-type: none"> <li>- No policy requirement allocating the land for residential development</li> <li>- No local need for the proposed</li> <li>- Concerns regarding recreational use of retained acid grassland</li> </ul>
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	<ul style="list-style-type: none"> <li>- Cumulative impact assessment incomplete</li> <li>- Concerns regarding ecology survey information submitted</li> <li>- Net gain assessment not available</li> <li>- Unacceptable loss of Priority habitat</li> <li>- Concerns regarding the use of grasscrete and ecological impacts</li> <li>- Concerns regarding footpaths through retained acid grassland</li> <li>- Landscaping requires further consideration</li> <li>- Concern regarding drainage</li> <li>- Changes suggested for LEMP</li> </ul>
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**9.7.8 - Wessex Water**

Initial submission Jan 2023	<p><b>No objection</b></p> <ul style="list-style-type: none"> <li>- Surface water disposal to the foul sewer is not permitted</li> <li>- Wessex Water to review foul sewer network should permission be granted due to capacity issues</li> </ul>
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**9.7.9 - Lead Flood Authority (LLFA)**

Initial Submission Sept 2022	<p><b>Holding objection</b></p> <p>Further information required</p>
Additional submission May 2023	<p><b>No objection subject to condition</b></p> <ul style="list-style-type: none"> <li>- The applicant has provided evidence that a surface water connection into the watercourse on the southern boundary of the site is achievable. Proposed drainage is acceptable subject to securing the connection via land ownership or legal agreement.</li> <li>- The applicant has provided calculations that show that the required surface water attenuation volume can be delivered on site.</li> <li>- The applicant has provided an acceptable level of detail, for outline stage, to demonstrate that a suitable surface water management scheme is deliverable for these proposals.</li> <li>- Conditions for surface water management details required.</li> </ul>
Updated Response Sept 2023	<p><b>No objection subject to condition</b></p> <ul style="list-style-type: none"> <li>- the amendments made to the above response have not resulted in any fundamental change to the LLFA's position with regards to the proposed scheme.</li> <li>- Highlight that the withdrawal of our holding objection is subject to the applicant securing a surface water outfall connection and</li> </ul>

	<p>maintenance agreement through a Section 106 or evidence of land ownership where the connection is required.</p>
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**9.7.10 - Dorset Council Environmental Health (EH)**

<p>Initial submission Oct 2022</p>	<p><b>No objection subject to condition</b></p> <ul style="list-style-type: none"> <li>- Air Quality Assessment (AQA) - No objection to submitted AQA</li> <li>- Church noise – noise mitigation measures as set out in Noise Impact Assessment (NIA) required</li> <li>- Plant noise – to be conditioned as per NIA</li> <li>- Odour – condition required for kitchen extraction systems</li> <li>- Lighting – detailed scheme to be secured by condition</li> <li>- Construction management – CMS to be secured by condition</li> <li>- Contaminated Land – assessed by separate consultant (see below)</li> <li>- Traffic noise – assessed by independent consultant (see below)</li> </ul>
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**9.7.11 – WSP (independent traffic noise consultant)**

<p>Response to neighbour NIA Nov 2023</p>	<p><b>Comments</b></p> <p>For reasons set out in the ‘WSP’ NIA report, notwithstanding the lack of detailed analysis, the Applicant’s NIA presents a more accurate and reasonable overall assessment compared to the Residents NIA.</p>
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**9.7.12 – WPA (contaminated land consultant)**

<p>Initial submission Sept 2022</p>	<p><b>Comments</b></p> <p>Further reporting required</p>
<p>Additional submission Dec 2022</p>	<p><b>No objection subject to condition</b></p> <ul style="list-style-type: none"> <li>- The report from ‘CGL’ dated Jan 2019 indicates appropriate site investigation, risk assessment and advice following assessment concerning land contamination.</li> <li>- No contaminant linkages of concern have been identified and there are no recommendations for further consideration.</li> <li>- ‘WPA’ notes, however, that the development will be subject to a watching brief and a sign off report confirming any</li> </ul>

	discovery and action concerning unexpected finds is to be expected.
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**9.7.13 – Building Control**

Initial submission Aug 2022	<b>No comment</b>
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**9.7.14 – DC Urban Design**

Initial submission Aug 2022	<b>No comment</b>
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**9.7.15 – DC Landscape**

Initial submission Sept 2022	<p><b>Objection</b></p> <ul style="list-style-type: none"> <li>- Scale of indicative development would overwhelm the site</li> <li>- Opportunities to successfully integrate such Development into this Site are constrained by the ecological sensitivities</li> </ul>
Revised design Nov 2023	<p><b>Objection</b></p> <ul style="list-style-type: none"> <li>- Limited changes</li> <li>- Previous comments remain – limited opportunities for meaningful landscape</li> <li>- Given the ecological sensitivity of the Site – and the related landscape constraints I would advise that this layout would fail to create a suitably safe, attractive, and stimulating environment for Care Home residents. The only ‘views’ would be orientated over the car parking areas. Shading is likely to be an issue for the eastern and southern aspects.</li> <li>- The design of care home external areas is specialised with a need to concentrate on specific landscape design principles centred around improving the quality of life for residents. The layout as shown would provide limited opportunities for such design.</li> <li>- I also note that, within the LEMP para.6.5, it is suggested that the grassland will be accessible to residents and staff from the Care Home –via a single ‘mown path’ comprising of only ‘one loop’ and running to the rear of the Building - in order to ‘<i>restrict disturbance</i>’. I would advise that this would be wholly</li> </ul>

	<p>impractical and would fail in creating a satisfactory environment for residents.</p> <ul style="list-style-type: none"> <li>- With reference the 'Post Development Habitat Plan' – I note the buffers of 'dense scrub' running along the eastern and southern peripheries – with acid grassland habitat predominating the remainder of the open space. This would fail to provide a satisfactory 'outlook' for residents. This would appear to conflict with local Policy HE2, and NPPF Para.130.</li> </ul>
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**9.7.16 – DC Environmental Assessment Officer**

<p>Initial submission Sept 2022</p>	<p><b>Comments</b></p> <ul style="list-style-type: none"> <li>- Minor issues with Environmental Statement (ES) submitted but concludes ES is still acceptable</li> </ul>
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**9.7.17 – DC Adult Social Care**

<p>March 2023  (summary only, full comments available online)</p>	<p><b>Comments</b></p> <p>Our adult social care strategy 'Commissioning for A Better Life as People Age' prioritises supporting residents with care needs in a home of their own, which can be easily adapted and this includes developing more extra care housing. However, our strategy also highlights a need to develop more specialist care homes, offering nursing care for residents with higher and complex care and health needs.</p>
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**9.7.18 – Dorset and Wiltshire Fire Service**

<p>April 2024  (summary only, full comments available online)</p>	<p><b>Comments</b></p> <p>Any development on the urban fringe adjacent to protected heathland has the potential to create challenges both for firefighting and the management of fire risks. The risk of fire spreading from a building to the heathland should be managed through the fire risk assessment process, both during construction and in occupation. This includes adequate controls of any burning/bonfires, which are discouraged.</p> <p>The provision of automatic water suppression / sprinkler protection should mitigate this risk during occupation. A suitable fire defendable line is recommended around any building adjacent to a vegetated area as a protective measure.</p> <p>The risk of fire spreading from the heathland to an adjacent building should be considered within the emergency evacuation and</p>
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	<p>business continuity plan for any building, particularly those housing vulnerable occupants.</p> <p>In the event the planning permission is granted for this development, the development would need to be designed and built to meet current Building Regulations requirements. The Authority raises the profile of these future requirements through this early opportunity and requests the comments made under B5 of Approved Document B, The Building Regulations 2010 be made available to the applicant/planning agent as appropriate.</p>
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9.7.19 - The following consultees were also consulted and no response was received:

- Dorset Crime Prevention
- Ministry of Defence
- Dorset Waste Services
- DC Rights of Way Officer
- DC Economic Development
- Ramblers Association
- NHS Dorset (Dorset Integrated Care Board- ICB)

## 10.0 POLICY AND OTHER CONSIDERATIONS

### Development Plan:

**Christchurch and East Dorset Core Strategy 2014**  
**East Dorset Local Plan 2002 (saved policies)**

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

10.2 The following policies are of particular relevance in this case:

- KS1 Presumption in Favour of Sustainable Development
- KS2 Settlement Hierarchy
- KS11 Transport and Development
- KS12 Parking Provision
- VTSW8 Blackfield Farm Green Belt Boundaries, West Moors
- ME3 Sustainable Development Standards for New Development
- ME4 Renewable Energy Provision for Residential and Non-Residential Developments
- ME1 Safeguarding Biodiversity and Geodiversity

- HE2 Design of New Development
- LN3 Affordable housing
- LN6 Housing

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

- LN7 Community Facilities and Services

EDLP saved policy HODEV3 supports the delivery of specialist accommodation within settlements. Policy DES11 looks to ensure developments respect their surroundings.

### 10.3 Other Material Considerations

Supplementary Planning Documents/Guidance:

Dorset Heathlands Planning Framework 2020 - 2025 SPD (DHPF)

National Policy

The National Planning Policy Framework (NPPF) December 2023 and National Planning Practice Guidance (NPPG)

Paragraph 11d of the NPPF sets out the presumption in favour of sustainable development.

Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Most relevant NPPF sections include:

- Section 12 Achieving well-designed and beautiful places
- Section 14 Meeting the challenge of climate change, flooding and coastal change
- Section 15 Conserving and enhancing the natural environment

### 11.0 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.

## 12.0 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 church and ‘nursing care’ care home being provided which will be required to meet Part M regulations. Details in relation to this will be provided at reserved matters stage, however, no disadvantage to persons with protected characteristics is anticipated.

