

26<sup>th</sup> February 2025

<b>Application Number:</b>	P/FUL/2022/04226		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Red Oak Court, Worgret Road, Wareham		
<b>Proposal:</b>	Extension to Planning Approval for Temporary Relocatable housing scheme comprising 6no. detached 1 bed units and a terrace of 11no. 1 bed units and 1. no 2-bed unit for overnight carers with associated landscape and parking.		
<b>Applicant name:</b>	Dorset Council		
<b>Case Officer:</b>	Thomas Whild		
<b>Ward Member(s):</b>	Cllr Ezzard, Cllr Holloway		
<b>Publicity expiry date:</b>	10 January 2025	<b>Officer site visit date:</b>	15 January 2025
<b>Decision due date:</b>	27 February 2025	<b>Ext(s) of time:</b>	27 February 2025
<b>No of Site Notices:</b>	2 – either side of site entrance		
<b>SN displayed reasoning:</b>	Publicly visible points close to those most likely to be affected.		

**1.0** The applicant is being reported to committee as Dorset Council is both the applicant and landowner.

**2.0 Summary of recommendation:**

**A) Delegate authority to the Service Manager for Development Management and Enforcement and/or the Development Management Area Manager East to Grant planning permission subject to receipt of a Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to secure contributions towards habitats mitigation.**

or

**B) Refuse permission for the reasons set out below if the agreement is not completed by 27 August 2025 (6 months from the date of committee) or such**

**extended time as agreed by Service Manager for Development Management and Enforcement and/or the Development Management Area Manager East.**

### 3.0 Reason for recommendation A:

- The development is sustainably located and will continue a positive ‘meanwhile’ use of a previously developed site
- The proposal is considered to be acceptable in its design and general visual impact
- There is not considered to be any significant harm to neighbouring residential amenity.
- The scheme would not result in unacceptable impacts in respect of highways, biodiversity or trees and would secure mitigation for impacts on habitats sites.

### Reason for Recommendation B

- In the absence of a legal mechanism to secure heathland mitigation, the proposal is contrary to policies E8, E9 and H3(d) of the Purbeck Local Plan, and policy H4 of the Wareham Neighbourhood Plan, the Dorset Heathlands Planning Framework 2020-2025 SPD, and paragraph 193 of the National Planning Policy Framework.

### 4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle has previously been established. This application would allow the continuation of a positive ‘meanwhile’ use while proposals for the Purbeck Gateway development come forward, without prejudicing that project’s delivery.
Character and appearance	The development will not result in any changes to the existing scheme which is established and acceptable in design terms
Impacts on amenity	There would be no harmful impacts upon amenity
Habitats	Additional impacts on habitats sites through recreational pressures, air quality and nutrient issues will be appropriately mitigated.

Biodiversity	There would be no harmful impacts on biodiversity.
Highways and parking	The proposal would not result in unacceptable impacts upon the highway and will continue to provide adequate parking.
Trees	There would be no unacceptable impacts upon trees.
Flood risk and drainage	The development will remain safe from flooding and include appropriate provision for drainage.

## 5.0 Description of Site

- 5.1 The application site comprises part of the former Wareham Middle School, which was demolished following the move to a two-tier education system. The site is located towards the western edge of settlement boundary of Wareham, on the northern side of Worgret Road, from where the site is accessed. The site is level and bounded by playing fields to the northeast and west. Wareham St Mary Primary School is located to the northeast and there is predominantly residential development further to the west, east and south.
- 5.2 The site is currently occupied by 18 temporary dwellings erected on an existing area of hardstanding that was formerly the school playground. The development was granted planning consent in 2019 for a temporary three-year period, ending on 31 December 2022.
- 5.3 The development consists of 18 units constructed from 2 modular housing types arranged around a central courtyard with shared amenity space and car parking. There are six one-bedroom single storey detached dwellings on the Southern and western boundaries of the site, providing accessible living spaces with individual rear gardens. The front elevations to these units are clad in timber with dark metal cladding used elsewhere. Each of these units measures 50 sqm and is specifically designed to accommodate residents with reduced mobility or who are in need of care.
- 5.4 The second type of modular unit comprises 11 one-bedroom units and 1 two-bedroom unit (providing accommodation for over-night carers) arranged over two storeys on the northern edge of the site. The ground floor units have direct access from the front door with the first-floor units accessed via a terrace. These units are smaller, at 25 sqm. These units have a similar palette of materials comprising timber cladding to the front to the ground floor with dark metal cladding to side rear and upper floors.

