

Eastern Area Planning Committee

26th February 2025

Application Number:	P/FUL/2024/05862		
Webpage:	Planning application: P/FUL/2024/05862 - dorsetforyou.com		
Site address:	Service Road adjoining Purbeck Parade High Street Lytchett Matravers BH16 6BQ		
Proposal:	Remodelling of existing service road, associated pedestrian areas and adjoining planting areas		
Applicant name:	Lytchett Matravers Parish Council		
Case Officer:	Emily Elgie		
Ward Member(s):	Cllr Brenton, Cllr Robinson and Cllr Starr		
Publicity expiry date:	30 January 2025	Officer site visit date:	desktop
Decision due date:	26 February 2025	Ext(s) of time:	26 February 2025
No of Site Notices:	2x		
SN displayed reasoning:	1 on lamppost and 1 on telegraph pole near site		

1.0 The application is on Council owned land and therefore needs to be determined at Planning Committee.

2.0 Summary of recommendation:

Grant, subject to conditions

3.0 Reason for the recommendation: as set out in paragraph 16 below

- 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
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to highway safety
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable- The site is within the Lytchett Matravers settlement boundary and the principle of development is acceptable
Impact on character and appearance	Acceptable- There would be no adverse impact on the character of the area
Highway impacts, safety, access and parking	Acceptable- The proposal will not result in highway danger.

5.0 Description of Site

The Purbeck Parade was constructed as four shop units, later extended with a fifth unit, constructed in the mid-1960s. Three of the shop units were later converted into a single shop unit which is currently a Tesco store. The shops front onto a one-way service road off the High Street within the village centre. The High Street and service road are separated by a grassed island.

6.0 Description of Development

The proposal seeks to redesign the access to the service road to provide a better solution for the large delivery vehicles which service the Tesco store. The works include moving the access 2m further east, reprofiling of the grassed 'island' and providing a pedestrian forecourt in front of the shop entrance.

In addition to an unloading bay for large delivery vehicles, a dedicated disabled parking space has been provided as well as some minor improvements to the public realm.

7.0 Relevant Planning History

- 6/1974/0419 - Decision: GRA - Decision Date: 06/12/1974 - Erection of store extension.
- 6/1976/0256 - Decision: GRA - Decision Date: 17/05/1976 - O/A - Erect a branch library.
- 6/1978/0506 - Decision: GRA - Decision Date: 13/10/1978 - Erect ground floor extension to form store and first floor extension over existing to form bedroom.
- 6/1979/0946 - Decision: GRA - Decision Date: 28/12/1979 - Extension to shop on ground floor and living/study/bathroom at first floor.
- 6/1995/0507 - Decision: GRA - Decision Date: 29/09/1995 - Install new shopfront, internal alterations, construct access stairs at rear.

- 6/2004/1074 - Decision: GRA - Decision Date: 23/04/2007 - Refurbishment of doors and windows. Install new Automated Teller Machine and air conditioning. Remove and replace existing refrigeration plant and install anti-theft bollards (Retrospective)

8.0 List of Constraints

Within Lytchett Matravers settlement boundary

Risk of Surface Water Flooding Extent 1 in 1000, plus 20% allowance and 40% allowance

9.0 Consultations

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

Consultees

1. Wessex Water

- No objection – advice to applicant provided

2. Dorset Council (DC) – Highways

- No objection – subject to conditions
- Applicant has engaged with highways authority
- An independent road safety audit has been conducted and outcomes and recommendations are considered acceptable
- Should provide a safe and suitable access for loading and unloading for delivery vehicles
- Would not put most vulnerable road users at a disadvantage

3. Lytchett Matravers Parish Council

- No comment received – parish council are the applicant

4. Ward Member – Councillor Brenton

- No objection

5. Ward Member – Councillor Starr

- No objection

Representations received

No third-party representations have been received

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

Purbeck Local Plan 2018-2034

Relevant policies:

Policy V1: Spatial strategy for sustainable communities

Policy E1: Landscape

Policy E12: Design

Policy E10: Biodiversity and geodiversity

Policy I2: Improving accessibility and transport

Lytchett Matravers Neighbourhood Plan to 2031 (made June 2017)

Relevant policies:

Policy 2: Local Design Principles

Policy 4: Open spaces

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.

Section 9 (Promoting Sustainable Transport) – Paragraph 115b) requires a safe and suitable access to the site to be achieved for all users. Paragraph 116 sets out that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

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.

There will be no disadvantage to any people with protected characteristics, particularly with regard to those who are disabled as the disabled space will be retained and made TSRGD (Traffic Signs Regulations and General Directions) compliant.