## 13.0 Financial benefits

What	Amount / value
Material Considerations	
n/a	n/a
Non Material Considerations	
Community Infrastructure Levy (CIL)	£210,862.05 (subject to RM details)
Estimated annual council tax benefit	TBC
Estimated annual New Homes Bonus per residential unit (for first 4 years)	n/a

## 14.0 Climate Implications

- 14.1 The proposed will result in a new development on a greenfield site. While the development will be new build, given the relatively low scale development, the proposal is not considered to have a significant impact on climate change. An area for biodiversity enhancement is retained on site and will be secured by legal agreement. The use of renewable energy sources will be considered at reserved matters stage as recommended under this Outline application.

## 15.0 Planning Assessment

### 15.1 Application Type and Environmental Impact Assessment



15.1.1 As the application is for outline consent only except for **access and scale**, the main issues relation to this application are considered to be:

- The Principle of Development
- Design with regards to scale only (all other design matters reserved)
- Access, Highway Impact & Parking
- Trees
- Drainage
- Local Amenity
- Biodiversity

15.1.2 As noted previously, an application for a similar development, 3/19/1512/OUT, was submitted in 2019. This application was screened for Environmental Impact Assessment (EIA) requirements under Regulation 5 of the Town and Country Planning (EIA) Regulations 2017 following this submission. It was considered that the application would require an EIA for the following reasons:

- The proposal represents Schedule 2, 10 Infrastructure Projects and (b) Urban Development Projects, and is, therefore, Schedule 2 development for the purposes of the Regulations.
- The proposed development is to be located on land at Blackfield Lane on the edge of the West Moors Urban Area, and is not located in a 'sensitive area' in terms of the Regulations but is located adjacent to a 'sensitive area'.

15.1.3 An EIA has been submitted with this application and has been reviewed by the Dorset Council EIA Officer. Under the definition of the 'Environmental Statement' it was confirmed that the submission meets the requirements of Regulation 18(3) and Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. However, this is subject to comments from the statutory consultees who consider the technical aspects of the assessment. These matters are dealt with further under the relevant sections of the officer report set out below.

15.1.4 Based on the screening opinion, it is noted the scope of the EIA submitted is focused on Ecology matters. The EIA Officer has confirmed the submitted EIA is in line with the required regulations.

## **15.2 Principle of development**

15.2.1 This site is within the urban area of West Moors and is identified within the Local Plan (2014) as being suitable for development for non-residential uses.

15.2.2 The principle of developing this site for uses such as a church may be acceptable; however, any proposals will need to have regard to the requirements of policies and the impacts on neighbours. Policy LN7 of the Local Plan (2014) supports the development of new community facilities within the urban area of

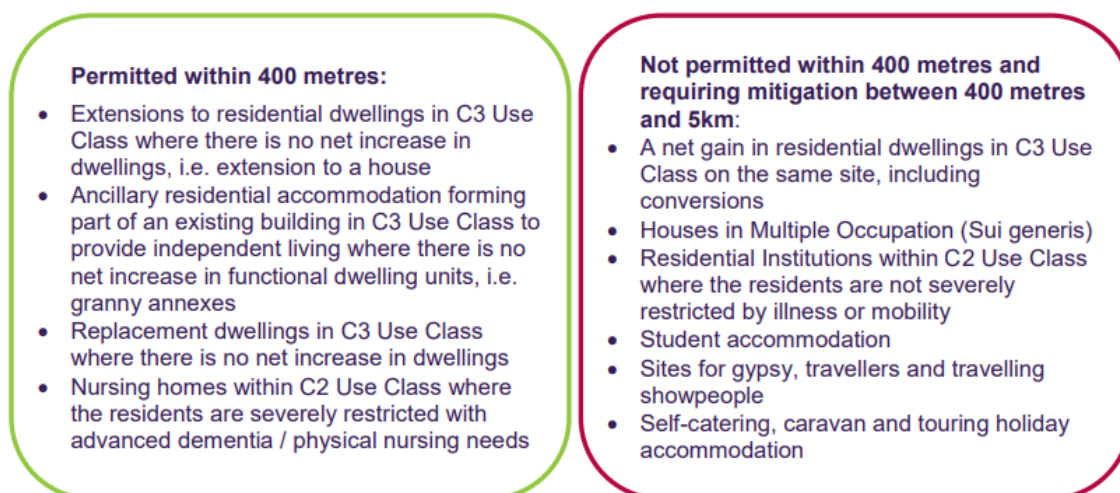
West Moors. The policy does aim to cluster community facilities and services together, however, places of worship, often serve a specific community and their siting doesn't rely on proximity to other community uses.

- 15.2.3 In principle, this site could be suitable for the development of a C2 care home, as long as the development will be unlikely to increase recreational impacts on the heathlands. However it is noted a needs assessment has not been submitted with the application, identifying the need within this area.
- 15.2.4 The Dorset Council Adult Social Care team and NHS were consulted but no response was received. Policy LN6 of the CED Local Plan 2014 sets out the Council's strategy on housing for vulnerable people, which includes older people and saved East Dorset Local Plan policy HODEV3 supports the delivery of specialist accommodation within settlements. The Bournemouth Christchurch and Poole (BCP) and Dorset Local Housing Needs Assessment, produced as part of the evidence base for the new Dorset Local Plan, identifies a clear need for provision of additional nursing and residential care bedspaces, with 2,769 required across Dorset for the 2021-38 period (paragraph 10.41, page 187). It is considered this is a material consideration in the decision-making process.
- 15.2.5 Taking into consideration the contribution that this proposal could make to the identified need for specialist elderly accommodation, the provision of this accommodation to meet an identified need carries significant weight.
- 15.2.6 Further to the provision of specialist accommodation for older people, the current housing land supply is also considered. The emerging Local Plan has reached Regulation 18 of the (Town and Country Planning (Local Planning) (England) Regulations 2012 stage and includes a policies map and proposed allocations towards meeting housing need. Therefore, as detailed under Paragraph 226 of the NPPF (December 2023), for decision-making purposes only, the Council is only required to identify a minimum of 4 years' worth of deliverable housing sites. The East Dorset area cannot demonstrate a four-year supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF), with the current supply position standing at 3.9 years. This means that for applications involving the provision of housing, the policies which are most important for determining the application are deemed to be out of date and the application should be considered favourably unless the proposal conflicts with specified NPPF policies or the adverse impacts would significantly and demonstrably outweigh the benefits (NPPF paragraph 11).
- 15.2.7 Planning Practice Guidance (PPG) notes:
- Local planning authorities will need to count housing provided for older people, including residential institutions in Use Class C2, as part of their housing land supply. This contribution is based on the amount of accommodation released in the housing market..... ([Housing supply and delivery - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/housing-supply-and-delivery) - Paragraph: 035 Reference ID: 68-035-20190722)*
- 15.2.8 The Government's 'Housing Delivery Test Measurement Rule Book' advises a ratio of 1.8 is applied to 'other communal accommodation', which includes care

homes. This is based on the national average datasets for these types of communal accommodation. On this basis, it is estimated that the provision of 60 care home bedrooms has the potential to release approx. 33 units of accommodation within the district, contributing to the housing supply. This would contribute to help deliver a sufficient supply of homes within the Local Plan area, where there is currently an insufficient housing land supply, and carries significant weight.

- 15.2.8 The site is adjacent to protected Dorset Heathlands. The principle of a (class C2) 'nursing care' care home ( Nursing Home) that meets the requirements of Dorset Heathlands Supplementary Planning Document 2020-2025 (set out in the extract below) is not unacceptable in planning terms and therefore does not form a reason for refusal.

*Figure 3: Uses that are generally permitted and not permitted within the 400 metres heathland area or which require mitigation if between 400 metres and 5km:*



Each of the above uses will be determined on a case by case basis and not all uses are covered.

### 15.3 Design – Scale

- 15.3.1 As noted previously, this application is for outline consent with all matters reserved except for **access and scale**. Therefore, in terms of design, the only matter for consideration is scale where all other matters such as appearance, landscaping and layout would be determined under a reserved matters application if outline consent were granted.

- 15.3.2 In terms of scale, Policy HE2 of the Core Strategy states that new development must in various respects, including its visual impact, be compatible with or improve its surroundings. Policy DES11 of the Local Plan states that development will only be allowed where, in terms of its form amongst other things, if it would respect or enhance its surroundings. Paragraph 135 of the NPPF 2023 developments are sympathetic to local character, including the surrounding built environment and landscape setting.

15.3.3 Officers raised initial concerns regarding the scale of the proposed footprint, which accommodated an eighty bed care home. The revised design was submitted in November 2023, which reduced the footprint to a care home that would accommodate sixty bedrooms. The following assessment is based on the reduced design.

15.3.4 The Town and Country Planning (Development Management Procedure) (England) Order 2015 defines scale as: *'the height, width and length of each building proposed within the development in relation to its surroundings.'* In terms of scale an indicative plan has been submitted as follows:

Use	Approx. Foot print	Number of storeys	Width	Length
Church (indicative design only)	115 sqm	Single storey (5.5 m high)	11m	11m
Care home (indicative design only)	1150 sqm	Single and double storey (3-7 m high)	12-52m (L shape plan)	72m (L shape plan)

15.3.5 Third party concerns have been raised that proposed is over development of the site and out of keeping with the character of the area. It is noted these concerns have not been overcome by revised plans submitted in November 2023, reducing the care home to sixty beds.

15.3.6 The application site is located within the urban area of West Moors and the area adjacent is predominantly residential, comprising traditional two storey detached dwellings on medium to large plots. The boundary to Pine Walk is well screened by mature vegetation, which is to be retained. The boundary to dwellings on Blackfield Lane is generally open with low hedging.

15.3.7 Given the proposed two storeys, heights of up to 7m and potential separation distances to neighbouring boundaries (currently identified as 19-35m to the site boundary bordering the nearest dwellings on Blackfield Lane) it is considered the proposed scale is unlikely to have a negative impact on the character of the area.

15.3.8 In response to the initial submission the Dorset Council Landscape Officer raised concerns regarding the proposed scale of development on the area of land that can be developed given the ecological constraints, in particular the ability to provide sufficient landscaping with the level of parking required. The reduced scheme to sixty beds in the care home was submitted in response to these comments.

