

Eastern Area Planning Committee

9 October 2024

<b>Application Number:</b>	P/FUL/2024/02944		
<b>Webpage:</b>	<a href="https://dorsetcouncil.gov.uk/planning-application/P/FUL/2024/02944">Planning application: P/FUL/2024/02944 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>		
<b>Site address:</b>	Moors Valley Railway Moors Valley Country Park Ashley Heath Ringwood BH24 2ET		
<b>Proposal:</b>	Removal of existing roof to main station and sheds. Replace with a new, insulated, cladding with an open, covered ridge. Front, brick elevation of shed number 0043 to be partly demolished and re-built to match the front elevation of the adjacent shed (0042) in a saw-tooth design. Window to be bricked up to workshop 0050. Front elevation of brick to store areas 0088, 0089 & 0090 to be extended vertically to allow for the continuation of the roof line from store area 0091.		
<b>Applicant name:</b>	Mr Tim Hulme		
<b>Case Officer:</b>	Ellie Lee		
<b>Ward Members:</b>	Cllr Bryan and Cllr Goringe		
<b>Publicity expiry date:</b>	20 September 2024	<b>Officer site visit date:</b>	Photos provided
<b>Decision due date:</b>	17 October 2024	<b>Ext(s) of time:</b>	N/A
<b>No of Site Notices:</b>	3 Site Notices		
<b>SN displayed reasoning:</b>	Site Notices displayed at the Horton Road entrance, at the entrance to Kingsmere Railway Station and at the Moors Valley Visitor Centre to maximise visibility.		

- 1.0 This planning application is required to be considered at Planning Committee as Dorset Council is the freeholder of the land within the red line site boundary.
- 2.0 **Summary of recommendation:**  
GRANT subject to conditions
- 3.0 **Reason for the recommendation:** as set out in paragraphs 16 and 17 at the end of this report.

- 3.1 Section 38(6) of the Planning and Compensation Act 2004 provides that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.
- 3.2 Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- 3.3 The development is appropriate in the Green Belt and the proposal is acceptable in its design and general visual impact.
- 3.4 There is not considered to be any significant harm to neighbouring residential amenity.
- 3.5 There is no increased worsening of flooding on the site or to elsewhere, as a result of the proposed works.
- 3.6 There are no material considerations which would warrant refusal of this application

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable in principle as redevelopment of existing facilities.
Impact on the Green Belt	Acceptable as benefits from exceptions to inappropriate development.
Scale, design, impact on character and appearance	Acceptable as no harmful impacts upon the character and appearance of the area.
Flood risk and drainage	Acceptable as no worsening of flooding on site or to elsewhere.
Biodiversity	Accords with the Dorset Biodiversity Appraisal Protocol and local planning policies, subject to condition.
Dorset Heathlands, Trees and Landscaping	Acceptable, subject to mitigation and conditions.

#### 5.0 Description of Site

- 5.1 The application site lies within Moors Valley Country Park and benefits from an existing leisure use. The application building is part of Moors Valley Railway, a model railway facility.
- 5.2 The public access into the site is via Horton Road. The application building is located approximately 1360 metres to the north of Horton Road, as the crow flies, and forms part of the tourist attraction to the site.
- 5.3 The site is in a rural location within the Green Belt.
- 5.4 The submitted Design and Access Statement sets out that the railway opened in 1986 with a single track connection to what later became Lakeside Station and the first loop of the spiral around the children's play area. The bottom part of the spiral

route was opened in 1988, then the station at Lakeside was opened in 1989. The route is currently approximately 1 mile long but the total track length is approximately 1.5 miles long. The statement also highlights the more recent extensions to the carriage shed and a siding, to enable the secure storage of the stock.

- 5.5 The application building is located to the west of the nearby existing Club House and the site is largely hard surfaced in areas near to the buildings. Below is a photograph from the submitted Design and Access Statement showing the application building in the centre of the photograph. (The Club House is in the bottom right corner of the photograph).




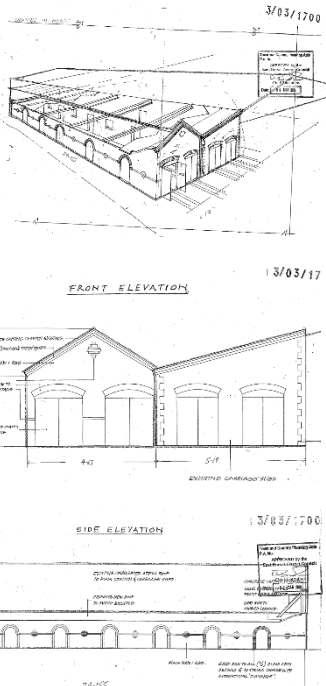
- 5.6 The site lies less than 20 metres from a main river, which is to the west of the application building. The application building is also within an area where ground water levels have been identified as being high.