- 5.5 A central parking area provides 13 spaces (including 2 disabled spaces) with a further two spaces (including 1 disabled space) to the western side of the site. There is a communal grassed amenity space with additional planting within the courtyard area while the single storey units are provided with private garden spaces to the rear.

## **6.0 Description of Development**

- 6.1 Planning permission is sought for the retention of the existing temporary buildings for a further temporary period of 5 years so that the units may continue to meet the ongoing need for this form of accommodation while proposals for the permanent redevelopment of the site comes forward.

## **7.0 Relevant Planning History**

6/2019/00561-1 Decision: TEMPORARY Decision Date: 26/03/2019

Temporary Relocatable housing scheme comprising 6 no. detached 1 bed units and a terrace of 11 no. 1 bed units and 1 no. 2 bed unit for overnight carers with associated landscaping and car parking.

## **8.0 List of Constraints**

Settlement Boundary; Wareham

Dorset Heathlands (5km buffer)

Poole Harbour Nitrates Catchment

Poole Harbour Recreation Zone

Wessex Water Treatment Works Catchment

Dorset Council Land -former Wareham Middle School & Childrens Centre, Worgret Road, Wareham

Natural England Designation - RAMSAR: Poole Harbour (UK11054); - Distance: 592.77 and RAMSAR: Dorset Heathlands (UK11021); - Distance: 3190.99

Site of Special Scientific Interest (SSSI) impact risk zone;

Dorset Heathlands - 5km Heathland Buffer;

Scheduled Monument: Linear earthwork on Wareham Common, 350m northwest and 420m northeast of Little Farm (List Entry: 1018194.0); - Distance: 457.15

Scheduled Monument: Part of the defences of the Anglo-Saxon fortified centre of Wareham and part of the motte and bailey castle with shell keep (List Entry: 1003574.0); - Distance: 272.51

Historic Landfill Site: Fields 3529, 3417 and 4618 - Distance: 134.01

Risk of Surface Water Flooding Extent 1 in 1000

Minerals and Waste Safeguarding Area - ID: 3466;

Radon: Class 1: Less than 1%

Contaminated Land ONR Winfrith Magnox 12km zone And ONR Winfrith tradebe inutec 12km zone

## 9.0 Consultations

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

### Consultees

1. **Dorset Waste Team** – No comments
2. **Housing Enabling Team** – I fully support the application for the retention of the existing scheme for a further 5 years.
3. **Wareham Town Council** – Object; there are no timescales given for the length of extension required.
4. **Wareham Ward Councillors** – No comments received
5. **Building Control East Team** – No comment
6. **Natural England** - No objection
7. **Highways** – No objection subject to condition requiring the retention of turning and parking space.
8. **Environmental Assessment** – Appropriate assessment completed confirming that impacts on protected habitats will be mitigated through financial contributions and the purchase of nutrient mitigation credits.

### Representations received

No third party comments have been received in respect of the application.

## 10.0 Duties

- 10.1 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

Purbeck Local Plan (2018-34) - The following policies are considered to be of relevance to the proposals:

- V1: Spatial strategy for sustainable communities
- E1: Landscape
- E7: Conservation of protected sites
- E8: Dorset heathlands
- E9: Poole Harbour
- E12: Design
- H2: Housing land supply
- H9: Housing mix
- H10: Accessible and adaptable homes
- H11: Affordable housing
- I1: Developer contributions to deliver Purbeck's infrastructure
- I6: Wareham integrated health, social care and housing

Wareham Neighbourhood Plan (2021) – The following policies are considered to be of relevance to the proposals:

- H1: Housing requirement
- H2: Housing mix
- H4: Nationally, European and internationally important wildlife sites and protected species and locally important areas.
- H9: Settlement boundary
- H10: Parking space
- GS2: Proposed health centre and housing hub (former Middle School Site)
- LDP2: Design of new development outside Wareham Conservation Area
- LDP3: Sustainable design

### Material Considerations

#### **Emerging Local Plans:**

Paragraph 49 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 draft 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**

Paragraph 11 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.

Other relevant NPPF sections include:

Paragraph 11 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 specific NPPF policies protecting areas or assets provide a strong reason for refusal and/or any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, with particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes.

Other relevant NPPF sections include:

- Section 4 'Decision making': Para 39 - 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 5 'Delivering a sufficient supply of homes' This outlines the government's objective in respect of land supply. Paragraph 63 requires that specific regard be paid to the needs of different groups in the community including, among others, those in need of affordable housing and people with disabilities.
- Section 11 'Making effective use of land'. Paragraph 125(c) states that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.
- Section 12 'Achieving well designed places' This 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 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'. Paragraphs 192-195 set out how biodiversity is to be protected and encourage net gains for biodiversity and avoid harm to designated habitats.