- 15.3.9 The indicative plans indicates a buffer (7-15m in width) of dense scrub is identified to the southern and eastern boundaries of the care home. Parking provision is 34 spaces for the care home and 25 spaces for the church. As set out later in this report, parking provision is above the Dorset Council recommended parking standards with an over provision of 9 spaces as shown on the indicative plans.
- 15.3.10 Elements of landscaping are identified within the scheme, however landscaping is not under consideration. It is however noted that the reduced proposal allows for additional landscaping. Further to this, with the over provision of parking spaces as set out later in this report, could be reduced to enable more space for meaningful landscape provision.
- 15.3.11 Other concerns raised by the Dorset Council Landscape Officer include the following:

<b>Landscape Officer Concern</b>	<b>Planning Officer Response</b>
Care home would have an awkward relationship with southern and eastern boundaries	Indicative layout only – layout and design detail not under consideration in this application.
Limited opportunity for views or sympathetic landscaping	Indicative layout only – layout and design detail not under consideration in this application.
Area where care home has been reduced is unlikely to be suitable for amenity landscaping	Indicative layout only – layout and design detail not under consideration in this application
Expanse of car park will visually dominate	Indicative layout only – layout and design detail not under consideration in this application  Current over provision of 9 car parking spaces allowing potential for another 113m <sup>2</sup> of landscaping / open space.
The layout would fail to create a suitably safe, attractive, and stimulating environment for Care Home residents. The only ‘views’ would be orientated over the car parking areas. Shading is likely to be an issue for the eastern and southern aspects.	Indicative layout only – layout and design detail not under consideration in this application
There are clear conflicts between ecological ‘buffers’ and the need to create ‘attractive areas with formal landscaping and seating provision’. A	Indicative layout only – layout and design detail not under consideration in this application

<p>'formalised version' of the heather and acid grassland mosaic would not be an effective form of landscaping around the Care Home or church.</p>	
<p>The design of care home external areas is specialised with a need to concentrate on specific landscape design principles centred around improving the quality of life for residents. The layout as shown would provide limited opportunities for such design.</p>	<p>Indicative layout only – layout and design detail not under consideration in this application</p>
<p>It is suggested that the grassland will be accessible to residents and staff from the Care Home –via a single 'mown path' comprising of only 'one loop' and running to the rear of the building - in order to '<i>restrict disturbance</i>'. I would advise that this would be wholly impractical and would fail in creating a satisfactory environment for residents.</p>	<p>Indicative layout only – layout and design detail not under consideration in this application.</p>
<p>The buffers of 'dense scrub' running along the eastern and southern peripheries – with acid grassland habitat predominating the remainder of the open space. This would fail to provide a satisfactory 'outlook' for residents.</p>	<p>Indicative layout only – layout and design detail not under consideration in this application.</p>

- 15.3.12 While the above concerns are noted this can be addressed at reserved matters stage, potentially with a revised orientation of the care home, relocation of the church and revised parking, landscaping and detailed design. The Planning Officer is satisfied there is sufficient space on site to accommodate the scale of the proposed development and still provide sufficient amenity for future occupiers. The indicative plan is not listed as an approved plan and an informative has been included to advise indicative plans are not considered acceptable for a reserved matters application.
- 15.3.13 It is noted that the previously refused application included a reason for refusal based on scale as a result of ecological constraints and requirements to accommodate development of the proposed scale, in particular the proposed care home, together with the need to provide a satisfactory standard of residential amenity for residents. This reason for refusal has been overcome where officers are satisfied sufficient amenity space can be provided on site. It is also noted both Natural England and NET are satisfied that mown paths can be provided within

the ecologically enhanced areas, allowing residents access to additional amenity space.

- 15.3.14 Third party concerns have been raised that the proposed would impact negatively on the character of the area, including the Special Character Area outside of the application site, to the west & north-west (Woodside Road, West Moors Special Character Area). While it is acknowledged the surrounding area is a residential area and that the indicative foot print of the care home is larger, given the size of the site; single and two storey nature of the proposed; separation distance to boundaries; potential for landscaping; and existing vegetation retained to the boundaries; the impact on the character of the area would largely be in relation to the appearance, which would be considered under a reserved matter application if outline permission is granted.
- 15.3.15 In summary, in terms of design only the matter of scale (height, width, length) is being considered under this outline application. As set out above the proposed scale of the sixty bed care home and single storey church is considered acceptable and accords with Policy HE2 of the Core Strategy and relevant policies set out in section 12 of the NPPF 2023.

#### **15.4 Access, Highways Safety and Parking**

- 15.4.1 Paragraph 4.46 of the pre-amble Policy KS11 states:

*A primary planning consideration is to ensure that development proposals achieve a suitable connection to the highway that is safe for pedestrians, cyclists, and occupants of vehicles. Equally important is the need to ensure that development related trips do not create new or exacerbate existing highway safety issues. All new development is required to address the transport implications of that development.*

- 15.4.2 Paragraph 115 of the NPPF 2023 states:

*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

- 15.4.3 A transport statement has been submitted in support of the application, and additional information was requested by the Highways Authority. The Transport Statement submitted concludes that *“the proposed location of the development has been shown to be acceptable in terms of the lack of any resultant local highway impacts. There are no pressing capacity or safety concerns that can be considered “severe” as described within the National Planning Policy Framework.”* The Highways Authority has been consulted on this information.

- 15.4.4 Third party concerns have been raised that proposed would create a number of highway related concerns including insufficient parking and impact on highways safety. Local residents have commissioned their own transport assessments and have submitted technical notes in response to the planning application and Dorset Council Highways responses to the application. The latest technical note was

submitted in July 2023 and suggested that the planning application would generate an additional 196 daily vehicle movements (13 two-way movements in the AM and 14 two-way movements in the PM peak periods). It stated that *“It is our professional opinion that this application therefore still has an unacceptable impact on highway safety which means that safe and suitable access, in line with Paragraph 110, cannot be achieved and it should be recommended for refusal on highway grounds as it would have an unacceptable impact on highway safety, in line with Paragraph 111 of NPPF.”*

[Officer note: references to the NPPF in third party reports are from 2019, where reports were submitted prior to December 2023].

- 15.4.5 In terms of its impact on highway safety, with the provision of additional information as requested by the Highway Authority, they have advised:

*With the submitted TRICS data confirming the low-level traffic generation in the AM and PM peak hours, and bearing in mind the uses proposed, the Highway Authority considers that the residual cumulative impact of the development cannot be thought to be "severe" when consideration is given to paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) - July 2021. Therefore, the Highway Authority has NO OBJECTION, subject to condition.*

[Officer note: references to the NPPF in Highways consultee response are from 2019, where reports were submitted prior to December 2023].

- 15.4.6 In response to the latest local resident submission, ‘Origin Technical Note 2’, the Highway Authority have provided the following advice:

*The ‘Origin’ report submitted by local residents suggests that no further TRICS data has been submitted but this is incorrect. The applicant provided a document entitled “Predicted Trip Rates Via TRICs Data” on 25 January 2023 which provided tabulated trip rates that purported to have been derived from a TRICS analysis, although no supporting data was provided.*

*The Highway Authority have advised comparing this data with that previously provided by ‘Origin’ and Highway’s own TRICS analysis, they came to the conclusion that the findings were broadly similar and that they could be considered to provide a valid prediction of trip generation. Hence, the reference to submitted TRICS data in the final observation recommending conditional approval.*

*It is noted, the Highway Authority are in agreement with ‘Origin’ that the proposal will generate additional trips onto the local highway network at a level below that previously identified for the refused application which included light industrial units. However, the Highway Authority notes Origin’s analysis fails to focus on is the fact that not only have the daily movements decreased but that peak hour movements are lower, with the peak periods of traffic for the care home and church uses falling outside of the AM and PM peak traffic periods (08:00 to 09:00) and (17:00 to 18:00). The church generates the most traffic movements between 19:00 and 20:00 on a weekday whilst the care home is busiest between 15:00 and 16:00).*



*The response to the flow distribution query was vaguely answered by the applicant but we are of the opinion that not all traffic will choose to use the Station Road/The Avenue junction so the impact on this junction will, again, be lessened.*

*TRICS analysis by all parties suggest that in the peak traffic periods around 12 to 15 vehicles could use the Station Road/The Avenue junction, that's if all drivers choose to drive through it. Of those movements, half could be turning left or right out of it, so 6 to 7 vehicles, or one every ten minutes.*

*It is on this basis that the Highway Authority feel that we cannot substantiate a highway refusal based on the lack of visibility to the north of the junction as we don't feel that it's severe when consideration is given to the NPPF.*

*The Highway Authority previously discussed the possible uses of the site with the planning officer after the previous application was refused and are aware of the fact that the site is not safeguarded from development, it is included in the urban area and that the proposed uses could well be considered to be policy compliant. As such, the site has the potential to generate traffic and the Highways Authority felt that the currently proposed uses could be the best in terms of lower levels of trip creation and impact upon neighbouring amenity.*

15.4.7 Policy KS12 states that adequate vehicle and bicycle parking should be provided to serve new development. Dorset Council parking guidelines advise on levels of parking for various planning uses. The following table compares the guidance to the proposed parking:

<b>Use &amp; floor Area</b>	<b>Dorset Council Parking Guidelines</b>	<b>Proposed Parking</b>
F1 (f) – public worship or religious instruction  <b>115 sqm</b>	1 per 5m <sup>2</sup> = 23	25  (over provision of 2 spaces)
C2 – Residential Institutions  <b>60 beds</b>	1 per 4 bed + 1 per 2 full time staff =  15 + 12 = 27  [Officer note – employee numbers not provided. Online research advises there are no minimum staffing requirements but a ratio of 1 member of staff to	34  (over provision of 7 spaces)

	5-7 beds is an average staffing for care homes ]	
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- 15.4.8 Indicative parking provision is considered to be an over provision in accordance with the Dorset Council parking guidance. As noted previously, this over provision could be used as landscaping space as part of a detailed design to be submitted under a reserved matters application. Officers are satisfied there is sufficient space on site to accommodate the level of parking required for the scale of development proposed and is considered acceptable.
- 15.4.9 Based on the above, proposed access, parking and highways implications are considered acceptable and accord with Core Strategy policies KS11 and KS12.