15.0 Planning Assessment

Principle of development

- 15.1 The application site is within the settlement boundary of Lytchett Matravers and therefore the principle of development is considered acceptable.

Impact on highways

- 15.2 Local Plan Policy I2 confirms that the Council’s aim is to create a safe, well-maintained and efficient transport system across Purbeck. Proposals should support the Council’s priorities, including encouraging sustainable travel, and should avoid compromising highway safety.
- 15.3 The applicants have explained that the current arrangement for deliveries to Tesco requires that, where possible, cones are used to restrict parking in advance of deliveries and a banksman and delivery barriers are employed. The unloading point, where the hydraulic tail lift deposits caged trolleys is immediately outside the shop entrance where the pavement is narrow and at its busiest. Additionally, articulated lorries have the ride the pavement adjacent to the grassed ‘island’ on entry and exit. Opportunities for delivery to the rear of the shop have been discounted due to stepped level difference and there are also gradients influencing opportunities at the front of the shop.
- 15.4 The proposal will improve vehicular access to the Tesco store for delivery lorries that service it. The whole of the application site is adopted highway land. The applicant has worked closely with the highways department to amend and improve the scheme to make sure that the safety of the most vulnerable road users has been considered. The conclusions of the independent road safety audit that was conducted include a requirement to repaint the road markings, make the disabled bay TSRGD compliant and install a proper dropped kerb access. These actions can be secured by condition.
- 15.5 It is acknowledged that there will be a loss of approximately 3 parking spaces on the service road as part of the proposal, however there are parking opportunities a short distance away, including on the High Street itself and surrounding residential streets and the disabled space will be maintained. It is judged that the safety improvements outweigh the loss of the parking area. The Highways officer has raised no objection to the scheme and the suggested conditions shall be imposed (nos. 3-5).

Impact on the character of the area

- 15.6 The proposal will reshape the grassed island resulting in the loss of two small trees but providing opportunities for more varied planting thereby maintaining an attractive environment to accord with the aims of neighbourhood plan policies. Given the nature of the changes involved, it is not considered that the proposal would have an adverse impact on the character of the area.

Impacts on biodiversity

- 15.7 The application benefits from an exemption from the requirement for 10% biodiversity net gain since the loss of non-hard- surfaced area is below the threshold of 25sqm. Nevertheless, the proposal will offset the loss by creating a new soft planting area with a net gain of 8sqm (10.8%) secured by condition no. 6.

16.0 Conclusion

The proposal would not have an adverse impact on highway safety and complies with the Development Plan as a whole, including Policy I2 of the Local Plan and paragraphs 115b and paragraphs 116 of the National Planning Policy Framework.

17.0 Recommendation

Grant, subject to conditions

Recommendation: Approve 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:

Location plan

2403.01 B Site plan

2403.02 Location and block plans and photos

2403.03 A Vehicle Swept Path and Kerb Detail

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

3. Before the development hereby approved commences a Construction Method Statement (CMS) must be submitted to and approved in writing by the 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, and construction working hours

- temporary traffic management measures where necessary
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.

4. Before the new loading area is first utilised the areas shown on Drawing 2403.01 B for the manoeuvring, parking, loading and unloading of vehicles must be surfaced, marked out and made available for these purposes. 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.

5. The new loading area shall not be utilised until a scheme showing precise details of the proposed cycle parking facilities is submitted to and approved in writing by the Local Planning Authority. The approved scheme must be constructed before the first use of the new loading area or to a timetable agreed by the Local Planning Authority and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

Reason: To ensure the proper construction of the cycle parking facilities and to encourage the use of sustainable transport modes.

6. The new loading area shall not be utilised until a soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The planting shall be implemented in accordance with the approved details in the first planting season following the commencement of development unless an alternative timetable is agreed by the Local Planning Authority in writing. Any plants found damaged, dead or dying in the first five years shall be replaced and the scheme thereafter retained.

Reason: In the interests of biodiversity and the character of the area.

Informative Notes:

1. 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.

2. 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 is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

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

3. In addition to this permission, the highway improvement(s) referred to in the recommended condition above must be carried out to the specification and satisfaction of the Highway Authority in consultation with the Planning Authority and it will be necessary to enter into an agreement, under Section 278 of the Highways Act 1980, with the Highway Authority, before any works commence on the site. The applicant should contact Dorset Council's Highways Development team. They can be reached by email at highwaysdevelopment@dorsetcouncil.gov.uk, or in writing at Highways

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