#### Other material considerations

- Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document.
- Poole Harbour Recreation 2019-2024 Supplementary Planning Document.
- Purbeck District Design Guide SPD
- Wareham Townscape Character Assessment
- 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.

## **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.

12.1 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**

13.1 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.

13.2 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.

13.3 The development provides a form of specialist accommodation for persons with learning disabilities. The units are designed to be accessible with those units on the ground floor benefitting from a level access. There are six single storey accessible units which are specifically designed to accommodate residents with reduced mobility or who need care. These include an accessible WC/Shower room and the capacity to install a hoist if necessary.

### **14.0 Financial benefits**

14.1 There would not be any direct financial benefits associated with this application.

### **15.0 Environmental Implications**

15.1 The application seeks the retention of an existing development which has already been constructed but which had only been granted planning permission on a temporary basis. Therefore, while there will be CO2 emissions relating to the continued use of the buildings, there would not be any further emissions from construction activities. The units themselves are demountable and designed so that they can be removed from the site and re-used in another location at the end of the temporary period that has been sought.

**16.0 Planning Assessment**  
**Principle of development**

- 16.1 The application site is located within the defined settlement boundary of Wareham where new development is generally acceptable where it would not conflict with other policies of the development plan or result in other unacceptable impacts. The site is allocated for development under policy GS2 of the Wareham Neighbourhood Plan, and policy I6 of the Purbeck Local Plan.
- 16.2 Policy GS2 allocates the former middle school site for redevelopment to provide a new healthcare and housing hub for the town and surrounding area to include space for a relocated GP surgery and ambulance station; residential uses catering for health related needs and key healthcare worker accommodation; parking; access to the adjoining primary school from Worgret Road and a contribution towards changing facilities to encourage the use of the recreation ground and playing fields to the east and west, to be brought forward as a project known as the Purbeck Gateway.
- 16.3 Planning permission was previously granted on a temporary basis to ensure that the permanent redevelopment of the site was not prejudiced. The long-term objective to redevelop the site for the purposes set out in policy GS2 of the Neighbourhood Plan remains and is now incorporated into the Purbeck Local Plan through Policy I6.
- 16.4 The existing housing scheme does not encompass all of the land allocated through the neighbourhood plan, which also includes the land to the south and east, which had comprised the middle school site. It does however comprise a relatively significant part of that site and a large enough area that would prevent the delivery of the allocated development were the scheme to be present in perpetuity.
- 16.5 In view of this and to ensure that the scheme would not prejudice the future delivery of the consented and allocated development, the original planning consent for the housing scheme was granted for a temporary period as a 'meanwhile' use before the allocated development comes forward. Therefore, it remains relevant to consider the proposals on a temporary rather than permanent basis.
- 16.6 The application seeks the retention of the existing scheme for a further five years. This period is proposed to tie in with the period that temporary credits to mitigate nutrient neutrality impacts as these are for a set period. Although the time period is longer than had initially been envisaged for this scheme the applicant has confirmed that there remains a commitment to the delivery of the allocated development of the Purbeck Gateway project, which forms part of the Council's plans to deliver new Extra Care Housing, which is set out in the Extra Care Housing Strategy which was approved by Cabinet in July 2024.

- 16.7 An overview of that project, provided by the applicant has confirmed that, although community engagement over the development proposals took place in 2019, the development has since been delayed, principally due to the long-term impacts of Covid-19 on the development industry. Tendering for the Purbeck Gateway project in Autumn 2022, was unsuccessful. Allowing for the design and a new procurement process, it is likely that work would start on site by 2030.
- 16.8 Therefore, although the timeframe for the retention of the current development on site is longer than originally envisaged, it would not prejudice the delivery of the Purbeck Gateway project and aligns with the anticipated timescales. .
- 16.9 On this basis therefore it is considered that the principle of the proposed development is acceptable, as a sustainable use of a previously developed site within the defined settlement.

### **Character and appearance**

- 16.10 The development is relatively modest in scale, being predominantly single storey with a two-storey element at the northern end of the site. The site's location means that it is somewhat isolated from surrounding built development. However it is not an overly prominent feature in the townscape due to the modest scale of the structures, which are also flat roofed and the presence of extensive vegetation to the south and west which provide screening.
- 16.11 The development has also become an established part of the townscape since its initial construction. The current application merely seeks to retain the structures which already exist on site. Therefore while the grant of planning permission would result in their presence for longer than had originally been intended, it would not result in any change from the existing situation.
- 16.12 The proposals are not therefore considered to represent any harmful impacts upon the character of the locality. They are therefore considered to comply with policy E12 of the Purbeck Local Plan and Policy LDP3 of the Wareham Neighbourhood Plan.