### 15.5 Trees

- 15.5.1 Policy HE3 of the Core Strategy notes development needs to protect and seek to enhance the landscape character of the area. Section 15 of the NPPF 2023 aims to protect the natural environment.
- 15.5.2 Third party concerns have been raised that the removal of existing trees is unacceptable and that the proposed would impact negatively protected trees.
- 15.5.3 While there are no protected trees on the site, there are protected trees on sites adjacent. The site is mostly grassland with heathland scrub along the eastern boundary and a mixed species tree belt to its southern boundary. Standing adjacent the site access are a number of establishing Birch, which are protected. Protected trees are also located on adjacent sites to the west.
- 15.5.4 A tree survey and tree protection information has been submitted in support of the application and the Dorset Council Tree Officer was consulted.
- 15.5.5 The Tree Officer has advised there are no insurmountable tree issues. However, detail of services will be needed ensuring there's no conflict with the retained trees and also a landscaping scheme showing all details of proposed tree planting, which can be secured by condition. Landscaping details are required under a future reserved matters condition.
- 15.5.6 The proposed development in relation to tree implications are considered acceptable and accord with Core Strategy policies HE2 and HE3.

### 15.6 Drainage

- 15.6.1 The application site is within a flood risk zone<sup>1</sup>, defined as having an annual exceedance (AEP) of flooding lower than 0.1% (1 in 1000 year event). A Flood Risk Assessment (FRA) is not usually required in FZ 1 unless the application is more than 1ha. As the site is approx. 2ha an FRA has been submitted in support of the application. A Topographic Survey and Ground & Water Desk Study Report

have also been submitted. The site is not within a ground water flood risk area. [The Dorset Council Strategic Flood Risk Assessment \(SFRA\) has been updated and published in March 2024. The changes to the SFRA do not impact the application site and no further information is required.](#)

- 15.6.2 Third party concerns have been raised that the proposed would increase flood risk to the area and that existing infrastructure does not have capacity to take additional development. Local residents have submitted their own flood risk assessment information. Third party concerns have also been raised that the land required for the drainage connection is not within the ownership of the applicant, despite submitted documents stating it is. As set out below, officers are aware the land in question is not in the ownership of the applicant, but evidence has been submitted there is an intention to buy the land if planning permission is granted.
- 15.6.3 The DC Lead Flood Authority (LFA) have been consulted and noted that whilst the site of the proposal is shown to fall within Flood Zone 1 and is not at risk from any modelled flood risk from Ordinary Watercourses or Main Rivers. Consideration of the Environment Agency's (EA) Risk of Flooding from Surface Water (RoFfSW) mapping indicates that there is a risk of pluvial flooding to the north west part of the site at the 1-in-1000-year event but not at the higher probability 1-in-30 or 1-in-100-year events. Local residents have also confirmed anecdotally, that during rainfall events surface water frequently flows from the development site (which is currently greenfield) and onto Blackfield Lane, through the field entrance. This suggests that onsite surface water flooding occurs more frequently than the EA RoFfSW mapping indicates.
- 15.6.4 It is proposed to attenuate surface water from the development site and discharge at a greenfield rates and volumes (or less) into a new open ditch that will connect to the existing land drainage network on land which is currently outside of the red line boundary and out of the control of the applicant.
- 15.6.5 The LFA initially advised the following information was required:
- *Evidence was not provided to demonstrate that the land south of the development site is within the ownership of the developer or that permission would be given for a new surface water outfall connection to the watercourse south of the site.*
  - *Further evidence requested to provide clarification that the required attenuation volume can be delivered on site.*
- 15.6.6 In response to additional information submitted the LFA advised:
- Following submission of the updated FRA, we can now acknowledge the following:*
- *The applicant is intending to purchase the adjacent land south of the development site should planning permission for the development be granted.*
  - *The applicant has provided calculations that show that the required surface water attenuation volume can be delivered on site.*

*In addition to the above, the LLFA has received further advice from Dorset Council legal department that it will be possible for the applicant to secure the proposed connection into the offsite watercourse, next to the southern boundary of the site, through a Section 106 agreement or alternatively through the provision of evidence of land ownership where the connection is required.*

15.6.7 In response to the local resident's FRA report submitted, the LFA have advised:

*Since our previous consultation response, the LLFA has been made aware of a report by Hydrotec and Engineering Consultants (HEC) dated March 2023 and titled 'FRA and surface water management review'. It is the LLFA's understanding that this report has been put together at the request of some local residents and it provides a peer review of the applicant's own surface water drainage strategy. Please note, the LLFA is not certain which issue of the Corner Water Consulting FRA this document is a review of but as this document was issued in March, we can assume that it is for a version prior to the most recent Fifth issue.*

*The author of the Hydrotec report concludes that the applicant's own FRA report 'follows the NPPF, EA and LLFA flood risk planning guidance, which is based upon Planning Practice Guidance (PPG) - the government's planning policies for England (2021).' However, it also highlights a number of key concerns and the LLFA has been asked to make comment on how the applicant's FRA/drainage strategy proposes to address each of these.*

*1) 'The issue of surface water generated off-site and flowing onto the development need to be considered in the proposed drainage strategy otherwise the proposed development would be susceptible to the pluvial flood risk during its design life.*

*The LLFA considers that the applicant has considered existing off-site surface and fluvial flood risk. Available EA modelling data has been reviewed and the applicant has also provided the results of some survey work. This ground level data along parts of the site boundaries provides sufficient evidence that significant surface/fluvial flooding from offsite should not enter the site. The applicant has also provided assurances within their FRA that existing ground levels will be maintained in order to mitigate against the risk of flooding from the nearby watercourses.*

*In addition to the assurances within the FRA, the LLFA will also be recommending that an additional condition is included should the application be approved, to ensure that the applicant constructs the new buildings with a minimum floor level of 300mm above ground level. This will provide an additional flood risk resilience measure for the new development.*

*2) Also the Hydrotec report recommends that 'consent of confirmation from Wessex Water is required to discharge the excess runoff into the existing drainage network without surcharge or downstream flooding.'*

*The LLFA advises that further consent from Wessex Water should not be required at this stage, as the applicant is not proposing a new direct surface water connection into a Wessex Water asset. Reference to Wessex Water correspondence shows that their preference is for this development to discharge surface water to local land drainage (watercourse) as proposed by the developer.*

*Also, the applicant is proposing to attenuate surface water from the development on site and to discharge surface water at greenfield rates for all rainfall events up to the 1-in-100 year plus 45% climate change event and this proposal meets with the required standards. If the applicant constructs and maintains the development to the proposed standards the LLFA would not expect to see increased runoff entering the existing drainage network.*

*The LLFA also notes the photographs of downstream flooding from 2013 included in the report. These pictures show some of the flooding that has previously occurred downstream of the development site and highlight the reason why it is important that the existing off-site flood risk is not made any worse by the proposed development. However, it is also important to be aware that these pictures do not show flooding within the red line boundary of development site.*

- 15.6.8 Third party concerns have also been raised that the applicant does not own the land where the proposed drainage outfall will be. The applicant has advised they intend to buy the land, however this is not sufficient in terms of granting planning permission, where it cannot be guaranteed the outfall can be secured. As noted in the LFA response above, the Dorset Council Legal Team have advised it will be possible for the applicant to secure the proposed connection into the offsite watercourse, next to the southern boundary of the site, through a Section 106 agreement or alternatively through the provision of evidence of land ownership where the connection is required. This is set out in the officer recommendation.
- 15.6.9 The Environment Agency have also been consulted. While they raised initial concerns due to a lack of information in relation to foul drainage, they have raised no objection to the proposed as it is confirmed it is proposed to connect public mains sewer. This is subject to a condition in relation to foul drainage at reserved matters stage, which has been added to this report.
- 15.6.10 In relation foul drainage, third party concerns have been raised regarding existing sewer systems would require upgrading and would cause a major disturbance to the area. Wessex Water have been consulted and raised no objection. However, they have advised that the foul sewer network would need to be reviewed should permission be granted due to capacity issues, however disruption to the area as a result of this is not material planning consideration.
- 15.6.11 Based on the above the proposed surface water and foul drainage is considered acceptable. Therefore, the proposed is considered acceptable in accordance with ME6 of the Core Strategy.

## **15.7 Local Amenity and Standard of Accommodation**

15.7.1 Policy HE2 of the Core Strategy states that new development should be compatible with or improve its surroundings in relation to nearby properties and general disturbance to amenity and paragraph 135 of the NPPF 2023 notes (inter-alia):

*Planning policies and decisions should ensure that developments:*

*f) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

15.7.2 Third party concerns have been raised that the proposed would have a harmful impact on neighbouring amenity in terms of privacy, overlooking, noise, pollution, well-being and living conditions of existing occupants.

Amenity

15.7.3 The proposed scale and separation distances to neighbouring properties is as follows:

<b>Use</b>	<b>Approx. Foot print</b>	<b>Number of storeys</b>	<b>Distance to closest neighbouring boundary</b>
Church	115 sqm	Single storey (5m)	19m
Care home	1150 sqm	Single and double storey (3-7m)	35m

As noted previously, the boundary to Pine Walk is well screened by mature vegetation, which is to be retained. The boundary to dwellings on Blackfield Lane is generally open with low hedging. Given the proposed number of storeys, height and potential separation distances to neighbouring boundaries it is considered the proposed scale is unlikely to have a negative impact on neighbouring properties.

Noise

15.7.4 A Noise Impact Assessment (NIA) was submitted with the application. In response to this, local residents commissioned and submitted their own NIA.