## 6.0 Description of Development

- 6.1 The application proposes a replacement roof and minor extensions and alterations to the existing buildings, including a change of the materials, to benefit the operation of the tourist attraction, as well as for aesthetic and functionality reasons.

## 7.0 Relevant Planning History

Application No.	Description	Decision	Date
3/03/1700/FUL	Carriage shed extension for narrow gauge railway.	Granted	10/03/2004
<u>3/03/1700/FUL Approved Plans:</u>			

			
03/01/0629/FUL	Provision of new glazed screen to first floor meeting room.	Granted	02/08/2001
03/87/1703/FUL	Extension to existing barns	Granted	12/01/1988
03/87/1048/QF	Convert farmhouse to golf club shop, changing rooms and workshop with flat over, driving range stalls with floodlighting and car parking.	Granted	08/09/1987
03/85/0296	Use of land as Country Park including construction of lake	Granted	12/03/1985
03/79/1724	Develop land for educational complex	Withdrawn	01/10/1979
03/75/0434	Erect agricultural buildings	Granted	22/05/1975

**8.0 List of Constraints**

Within 5km of Dorset Heathlands

Within Green Belt

Within Moors Valley Country Park – Open Space/Recreation Area (Policy HE4)

Public Right of Way (PROW): Bridleway E60/5; - Distance: 33.2m from site

Bournemouth Water Consultation Area

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Main River Environment Agency Consultation Zone - Distance: 4.84

Environment Agency (EA) - Groundwater – Susceptibility to flooding (buildings fall within this area)

Dorset Council Land

Higher Potential ecological network

Natural England Designation - RAMSAR: Dorset Heathlands (UK11021) Distance: 4744.77m and Avon Valley (UK11005) Distance: 3771.68m

Radon: Class 1: Less than 1% - Distance: 0

Contaminated Land

## 9.0 Consultations

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

### 1. Natural England

No Objection subject to securing mitigation

#### Construction Environmental Management Plan (CEMP)

We advise that a CEMP is required to protect vegetation and the Moors Valley River System SSSI during construction. The CEMP should include measures to control lighting during construction and a condition should require approval of the details of any operational lighting.

#### The following mitigation measures should be secured:

- The Construction Management Plan should detail how hedgerows and trees will be protected, ensure no impacts on the quality of water courses or bodies and how dust will be controlled during construction.

#### Bats

Following the Preliminary Ecological Appraisal and Preliminary Bat Roosting Assessment, Natural England recommend that a preconstruction inspection for bats is undertaken to check the condition of the site remains the same and an emergence survey follows, directly prior to demolition to provide confidence no bats are emerging and are therefore not harmed by the demolition works. If evidence bats are found, works will need to stop immediately and advice of an ecological consultant sought. or, if the condition of the site has materially changed in the intervening time between this assessment and sale and subsequent proposed works then further surveys may be required and potentially a Natural England license if bats are present. This should be conditioned to any permission.

Natural England advise that the recommendations in the Bat Emergence and Re-Entry Surveys (BERS) are secured by way of planning condition.

**2. Environment Agency**

No objection

**3. Dorset Wildlife Trust**

No comments received

**4. Dorset Council - Rights of Way Officer**

No comments received

**5. St Leonards & St Ives Parish Council**

No objection

**6 Ward Councillors Ray Bryan and Barry Goringe**

No comments received.

**Representations received**

Total - Objections	Total - No Objections	Total - Comments
0	0	1

**Summary of comments of support: 1**

- The proposed works will keep and enhance the character of the building.
- Will ensure the building's longevity.
- Will reduce environmental impact through use of modern thermally efficient materials.
- Moors Valley Railway is an excellent attraction within the park.

**10.0 Duties**

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

**11.0 Relevant Policies**

**Development Plan**

**Adopted Christchurch and East Dorset Local Plan:**

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

KS1 - Presumption in favour of sustainable development

HE2 - Design of new development

KS3 - Green Belt

### **Made Neighbourhood Plans**

None

### Material Considerations

### **Emerging Local Plans:**

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

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

### **The Dorset Council Local Plan**

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

### **National Planning Policy Framework (NPPF)**

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

Other relevant NPPF sections include:

- Section 4. Decision making: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the

economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- Section 12 'Achieving well designed and beautiful places' indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 13 'Protecting Green Belt land' sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. (Paragraph 152). Exceptions to inappropriate development within NPPF paragraph 154 includes the 'extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.' (Paragraph 154 c).