### **Impacts upon amenity**

- 16.13 The site's location is such that it is significantly separate from any neighbours. The nearest residential neighbours are located approximately 95m to the south and Southeast and to the west the nearest neighbours are over 150m away. At these distances and considering the modest physical scale of the development there is no potential for harmful overlooking to residential neighbours.
- 16.14 There is a pre-school located to the east of the site, which shares an access. It is however located 75m from the site and oriented with its external areas on the opposite side from the site. It is not therefore considered that the scheme results in a conflict with the nursery.

- 16.15 The single storey units all benefit from a grassed private amenity space to the rear, while the two storey apartment units have access to a communal amenity space at the ground floor level and a shared terrace space at the first-floor level. It is evident on visiting the site that these amenity spaces are utilised for sitting out and outdoor activities and contribute to providing an appropriate level of amenity for residents.
- 16.16 It is therefore concluded that the proposals would not result in a harmful impact upon neighbouring properties and provide an appropriate level of amenity for residents. The development therefore complies with policy E12 of the Purbeck Local Plan and policy LDP3 of the Wareham Neighbourhood Plan in this regard.

### **Habitats**

- 16.17 The site is located in the vicinity of the Poole Harbour and Dorset Heathlands European habitats sites where impacts arising from recreational pressures (Poole Harbour and Dorset Heathlands), air quality impacts (Dorset Heathlands) and water quality impacts (Poole Harbour) must be taken into consideration. Dorset Council, as competent authority has completed an Appropriate Assessment of the proposals under the Habitats Regulations.
- 16.18 In respect of water quality, the applicant has confirmed that mitigation for impacts arising from nutrient enrichment within the Poole Harbour will be addressed through the purchase of temporary nutrient credits. In respect of the recreational impacts on Poole Harbour a financial contribution of £64.80 towards mitigation as set out in the Poole Harbour Recreation 2019-2024 SPD will be secured. A contribution of £186.98 is to be secured towards mitigation of impacts on the Dorset Heathlands, in accordance with the Dorset Heathlands Planning framework SPD.
- 16.19 On the basis of the contributions towards mitigation being secured, the Appropriate Assessment has concluded that the development will not result in an adverse effect upon the integrity of a European Site. The proposal therefore complies with policies E8, E9 and H3(d) of the Purbeck Local Plan, and policy H4 of the Wareham Neighbourhood Plan.

### **Biodiversity**

- 16.20 The original planning application was accompanied by a biodiversity survey and report and a biodiversity plan, secured by condition. That included provision for the avoidance of harm to protected species through best practices, measures to deter use of locations and habitat enhancement measures, including provision of

a wildlife corridor on the site's northern side, creation of a reptile hibernaculum, and the provision of bat boxes, bird nest boxes and a hedgehog house.

- 16.21 As the current application does not propose any new development works on the site, simply the retention of the existing development it is not considered that the proposals would give rise to any additional impacts upon biodiversity. The measures previously secured will remain. The proposals will not therefore have a harmful impact on biodiversity or protected species and will comply with policy E10 of the Purbeck Local Plan and policy H4 of the Wareham Neighbourhood Plan.

### **Highways and parking**

- 16.22 The site is accessed via the existing and established access that originally served Wareham Middle School. The access provides a segregated pedestrian route and has good visibility onto Worgret Road. The current application would not result in any intensification over the current situation and there would therefore be no harm to highways as a result.
- 16.23 The scheme provides parking space for a total of 16 cars. This meets the parking standards set out in the Bournemouth, Poole and Dorset Residential Car Parking Study for unallocated provision. Taking into account the site's sustainable location and the profile of residents, the level of parking is appropriate and complies with policies I2 of the Purbeck Local Plan and H10 of the Wareham Neighbourhood Plan.

### **Trees**

- 16.24 Although there are a number of trees in the vicinity of the site, there are no trees on the application site itself. As the development is already in place and there would not be any alterations as a result of this application there would not be any harmful impact on trees as a result of this application. The policy therefore complies with policy I3 of the Purbeck Local Plan.

### **Flood risk and drainage**

- 16.25 The site is in flood zone 1 and is not therefore considered to be at risk of flooding from rivers or the sea. A small part of the site is identified as being at a low risk of flooding from surface water in available mapping. However, this is for a 1 in 1000-year event and is therefore considered to be a low risk. The available mapping is only based on high level topography and does not consider the presence of the surface water management measures which are in place. In view of the low level of risk involved and the inherently temporary nature of the proposals it is considered that the proposals are appropriately flood resilient in compliance with policy E4 of the Purbeck Local Plan.