15.7.5 The Dorset Council Environmental Health (EH) Officer was consulted on all NIA documents received and has advised on the following aspects:

Church noise	<i>In accordance with the noise assessment due to the planned hours of use of the church hall which includes a</i>
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	<p><i>service with hymns every Sunday at 6am noise mitigation measures will be required. The mitigation measures detailed at point 6.4 must be undertaken and I suggest a suitable condition to ensure they are implemented.</i></p>
<p>Plant noise</p>	<p><i>The assessment provides a cumulative operational plant noise limit for the site. However further assessment will be required once the quantity, specification and location of plant has been determined. I suggest a suitable condition to ensure that the process as described by the noise consultant at point 8 of the noise assessment is implemented.</i></p>
<p>Traffic noise</p>	<p><i>The noise consultant has used the Department of Transport, Calculation of Traffic Noise (CRTN) to predict LA10 noise levels at the façade of nearby residents over an 18 hour period (6:00 – 24:00) and then refers to the Design Manual for Roads and Bridges (DMRB) document LA111 – noise and vibration to consider the magnitude of change in LA10 noise levels due to the proposed introduction of new traffic and concluded there will not be a significant effect.</i></p> <p><i>The consultant then looks specifically at the maximum noise levels of vehicles passing nearby residents whilst attending the proposed church service at 6am on a Sunday morning. The predicted LAFmax levels are 63 to 65 LAmx. The consultant then refers to the World Health Organisation (WHO): 1999:Guidelines for Community Noise which recommend that maximum noise levels should not go above 60 LAFmax at the façade of a residential property during the night period of (23:00-07:00) and correctly notes that the predicted levels exceed this by 3-5db.</i></p> <p><i>The WHO guidelines also recommend that LAFmax levels should not go above 45LAFmax within a bedroom during the night period. If residents have their windows open at night the recommended LAFmax level will be exceeded by 3-5dB, but if windows are closed the recommended level will not be exceeded. The WHO 1999 guidelines also state that “For a good sleep, it is believed that indoor sound pressure levels should not exceed approximately 45 dB LAFmax more than 10-15 times per night” . The assessment predicts there will be 12 cars attending the church service for 6am, but there it also likely to be other traffic passing at night for example shift workers for the care home. The consultant comments that “The calculated noise level maxima are not greater than those which would occur on most typical residential streets, where a small</i></p>

	<p><i>number of vehicle movements at in the early morning period are not unusual. Overall it is considered that this would not cause a significant adverse effect.”</i></p> <p><i>Environmental Health note that the traffic to and from the care home and church may not be unusual for a residential street, however the introduction of traffic to and from the proposed site will be noticeable to existing residents and the maximum noise levels of any traffic passing residential properties at night may have the potential for an adverse effect depending on the number of traffic movements. Environmental Health are unable to comment on the likely traffic use.</i></p>
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15.7.6 It is considered that noise from the church and plant can be dealt with by condition. Based on the response to traffic noise from the EH Officer it was considered necessary to employ the services of an independent consultant to review the NIA from both the applicant and local residents.

15.7.7 Traffic consultants, WSP, were commissioned by the Council to review both NIA submissions from the applicant and from local residents. A full report is available online and WSP have concluded the following:

*Considering the above guidance in relation to the situation at Blackfield Lane and the conclusions presented in the Applicant NIA and Residents NIA, it is our opinion that:*

- *The Applicant NIA notes that the predicted noise maxima from individual vehicle movements marginally exceed the WHO guideline values (60 dB LAFmax outside or 45 dB LAFmax inside) and concludes that “this would not have a significant adverse effect, given the relatively small number of individual events”. The truth of this statement relies upon the definition of the words “significant adverse”. In accordance with the guidance detailed above, the noise impact could not be regarded as negligible, but taking into account the predicted maxima and number of occurrences, the impact could be considered to be minor and adverse.*
- *The Residents NIA concludes that “on the basis of the predicted road traffic movement associated with the development: there will be a significant adverse effect to health and the nearest sensitive premises”. In accordance with the guidance detailed above, we do not believe that “a significant adverse effect to health” is demonstrated and therefore the conclusion is not justified.*
- *The situation is more nuanced than the assessments provided in the two NIAs. The potential noise impact will not be negligible; however, the impact will not present a significant adverse effect to health. It is our opinion that the noise impact will be minor or of marginal significance, based on the information presented in the NIAs.*



*For these reasons, it is our opinion that, notwithstanding the lack of detailed analysis, the Applicant NIA presents a more accurate and reasonable overall assessment compared to the Residents NIA.*

15.7.8 Local residents provided a further response to the report submitted by WSP raising the following queries and the response is provided in the following table:

<b>Local resident response</b>	<b>WSP / Planning Officer Response</b>
The consultant does not explain how he is qualified in Noise impact and the disturbance such noise has upon individuals.	Officers are satisfied that the WSP report was carried out by a suitably qualified professional.
The published report does not include "Appendix A" which is part of the report.	WSP have advised:  <i>The reference to "Appendix A of this document" does not refer to an appendix to my response – it refers to the Appendix of the document I was referencing in the previous sentence.</i>
The TRICS data supplied by the applicant and considered by the consultant is wrong	WSP have advised:  <i>Re TRICS data and discrepancy in assumed traffic flows (applicant vs objectors data): This was noted and commented on in my response (Page 1) and the difference in projected noise impact is minimal.</i>
Noise Impact upon Residents in Existing Properties.	WSP have advised:  <i>Re Impact Assessment: Calculations were undertaken for the typical set back distance of the properties. If we were to undertake calculations for each and every individual property it would take a lot more time. Also, it is worth noting that the relevant distance is that between the traffic line and the building façade, not the corner of the property. No data was provided on traffic speeds – My assumption of 30km/h seems reasonable given the carriageway alignment.</i>
Blackfield Lane is not an "Average Urban Street" as described by the consultant	WSP have advised:  <i>There seems to be some misunderstanding about the use of the</i>

	<p><i>word “urban”. Our report does not refer to Blackfields Lane as being “urban”. The word “urban” occurs in a reference to the one of the guidance.</i></p>
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- 15.7.9 Based on the advice of independent consultants it is considered the proposed development is acceptable in relation to noise from traffic and impact on neighbouring amenity and would not warrant refusal.

#### Air Quality

- 15.7.10 Third party concerns have been raised that this development will have an unacceptably deleterious effect on neighbours in terms of air quality from increased road traffic seeking to access the completed development.
- 15.7.11 An Air Quality Impact Assessment (AQIA) has been submitted as part of the application and reviewed by the Environmental Health Officer, who advised:
- I have viewed “Air Quality Assessment, Blackfield Lane, Dorset, J0634, J0634/1/F1, dated 25th March 2022, by Air quality Assessments Ltd.” I have no adverse comments to make and agree with the conclusions that in accordance with recognised guidance criteria the air quality effect is considered to be insignificant and therefore a detailed assessment of the air quality impacts of the development on the surrounding area is not required.*
- 15.7.12 The proposed is not considered to have a negative impact on neighbouring amenity in terms of air quality.
- 15.7.13 To conclude in relation to impact on neighbouring amenity – while it is acknowledged the intensified use will have some impact on neighbouring amenity, it is not to an extent that would warrant refusal and the proposed is therefore considered to accord with HE2 of the Core Strategy subject to conditions.

#### **15.8 Biodiversity**

- 15.8.1 The application site adjoins the boundary of the Holt and West Moors Heath Site of Special Scientific Interest (SSSI). The SSSI is also a part of the Dorset Heathlands Special Protection Area (SPA) on account of rare or vulnerable heathland bird species such as nightjar and Dartford warbler. It is also part of the Dorset Heaths Special Area of Conservation (SAC) which is notified for its vulnerable heathland and associated habitats, and some individual species such as sand lizard and smooth snake. In addition, the SSSI is listed as a Ramsar site for its heathland wetlands and associated rare wetland species such as marsh gentian. Listed Wetlands of International Importance under the Ramsar Convention (Ramsar) are protected as a matter of Government policy (National Planning Policy Framework paragraph 176).

15.8.2 Third party concerns have been raised that the proposed would impact negatively on existing flora and fauna on the site and protected sites in the surrounding area.

15.8.3 Policy ME1 of the Core Strategy aims to protect, maintain and enhance the condition of all types of nature conservation sites, habitats and species within their ecological networks including:

- Internationally designated sites (SPA, SAC, Ramsar)
- Sites of Special Scientific Interest (SSSI)
- Sites of Nature Conservation Interest (SNCI)
- Local Nature Reserves Priority species and habitats
- Important geological and geomorphological sites
- Riverine and coastal habitats
- Suitable Alternative Natural Greenspace (SANG)

15.8.4 Section 15 of NPPF 2023 aims to conserve and enhance the natural environment. Paragraph 180 (d) notes planning policies and decisions should contribute to the natural environment by :

*'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.'*

#### Dorset Heathlands

15.8.5 The application site is adjacent to Dorset Heathland as previously noted. The proposal for a 60 bed care home and church, in combination with other plans and projects and in the absence of avoidance and mitigation measures, is likely to have a significant effect on the site. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected site, in view of the site's conservation objectives.

15.8.6 The appropriate assessment (AA) has concluded that the application is likely to have a significant effect on protected sites as set out in the AA accompanying this report.

15.8.7 According to the Dorset Heathlands Planning Framework 2020-25, residential development within 400m of the Dorset Heaths European Site is not permitted due to impacts upon the designation. However, residential institutions which fall under C2 use class may be permitted under some circumstances, providing that the necessary mitigation is delivered.

The Dorset Heathlands Planning Framework 2020-25 requires the following mitigation to be delivered in order to ensure that the development will not result in further recreational pressure upon the Dorset Heaths:

- 24 hour nursing care residents;
- Age restriction of 60+;
- Prevention of care home becoming open market housing;

- Preventing the use of on-site car parking for public use through enforcement and design; and
- No pets.