### Other material considerations

Dorset Heathlands Planning Framework 2020-2025 SPD

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

Countryside Design Summary SPG

## **12.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

## **13.0 Public Sector Equalities Duty**

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



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

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

The proposed works to the existing building are modest and do not significantly increase the size of the building and would not alter accesses to the building. No disadvantage to people with protected characteristics has been identified.

#### **14.0 Financial benefits**

None

#### **15.0 Planning Assessment**

The following main considerations are considered in this report:

- Principle of development
- Scale, design, impact on character and appearance
- Flood risk and drainage
- Biodiversity
- Dorset Heathlands, Trees and Landscaping

##### Principle of Development:

- 15.1 The application site is within the countryside and within Moors Valley Country Park, where local policy KS2 allows only very limited development that is functionally required to be in the rural area.
- 15.2 The proposed works are minor alterations and extensions to an existing building on the Moors Valley Railway site, so the scheme accords with local planning policy KS2 in principle.

##### Impact on the Green Belt:

- 15.3 The application site is within the Green Belt in the countryside where the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and

should not be approved except in very special circumstances. (Paragraph 152). New buildings are inappropriate within the Green Belt unless they meet the exceptions set out at paragraph 154 of the NPPF. The exceptions include 'c) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.*'

- 15.4 The proposed alternations and extensions to the existing building on the site are modest and do not increase the visual impact of the building upon its surroundings in terms of form and volume.
- 15.5 Whilst the building has been previously extended, the increase in volume is de minimis in planning terms and the main changes are to the appearance of the building, in particular the proposed materials.
- 15.6 Furthermore, as there is no increase in size of the building on the site, from the existing size, no further harm will be caused to the Green Belt. Therefore, the works proposed are considered to benefit from the exception at paragraph 154(c) and are not inappropriate.

#### Scale, design, impact on character and appearance

- 15.7 The proposed works to the building include a change to the existing materials as set out within the submitted Application Form and the Proposed Elevations. The proposal comprises of the following changes to the existing building:
  - Removal of existing roofing to main station and sheds. Replacement new roofing to be an insulated, clad roof with a vented ridge. Modest roof extensions.
  - Front, brick elevation of shed number 0043 and re-built to match the front elevation of the adjacent shed (0042) in a saw-tooth design.
  - Window in north-west elevation to be bricked up to workshop 0050, to match existing. (Elevation drawing identifies this as the north elevation).
  - Large timber bi-parting doors in west elevation to be removed, leaving existing roller shutters in place.
  - Front elevation of brick to store areas 0088, 0089 & 0090 to be extended vertically to allow for the continuation of the roof line from store area 0091.
  - Timber cladding of an existing rendered gable to the main part of the building for weathering purposes. (Annotated as Timber panelling on the Proposed Elevation)
  - Replacement dormer windows proposed to the north-west (side) roof elevation, to match the existing dormer with its 4 no. windows. (Elevation drawing identifies this as the north elevation).

- Replacement dormer windows proposed to the south-east (side) roof elevation, to match the existing dormer with its 4 no. windows. (Elevation drawing identifies this as the south elevation).
- 26 no. rooflights within the north-west (side) roof elevation, to replace the existing larger 13 no. rooflights. (Elevation drawing identifies this as the north elevation).
- 26 no. rooflights within the south-east (side) roof elevation, to replace the existing larger 13 no. rooflights. (Elevation drawing identifies this as the south elevation).

15.8 The proposed works do not significantly or negatively alter the appearance of the existing building and its previous extensions, and the scheme is considered to be in keeping with the character of the area and its surroundings.

15.9 Therefore, the proposed works are considered to be in accordance with local policy HE2, in terms of design & character and policies within section 12 of the NPPF.

#### Flood risk and drainage

15.10 The application building lies within 20 metres of a main river, is within an area at risk of groundwater emergence flooding as identified within Dorset Council Level 1 Strategic Flood Risk Assessment (SFRA). The SFRA also identified that there is some surface water risk on the site and beyond but there is no known risk of surface water flooding to the building and immediately adjacent.

15.11 As there is no increase to the footprint of the building, it is not anticipated that the proposed works would result in a worsening of flooding on site or to elsewhere so no Flood Risk Assessment (FRA) has been required in support of the application.

15.12 As the flooding situation on the site would not be made worse by the proposed development and flood risk would not increase as a result, the scheme accords with local planning policy ME6 and policies within the NPPF.

#### Biodiversity

15.13 The planning application is supported by a Preliminary Roost Assessment (PRA) dated 08/07/2024, and a report relating to Bat Emergence and Re-Entry Surveys (BERS) dated 21/08/2024, both produced by Arbtech.