## **17.0 Conclusion**

- 17.1 The proposal to retain the existing development at Red Oak Court is acceptable in principle. The development is sustainably located and makes use of an otherwise under-utilised brownfield site, to provide a positive 'meanwhile' use while development proposals for that site are worked up. The current development would not prejudice the ability of those proposals, which are subject of allocations in the Wareham Neighbourhood Plan and Purbeck Local Plan, from coming forward.
- 17.2 The development is an established feature in the area and would not be changed because of the grant of planning permission. It is acceptable in design terms and does not result in any unacceptable impacts in terms of amenity, highways, biodiversity, trees and flood risk/drainage. Mitigation will be secured for the additional impacts of the retention of the scheme for a further 5 years on protected habitats.

## 18.0 Recommendation

**A) Delegate authority to the Service Manager for Development Management and Enforcement and Development Management Area Manager East to Grant Planning Permission, subject to receipt of a unilateral undertaking under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:**

- Contributions of £419.63 towards mitigation of impacts of the development on the Dorset Heathlands and Poole Harbour Habitats Sites, and confirmation of the purchase of nitrogen mitigation credits.

And the conditions set out below.

### Recommended conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - 700 P4 Site location plan
  - 703 C16 Proposed site plan
  - 100 P6 Ground Floor plan
  - 101 P6 First Floor plan
  - 109 P2 Bin Stores
  - 110 P5 Ground Floor plan
  - 120 P6 Roof Plan - Proposed
  - 130 P5 Roof Plan - Proposed
  - 300 P6 Elevations
  - 301 P5 Elevation (Side) - Proposed
  - 310 P5 Elevations
  - 311 P5 Side elevations 1
  - 312 P5 Side elevations 2
  - 107-18-0-800 G Drainage layout

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

2. This permission is limited to the period expiring on 1 April 2030, when the building and any associated structures/works hereby permitted shall be removed and the land reinstated in accordance with a scheme of works and timescale which shall first have been submitted to and approved in writing by Local Planning Authority.

Reason: To reserve to the Local Planning Authority control over the long-term use of the land such that it does not prejudice the ability to bring forward comprehensive of the former Wareham Middle School site, and to ensure that the proposal does not give rise to unacceptable impacts on the Poole Harbour SPA and Ramsar site through nutrient enrichment.

3. The turning and parking detailed on the approved plans must be maintained, kept free from obstruction and available for the purposes specified until such time as the buildings are removed from the site.

Reason: To ensure the proper and appropriate development of the site in the interest of highway safety.

### **Informative Notes:**

#### 1. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available, this permission will not require the approval of a biodiversity gain plan before development is begun because the application for planning permission was made before 12 February 2024.

Read more about Biodiversity Net Gain at  
<https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>

#### 2. Informative: National Planning Policy Framework Statement

In accordance with paragraph 39 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.

3. Informative: This permission is subject to an undertaking made pursuant to Section 106 of the Town and Country Planning Act 1990 dated ## ## relating to contributions towards habitats mitigation.

**B) Refuse permission for the reasons set out below if the agreement to secure Heathland mitigation is not completed by 27 August 2025 (6 months from the date of committee) or such extended time as agreed by Service Manager for Development Management and Enforcement and/or Development Management Area Manager and/or the Development Management Area Manager East.**

1. The site lies within 5km of a number of Sites of Special Scientific Interest (SSSIs) which are also designated European wildlife sites, namely Dorset Heathlands Special Protection Area, Dorset Heaths Special Area of Conservation and Dorset Heathlands Ramsar. The proximity of these European sites means that determination of the application should be undertaken with regard to the requirements of the Conservation of Habitats and Species Regulations 2017, in particular Regulation 63. The proposal fails to secure the avoidance measures identified as necessary to mitigate the impact of the development, in combination with other plans and projects, on the integrity of the designated site as set out in the Dorset Heathlands Planning Framework Supplementary Planning Document (SPD) 2020-2025 and there are no imperative reasons of overriding public interest in support of the proposal. The development is therefore contrary to policies E8, E9 and H3(d) of the Purbeck Local Plan, and policy H4 of the Wareham Neighbourhood Plan, the Dorset Heathlands Planning Framework 2020-2025 SPD, and paragraph 193 of the National Planning Policy Framework. This forms a clear reason for refusal of the proposal in accordance with NPPF 2023 para 11 d)  
i.



Eastern Area Planning Committee

26<sup>th</sup> February 2025