In relation to ecology on site that is associated with the adjacent Dorset Heathlands, the following mitigation is secured:

- planning obligations to secure monitoring and step-in rights
- condition securing the LEMP and CEMP
- condition for a sandy bank to be provided to the northern boundary for invertebrates on site

- 15.8.8 The applicant has agreed to the above restrictions, which will be secured by a Section 106 legal agreement or condition. Based on securing this mitigation, the proposed is considered acceptable in relation to Dorset Heathlands.
- 15.8.9 The adopted Dorset Heathlands Interim Air Quality Strategy 2020-25 SPD provides an approach to addressing the adverse effects of airborne nitrogen upon the Dorset Heathlands European Site. The strategy suggests a series of mitigation measures, paid for through developer contributions. The types of measure include direct measures targeting vehicle emissions adjacent to heathland. These include projects to encourage modal shift to other forms of transport, reduce vehicle speeds adjacent to heathlands, encourage the use of zero emission vehicles and through heathland management alongside roads. The strategy also addresses wider measures to reduce nitrogen deposition from agricultural land near to heathlands, or the re-siting or cleaning up of certain operations that generate emissions. The proposed development will provide a financial contribution to the Dorset Heathlands Interim Air Quality Strategy 2020-25 SPD through the Community Infrastructure Levy (CIL). The contribution is considered sufficient to address the potential air quality impacts upon the Dorset Heaths.
- 15.8.10 The proposed development will result in the loss of habitat adjacent to the Dorset Heaths which is used by SPA bird species for foraging purposes. However, the proposals for habitat management and enhancement measures on the remaining land, which must be secured through a condition, should deliver habitat improvements to the existing habitats. Since Nightjar are largely active at night, light disturbance from the proposed development could adversely affect the population of foraging Nightjar. Therefore, a pre commencement condition requiring a Lighting Strategy which accords with the Bat Conservation Trust Lighting Standards should be required in order to avoid impacts upon foraging Nightjar.
- 15.8.11 Natural England has been consulted on the Appropriate Assessment (AA) and has advised they have no objection to the proposed development subject to securing mitigation measures as set out in the agreed AA.

### Ecology on Site

- 15.8.12 The previously refused application proposed development of almost all of the site, with ecological buffers up to 8m along the north and west boundaries. One of the reasons for refusal was the unmitigated impact on on-site ecology.
- 15.8.13 This application for a care home and church has been amended such that it is now proposed to develop the southern half the site, with the habitats in north half retained and managed, although still accessible to care home residents via a mown path. The application is EIA development and is supported by an Environmental Statement (ES). Chapter 8, covers ecology and sets out the Ecological Impact Assessment (EclA) by Darwin Ecology. At this point in time the applicant's ecologists assessed much of the site as comprising semi-improved acid grassland with areas of dense scrub around the boundaries. This was inputted into the Biodiversity Metric as four different parcels of 'Other lowland acid grassland'. Three being poor condition and one being fairly good condition.
- 15.8.14 In the Natural Environment Team (NET) consultation response on 14th February 2023, NET questioned the assessment of the grassland being 'Other lowland acid grassland' because of inconsistencies in the reporting sometimes referring to it as being priority habitat 'Lowland Dry Acid Grassland', and because other organisations had, in their consultation responses, also considered it to be priority habitat. This includes Ecology Solutions, commissioned by local residents, who raised this in their response to the previous application.
- 15.8.15 Because of this uncertainty the applicant engaged Ilex Ecology to undertake an National Vegetation Classification (NVC) survey of the site. Their report is appended to the May 2023 EclA. From the report summary: *"The site overall was relatively species-poor, but did contain some key acidic indicator species, as well as an area of rapidly colonising heathland. As such, the NVC analysis revealed a low affinity to any known vegetation types, but did provide several low matches to acidic habitats (acid grassland, heathland and scrub) but often at lower levels than the match to more mesotrophic semi improved grassland types. Most significantly, the grassland which covered the majority of the site and most of the southern half, was revealed to not be lowland acid grassland but had a closer affinity to the neutral MG5 Cynosurus cristatus-Centaurea nigra grassland habitat type"*. The survey found that there were four main habitat areas/communities and that all the habitats on site are very transitional, with areas of overlap making it difficult to classify in a particular community. A majority of the site is a 30% match to lowland meadow, with several other habitats also having a low match. The report also states that there was not a high enough affinity to any grassland to classify as any semi-natural habitat. For purposes of the Metric it has been inputted as 'other neutral grassland' which covers a majority of the southern part of the site plus the northeast corner. The central northern section is described as rapidly developing pioneer heathland.
- 15.8.16 NET responded to this information in June 2023 stating they had no further comment on the habitat assessment because of the survey undertaken by Ilex Ecology, recognising the expertise of the specific consultant in this field.

- 15.8.17 Ecology Solutions, commissioned by local residents, provided a further response in July 2023 with the habitat assessment being one of the concerns raised. The concerns were raised partly on the basis that the habitat was previously assessed as being acid grassland, and that the Ilex Ecology report referred to the fact that “*all plant communities on site have some affinity with acid habitats*”. This response was followed up by the applicant with a Biodiversity Net Gain (BNG) Review, dated September 2023, which again focussed on the baseline habitat assessment, and which raises these same issues, and also notes:

*"In light of the lack of confidence of the NVC results in and of themselves and the 'complex and often imprecise' nature of the relationships between NVC communities and UKHab habitat types, Ecology Solutions considered that additional evidence and justifications are required to support the selection of baseline habitats within the Metric."*

They go on to state that the light sandy soils are typical of acid grassland habitats, and question the fact that Darwin cite the lack of dominance of acidic community indicators as a reason for assigning the grassland as 'other neutral grassland'.

- 15.8.18 The latest document submitted by the applicant is a letter report from Darwin Ecology, and includes further consultation with Ilex Ecology, in response to these two reviews from Ecology Solutions representing local residents. The key part of this, is that, under the current UK Habitats definition, four indicator species are required to meet the criteria for g1a lowland dry acid grassland. Darwin state that the grassland on site has just one indicator species (*Rumex acetosella*) and therefore does not meet this criteria, and that also the density of the sward is not sufficient.
- 15.8.19 On the basis of sufficient doubt introduced by local residents as to the accuracy of the habitat assessment NET sought advice from Dorset Environmental Records Centre (DERC), in order to assist in interpreting the NVC survey undertaken by Ilex Ecology in April 2023, which is used by Darwin Ecology in assessing the baseline habitats present at the site. This advice was sought, in part, due to a comment on the application by Ecology Solutions, dated September 2023, which introduced doubt around the accuracy of the classification of the baseline habitats.
- 15.8.21 The grassland having not been classified as Priority Habitat was one of the concerns raised in a previous NET consultation response, because they are a material consideration in planning, and which prompted the NVC survey to be undertaken. Despite the difference in interpretation of the NVC data for the grassland habitat, it is important to note that neither interpretation of the NVC data places the grassland as being a community that translates to a Priority Habitat. As such, we are satisfied that the NVC survey, and amended ecology documents, address this concern.
- 15.8.22 In addition, the disparity in interpretation does not materially change the output of the Biodiversity Metric. Under the DERC interpretation the grassland as a whole, not being Priority Habitat, would be inputted as 'Other lowland acid grassland'

which creates a reduction in the total net percentage change in habitat units from 19.82% to 18.18%. This difference is not, in the view of NET, significant for the purposes of decision making, and we advise that the Ecological Impact Assessment (EclA), Biodiversity Net Gain (BNG) Assessment and Biodiversity Metric can be relied upon.

- 15.8.23 The Landscape and Ecological Management Plan (LEMP) describes proposals to manage the grassland in a way that sees a transition to a mosaic of acid grassland and lowland heathland with management actions including removing Scot's Pine, restricting Heather coverage, and a cut and collect regime aimed at reducing nutrient load. Given the nature of the management actions, and that the target habitat in both scenarios would be 'Other lowland acid grassland' in 'Good' condition, it appears unlikely that the recommendations given in the LEMP would differ significantly on the basis of the two different interpretations of the grassland habitat present. Given this NET advise that this document can also be relied upon for decision making.
- 15.8.24 NET have advised they recognise the difficulties in classifying transitional habitats, such as those present at this site, and in translating NVC communities into the UK Habitat Classification (UKHab), for use in the Biodiversity Metric. However, consideration of the differing interpretations of the NVC quadrat data by two experts in their field demonstrates no material change in the outcomes that would otherwise be important to account for when determining the application.
- 15.8.25 Natural England have also been consulted on advice received from DERC and advised:

*We note the comments received from DERC regarding the quality of the acid grasslands that occur on the site. The evaluation of the available botanical assessments concludes that none of the grassland areas conform to lowland acid grassland priority habitat, but rather should be classified as the less important "Other acid grassland". The report however notes the potential for restoration to priority habitats through appropriate management. The development proposals will retain and manage the higher quality grassland areas located in the northern half of the site and it is reasonable to conclude that if delivered in full the scheme will achieve acid grassland priority habitats within the retained areas within a reasonable timeframe. DC NET have commented that these botanical assessments do not change the overall outcomes or BNG assessment and we would concur with this advice.*

*The DERC report, however, also highlights the high importance of the site to specialist invertebrates, and it is clear from the submitted information that the site is of at least county importance for these interests. The applicant's invertebrate ecologist also highlighted the value to invertebrates and identified the retained northern areas of the site as important for the heathland invertebrate interests, with the developed area providing less important less specialist habitats. This finding mirrors the botanical assessment for the site. The areas subject to the development will however have value as additional invertebrate nectar and pollen sources. It will therefore be important for the landscaping proposals for the*

*scheme to include (and be limited to) a range of heathland and acid grassland species and habitats to be agreed with DC NET designed to maintain the availability of pollen and nectar sources. We would therefore recommend that any permission secures a condition to agree and maintain a suitable ecological management plan for the developed areas as well as a habitat enhancement plan for the retained acid grasslands.*

*Having considered the assessment by DERC Natural England maintains its advice as set out in our previous response (email dated 28 June 2023). We would however recommend that the scheme is required to include the creation of a permanent sandy bank across the northern boundary to help provide further opportunities for the host of invertebrates reliant on sandy ground specialists. We would also reiterate our advice that any permission should secure the provision of appropriate monitoring of site condition and appropriate step in rights with funding necessary to ensure the long-term management of the retained acid grassland areas and ecological mitigation measures provided within the developed area. Further, provided these measures are in place it is reasonable to conclude that the scheme will be able to retain its current ecological function in relation to the adjacent SAC / SSSI.*

- 15.8.25 Based on the assessment of NET, external consultants and Natural England of the various documents submitted (both by the applicant and local residents), the proposed is considered acceptable in relation to ecology on site subject to securing biodiversity and Heathland mitigation via condition and Section 106 legal agreement.