15.14 Within the submitted PRA, the ecologist recommends that 2 no. bat emergence and re-entry surveys (BERS) should be carried out on all buildings, and that the bordering modified grassland and hedgerow is to be enhanced by planting night-scenting wildflowers to increase foraging opportunities. The ecologist also recommends that that works should be undertaken outside of the nesting period, and that 4 swift boxes, 2 sparrow boxes, and 2 nest boxes for common garden species, should be installed.

- 15.15 The subsequent Bat Emergence and Re-Entry Surveys (BERS) covered the four buildings on the site and found no evidence of bats at the building. The ecologist recommends that an additional habitat for bats should be created as enhancement. Within the same report, the ecologist also recommended that any new lighting should adopt a low impact lighting strategy which follows guidance from the Bat Conservation Trust (Bats and Artificial Lighting in the UK' Guidance Note GN 08/23): <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/> As such, an informative note has been added (Informative note 2) .
- 15.16 Natural England were consulted and advised the recommendations in the Bat Emergence and Re-Entry Surveys (BERS) are secured by way of planning condition (Condition 5).
- 15.17 Subject to a biodiversity condition, there is no anticipated harm to biodiversity from the proposal, so the application is judged to accord with local planning policy ME1 and with the Dorset Biodiversity Appraisal Protocol.

#### Dorset Heathlands, Trees and Landscaping

- 15.18 The application site lies within 5km of Dorset Heathland and is also located approximately 54 metres from the Moors River System (Sites of Special Scientific Interest (SSSI)). The application building is largely hard surfaced in areas near to the buildings, but it is acknowledged that areas near to the SSSI and vegetation need to be protected.
- 15.19 Natural England were consulted on the application and recommended that a Construction Environmental Management Plan (CEMP) is necessary in order to protect vegetation and the Moors Valley River System SSSI during construction. The CEMP should include measures to control lighting during construction and a condition should require approval of the details of any operational lighting (Condition 4). The applicant's agreement to a pre-commencement condition has been obtained.
- 15.20 Therefore, subject to mitigation and conditions, there is no anticipated harm to Dorset Heathlands. As such, an appropriate assessment under the Habitats Regulations is not required.

#### Other Matters

- 15.21 The application site lies on land which may be contaminated due to historic land use, so it is necessary in this case to apply the potential contaminated land condition.

### **16.0 Conclusion**

Subject to conditions, the proposed works will benefit the use and functionality of the existing building at Moors Valley Railway and will not result in adverse impacts upon the character of the area, the Green Belt, Dorset Heathlands, the Moors Valley River System SSSI, landscaping, trees or flood risk.

## 17.0 Recommendation

### Grant, subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
24-222-003 0 Proposed Elevations  
24-222-004 0 Proposed Layouts  
24-222-006 0 1:5000 Location Plan

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

3. The external materials to be used for the walls and roof shall be similar in colour and texture to the existing building and/or as per the materials shown on approved drawing ref: 24-222-003 0 (Proposed Elevations).

Reason: To ensure a satisfactory visual appearance of the development.

4. Prior to commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The CEMP shall include measures to control lighting during construction, shall detail how hedgerows & trees will be protected, will detail measure to avoid any harmful impacts on the quality of watercourses or bodies, and will confirm how dust will be controlled during construction. Thereafter, the development must be carried out in accordance with the approved CEMP.

Reason: To protect vegetation and the Moors Valley River System SSSI.

5. The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements within the Preliminary Roost Assessment (dated 08.07.2024) and the Bat Emergence and Re-Entry Surveys (BERS) dated 21.08.2024) produced by Arbtech Consulting Ltd. The development hereby approved must not be first brought into use unless and until:
  - i) the recommendations, mitigation & enhancement detailed on pages 17 and 18 of the Preliminary Roost Assessment, and also the recommendations, mitigation & enhancement detailed on pages 3, 22

- and 23 of the Bat Emergence and Re-Entry Surveys (BERS), have all been completed in full, in accordance with any specified timetable, and
- ii) evidence of compliance has been supplied to the Local Planning Authority prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved ecology report and thereafter the approved mitigation, compensation and enhancement measures must be permanently maintained and retained in accordance with the approved details.

Reason: To mitigate and compensate for impacts on ecological receptors, and to provide biodiversity gains.

6. 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.

### **Informative Notes:**

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

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

In this case:

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

2. The applicant is advised that any new lighting should adopt a low impact lighting strategy which follows guidance from the Bat Conservation Trust (Bats and Artificial Lighting in the UK' Guidance Note GN 08/23):

<https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>

3. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.
  
4. Informative: The applicant is advised that the granting of planning permission does not override the need for existing rights of way affected by the development to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed. Developments, in so far as it affects a right of way should not be started until the necessary order for the diversion has come into effect.