Biodiversity Net Gain (BNG)

- 15.8.26 Biodiversity NET Gain (BNG) is a new approach to development that makes sure that habitats for wildlife are left in a measurably better state than they were before the development. In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). From the 12 February 2024 developers of major planning applications must deliver a BNG of at least 10%. This means a development will result in more or better quality natural habitat than there was before development.
- 15.8.27 This application was submitted in 2022 and was not required to meet BNG requirements at the time of submission. Regardless of this the latest biodiversity metric submitted (June 2023) demonstrates a 19.82% gain in habitat units and a 37.78% gain in hedgerow units. Despite advice from DERC where it revealed a few instances where NET might disagree with what has been inputted into the Metric, NET has advised the sum of these differences is not significant enough to take any net gain below 10%. Therefore the proposed is considered to meet the requirements of BNG.
- 15.8.28 Whilst BNG is not legally required for the application, it is considered necessary to secure a monitoring fee regardless given that the management and monitoring are key to accepting the proposed mitigation. It is therefore reasonable to include



a monitoring fee into the section 106 legal obligation, based on BNG monitoring requirements.

- 15.8.29 Based on the mitigation to be provided in relation to Dorset Heathlands, biodiversity net gain and management requirements to maintain the site, the proposed is considered acceptable subject to the completion of a legal agreement and condition in relation to the LEMP.

### 15.9 Other

- 15.9.1 Concerns have been raised the application site is situated on contaminated land. The Council’s contaminated land consultant has been consulted and has raised no concerns regarding contaminated land subject to a standard contaminated land condition, which is included at the end of this report.
- 15.9.2 Third party concerns have also been raised that the existing power supply structure in Blackfield Lane is in sufficient to supply the demand required for the proposed development. Concerns are noted however there is no evidence to suggest power supply would be an issue and it is not a material planning consideration.
- 15.9.3 Concerns have been raised the proposed would impact negatively on the adjacent Castleman Trail. The Castleman Trail is adjacent to the site but is a sufficient distance from built development and the existing vegetation to the southern boundary provides ample screening, which is to be retained.

### 15.10 Summary response to neighbour concerns

- 15.10.1 The following table provides a summary response to neighbour concerns raised based on the officer assessment above:

<p><b>Proposed Use</b></p>	<ul style="list-style-type: none"> <li>• The principle of development is acceptable.</li> <li>• The provision of a care home is considered acceptable subject to condition and securing heathland mitigation.</li> <li>• The provision of church is considered acceptable subject to condition.</li> <li>• Identified need for care homes across Dorset.</li> </ul>
<p><b>Impact on character of the area</b></p>	<ul style="list-style-type: none"> <li>• Only access and scale are under consideration.</li> <li>• The proposed will utilise the existing access and will not be harmful to the character of the area.</li> <li>• The scale of the proposed care home is considered acceptable in relation to the character of the area.</li> <li>• The scale of the proposed church is considered acceptable in relation to the character of the area.</li> </ul>

<b>Neighbouring amenity</b>	<ul style="list-style-type: none"> <li>Proposed access and scale is not harmful to neighbouring amenity to an extent that would warrant refusal.</li> </ul>
<b>Access, Traffic and Parking</b>	<ul style="list-style-type: none"> <li>No highways safety concerns for this specific application .</li> <li>Access considered in accordance with Manual for Streets requirements.</li> <li>Sufficient parking can be accommodated on site.</li> </ul>
<b>Housing Need</b>	<ul style="list-style-type: none"> <li>The site is within 400m of Dorset Heathland and is not acceptable for housing.</li> <li>Identified need for care homes across Dorset.</li> <li>C2 care home acceptable within 400m</li> <li>60 bed care home will release approx 30 homes adding to the housing supply</li> </ul>
<b>Infrastructure</b>	<ul style="list-style-type: none"> <li>No concerns in relation to infrastructure that would warrant refusal.</li> </ul>
<b>Ecology / Environment / Flooding</b>	<ul style="list-style-type: none"> <li>Proposed care home and church acceptable within 400m of the heathland.</li> <li>Biodiversity NET gain achieved on site.</li> <li>Management of biodiversity area will improve biodiversity onsite.</li> <li>Step-in rights can be secured via legal agreement.</li> </ul>
<b>Trees</b>	<ul style="list-style-type: none"> <li>Proposed access and scale will not impact negatively on trees.</li> <li>Loss of pine trees on site will improve biodiversity.</li> </ul>
<b>Construction</b>	<ul style="list-style-type: none"> <li>Construction management can be controlled by condition.</li> </ul>
<b>Other</b>	<ul style="list-style-type: none"> <li>Sufficient information has been submitted to assess and conclude recommendation on the application.</li> <li>All required information has been corroborated and triangulated with consultee own information.</li> <li>Impact on value of property is not a material consideration.</li> <li>The application needs to be considered on its own merits.</li> </ul>

15.10.2 The following table provides a summary response to neighbour reports submitted based on consultee responses received:

	<b>Neighbour Report</b>	<b>Summary Consultee Response</b>
<b>Highways</b>	Traffic Assessment Suitability Report - Sept 2022  Response to DC Highways 'no objection' – May 2023  Transport Technical Note 2 – July 2023	Previous reasons for refusal have been overcome and the proposed development has been reduced removing the previously refused industrial units. There are no highways safety concerns for this specific application that would warrant refusal.
<b>Flood Risk</b>	Flood Risk Assessment – Sept 2022  FRA and Surface Water Management Review – March 2023	Subject to securing the off-site drainage point and conditions the proposed development does not result in flood risk concerns.
<b>Impact on Neighbours</b>	Environmental Impact Noise Assessment - Oct 2022  Response to WSP Noise Impact Report – 8 October 2023	Noise from the church and care home can generally be managed by condition.  External consultants, WSP, have advised notwithstanding the lack of detailed analysis, the Applicant NIA presents a more accurate and reasonable overall assessment compared to the Residents NIA.
<b>Ecology</b>	Ecological Concerns – November 2022  Ecological Concerns – July 2023  BNG Review – September 2023	DC NET, Natural England and external consultants have advised submitted information is acceptable and no objection to the proposed subject to securing mitigation, management and monitoring requirements.

### 15.11 Previous reasons for refusal

15.11.1 The previously refused application was refused for three reasons and these have been overcome as set out in the following table:

<b>Reason for refusal</b> (based on NPPF 2019 at the time of refusal)	<b>Reasoning for overcoming reason for refusal</b>
<p>The increased use of the existing junction of The Avenue with Station Road by traffic movements associated with the proposed development would, by virtue of the limited visibility to the north for vehicles using the junction, be likely to prejudice the free flow of traffic and conditions of general safety and is considered to have an unacceptable impact on highway safety, when consideration is given to paragraph 109 of the National Planning Policy Framework (NPPF) 2019.</p>	<p>The proposed development has been reduced by removing the previously refused industrial units and no longer raises highways concerns subject to condition.</p>
<p>As a result of ecological mitigation requirements the site is considered to be too constrained to accommodate development of the scale proposed. In particular the proposed care home which fails to provide adequate standards of amenity space for future residents and staff on account of the requirement for an ecological buffer. For these reasons the development is considered to be of an unacceptable scale and constitute overdevelopment of the site contrary to Policy HE2 of Christchurch and East Dorset Core Strategy and paragraphs 122 (e) and 127 (f) of the NPPF 2019 that require a good standard of amenity for future occupants.</p>	<p>Only the southern part of the site is now to be developed allowing the northern part to be retained and maintained as an ecology area. This is subject to condition and securing management matters via legal agreement.</p> <p>Sufficient amenity space for the care home residents can now be provided on site and additional space has been agreed by Natural England where residents can use a mown path through the ecology area.</p>
<p>It has been demonstrated that the application site is functionally linked to the adjoining designated internationally protected heath, Holt &amp; West Moors Heaths. While mitigation is secured on site, based on information provided, it cannot be safely concluded that the scheme with the proposed mitigation measures secured</p>	<p>Only the southern part of the site is now to be developed allowing the northern part to be retained and maintained as an ecology area. This is subject to condition and securing management matters via legal agreement.</p>

<p>would avoid an adverse effect on the designated features of the adjoining internationally designated sites. Without the required information the Local Planning Authority (LPA) is unable to conclude in favour of the application and the precautionary principle must apply. On the information supplied the proposal fails to secure the necessary avoidance measures to mitigate the impact of the development, on the integrity of the designated site and there are no imperative reasons of overriding public interest in support of the proposal. The development is therefore contrary to policies ME1 of the Christchurch and East Dorset Local Plan, Part 1 - Core Strategy, the provisions of the National Planning Policy Framework, particularly paragraphs 175-177 and the Conservation of Habitats and Species Regulations 2017.</p>	
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### 15.12 Conditions and Section 106 Obligations

15.12.1 A number of conditions are required as follows and set out at the end of this report to ensure the proposed development can be deemed acceptable. Conditions are required in respect of the following material planning considerations:

Condition trigger	Condition
n/a	<ul style="list-style-type: none"> <li>- Approved plans</li> </ul>
Within 3 years of outline approval	<ul style="list-style-type: none"> <li>- Reserved matters submission</li> </ul>
Reserved matters design	<ul style="list-style-type: none"> <li>- Foul drainage details</li> <li>- Sandy bank landscaping details</li> </ul>
Pre-commencement	<ul style="list-style-type: none"> <li>- Construction management plan</li> <li>- Surface drainage details</li> <li>- Tree protection details</li> <li>- Parking for cars</li> <li>- Lighting</li> </ul>

Completion of construction	- Contaminated Land
Pre damp proof course	- Renewable energy - Water efficiency
Pre-occupation	- Relocation of electricity pole - Access construction - Parking for bicycles - Floor levels - Biodiversity Mitigation Enhancement Plan - Plant details and noise
Perpetuity	- Landscape ecological management plan - Church noise mitigation - Number of bedrooms limited to 60 - PD rights removed to ensure the church is used for F1 (f) use only

15.12.2 A Section 106 legal agreement is also required, as set out in the officer recommendation, to secure the following:

- Secure Biodiversity requirements including management plan, monitoring fee and step-in rights.
- Secure Dorset Heathland restrictions required by Habitats Regulation Assessment (HRA).
- Secure surface water drainage connection outside of the site boundary (or provide proof of ownership, where surface water drainage obligations would no longer be required).

### 15.13 Conclusion

15.13.1 It is considered this Outline application suitably accords with relevant Local Plan Policies and National Planning Guidance as set out in this report and is considered acceptable in respect of access and scale as set out in this report.

15.13.2 The proposal would not give rise to significant amenity impacts on existing local residents or future site occupiers.

15.13.3 Therefore, subject to suitable conditions, the proposal accords with Local Plan Core Strategy policies HE2, HE3, KS1, KS11, KS12, HE1, ME1 and ME6 East Dorset Local Plan (2002) policies DES6 and DES11 and so with the Local Plan as a whole.

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

- 15.13.5 The proposal is therefore considered to be sustainable development for the purposes of NPPF paragraph 11. The recommendation is for approval of the application with conditions.

## **RECOMMENDATION**

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

A) Grant permission subject to the following conditions and 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 amend planning obligations as follows:

- Secure Biodiversity requirements including management plan and step-in rights.
- Secure Dorset Heathland restrictions required by HRA.
- Secure surface water drainage connection outside of the site boundary (or provide proof of ownership, where surface water drainage obligations would no longer be required).

And subject to the following conditions.

OR

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

## **CONDITIONS for recommendation A**

(pre-commencement conditions have been agreed by email on 20.02.2024)

1. (a) Before any development is commenced details of all 'Reserved Matters', that is the following matters in respect of which details have not been given in the application and which relate to the layout, appearance and landscaping shall be submitted to and approved in writing by the Local Planning Authority.  
(b) An application for approval of any 'Reserved Matters' must be made not later than the expiration of three years beginning with the date of this permission.  
(c) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the Reserved Matters or, in the case

of approval on different dates, the final approval of the last such matter to be approved.

Reason: (a) This condition is required to be imposed by the provisions of Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015: (1) of the (b) and (c) These conditions are required to be imposed by Section 92 of the Town and Country Planning Act 1990.

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

21-T5483/008 Location Plan

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

3. Prior to the determination of any reserved matters application, a scheme to dispose of foul drainage, which will include a connection point to the existing public foul sewer network, will be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not pose an unacceptable risk to the water environment.

4. Prior to the determination of any reserved matters application, a landscaping scheme, which will include details of a sandy bank across the northern boundary of the site, will be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development provides a suitable environment for specialists invertebrates on site.

5. Before the development hereby approved commences a Construction Method Statement (CMS) must be submitted to and approved in writing by the Local Planning Authority. The CMS must include:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- delivery, demolition and construction working hours

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

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

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



authority. The surface water scheme shall be fully implemented in accordance with the submitted details before the development is completed.

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

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

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

8. Details of any access facilitation pruning works and a plan showing the location of barriers in accordance with BS5837:2012 Trees in relation to design, demolition and construction shall be submitted to and approved in writing by the local planning authority before any equipment, machinery or materials are brought on to the site for the purposes of the development. The barriers shall be erected and maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To ensure that trees and their rooting environments are afforded adequate physical protection during construction.

9. Plans and particulars showing a scheme of foul sewers, surface water drains, land drains and the position of soakaways shall be submitted to, and approved in writing by, the Local Planning Authority, and development shall not be commenced before these details have been approved, unless otherwise agreed in writing. Such works shall be carried out in accordance with the approved details concurrently with the rest of the development and in any event shall be finished before the building is occupied.

Reason: This information is required prior to commencement of development in the interests of tree protection and to accord with Policies HE2 and HE3 of the Core Strategy.

10. Before the development commences a scheme for the manoeuvring, parking, loading and unloading of vehicles must be submitted to the Planning Authority. Any such scheme requires approval to be obtained in writing from the Planning Authority. The approved scheme must be constructed before any part of the development hereby permitted is occupied or utilised. Thereafter, these areas must be 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.

11. Before the development commences a written scheme should be submitted to and agreed in writing by the local planning authority that specifies the provisions to be made for the level of illumination of the site and to control light pollution. This should include a light spill assessment to demonstrate that any artificial lighting will not have an adverse effect on nearby residents. The scheme shall be implemented and maintained for the lifetime of the approved development and shall not be altered without the prior written approval of the local planning authority.

Reason: To protect on site ecology and neighbouring amenity.

12. 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. 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.

13. Before the development hereby approved is occupied or utilised the following works must have been constructed to the specification of the Planning Authority:  
The re-siting of the existing utility pole located on the northern side of the junction of Station Road with The Avenue to a location to be first agreed in writing with the Local 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.

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

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

15. 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 the Planning Authority. Any such scheme requires approval to be obtained in writing from 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.

16. Prior to the commencement of development the Landscape Ecological Management Plan (LEMP) dated November 2023 shall be amended to include additional information in relation to Dorset Heathland fires including prevention of fires on site and shall have been submitted to and agreed in writing by the local planning authority. The approved LEMP must be strictly adhered to during the carrying out of the development.

The development hereby approved must not be first brought into use unless and until:

- i) the mitigation, compensation and enhancement/net gain measures detailed in the approved biodiversity plan or LEMP have been completed in full, unless any modifications to the approved LEMP as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority, and
- ii) evidence of compliance in accordance with the approved LEMP has been supplied to the Local Planning Authority.

Thereafter the approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

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

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

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

- where it is possible to do so the development should be connected to a district heating and/or power facility in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.

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

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

19. The detailed Construction Ecological Management Plan (CEMP) dated May 2022 must be strictly adhered to during the carrying out of the development.

Reason: To mitigate for impacts on biodiversity.

20. Finished floor levels to be constructed to a minimum of 300mm above ground level.

Reason: To provide resilience against residual surface/fluvial water flood risk.

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

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

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

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

23. The proposed church hereby approved shall be designed and constructed in accordance with the requirements of the approved noise impact assessment 'Land off Blackfield Lane, Noise Impact Assessment, J0431\_R03, dated 22nd March 2022 by

ALN Acoustic Design Ltd', which will include a building envelope specified to provide an enhanced composite sound insulation performance of at least 44dB R'w and double glazed windows and doors.

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

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, and the Town & Country Planning Use Classes Order 1987 as amended (or any order revoking and re-enacting those Orders with or without modification) the church hall part of this permission shall not be used other than Use Class F1 (f) - For, or in connection with, public worship or religious instruction.

Reason: In the interests of amenity and to ensure that the use remains compatible with surrounding land uses in the area.

25. The care home hereby approved shall accommodate no more than sixty bedrooms.

Reason: To protect the character of the area and prevent over development of the site.

#### **Informatives:**

1. The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. The amount of levy due will be calculated at the time the reserved matters application is submitted.
2. This grant of permission is to be read in conjunction with the Legal Agreement dated TBC entered into between Dorset Council and TBC.
3. The applicant is advised the indicative layout submitted is not considered acceptable and this approval is for scale and access only. A reserved matters application will need to consider landscape officer concerns raised in relation to layout and design detail raised in response to the submitted indicative design.
4. The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with **Section 184 of the Highways Act 1980**. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at [dorsethighways@dorsetcouncil.gov.uk](mailto:dorsethighways@dorsetcouncil.gov.uk), or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.
5. If the applicant wishes to offer for adoption any highways drainage to DC, they should contact DC Highway's Development team at [DLI@dorsetcouncil.gov.uk](mailto:DLI@dorsetcouncil.gov.uk) as soon as possible to ensure that any highways drainage proposals meet DCC's design requirements.

6. Prior Land Drainage Consent (LDC) may be required from DC's FRM team, as relevant LLFA, for all works that offer an obstruction to flow to a channel or stream with the status of Ordinary Watercourse (OWC) – in accordance with s23 of the Land Drainage Act 1991. The modification, amendment or realignment of any OWC associated with the proposal under consideration, is likely to require such permission. We would encourage the applicant to submit, at an early stage, preliminary details concerning in channel works to the FRM team. LDC enquires can be sent to [floodriskmanagement@dorsetcouncil.gov.uk](mailto:floodriskmanagement@dorsetcouncil.gov.uk)

## REASONS for recommendation B

### 1 - Dorset Heathlands

It has been demonstrated that the application site is functionally linked to the adjoining designated internationally protected heath, Holt & West Moors Heaths. While mitigation is proposed on site, it has not been secured by legal agreement as required. Without the required mitigation secured by legal agreement the Local Planning Authority (LPA) is unable to conclude in favour of the application and the precautionary principle must apply. Therefore the proposal fails to secure the necessary avoidance measures to mitigate the impact of the development, on the integrity of the designated site and there are no imperative reasons of overriding public interest in support of the proposal. The development is therefore contrary to policies ME1 of the Christchurch and East Dorset Local Plan, Part 1 - Core Strategy, the provisions of the National Planning Policy Framework, particularly section 15 and the Conservation of Habitats and Species Regulations 2017.

### 2 - Drainage

Proposed drainage connections are required off site. Off site connections are required to be secured by legal agreement. The proposed drainage off site drainage connection has not been secured by legal agreement as required nor has proof of ownership of the land been provided. Without the required connection secured by legal agreement or proof of ownership the Local Planning Authority (LPA) is unable to conclude in favour of the application and the precautionary principle must apply. Therefore the proposal fails to secure the necessary drainage requirements to implement the proposed drainage scheme. The development is therefore contrary to policies ME6 of the Christchurch and East Dorset Local Plan, Part 1 - Core Strategy.

