

Application number:	P/FUL/2024/07512
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Monkton Park Monkton Hill Winterborne Monkton, DT2 9PS
Proposal:	Erect single storey modular building. Install perimeter fencing.
Applicant name:	Dorset Council
Case officer:	Steve Tapscott
Ward member:	Cllr Tarr

1. Reason application is going to committee

- 1.1 In accordance with the Council's scheme of delegation, this application is brought to committee for determination because Dorset Council is the landowner and the applicant.

2. Summary of recommendation

- 2.1 GRANT subject to conditions as set out at the end of this report.

3. Key planning issues

Issue	Conclusion
Principle of development	Acceptable: the proposal relates to the established educational use of the site.
Impacts on local character, the National Landscape and heritage, including the setting of Scheduled Monuments and the main school building	Acceptable: the design and scale of the proposed building would not materially impact on public views or heritage assets.
Archaeology	Acceptable: no objections are raised by the Council's archaeologist.
Impact on neighbouring properties	Acceptable: there are no nearby properties.
Highway impacts, safety, access and parking	Acceptable: no objections are raised by Highways and there would be no adverse impact on highway safety.
Impact on trees	Acceptable: the loss of low-quality trees would not lead to materially harmful impacts.
Ecology, including Biodiversity Net Gain	Acceptable: the Natural Environment Team has approved the submitted ecological report. BNG can be addressed at the discharge of conditions stage.

4. Description of site

- 4.1 The site comprises a complex of buildings of various ages, scales and designs located in the open countryside, approximately a mile to the south of Dorchester, accessed via the A354 (Monkton Hill). Maiden Castle is situated approximately 550m to the west. The site and environs are washed over by the Dorset National Landscape. Trees around the site provide some screening, but they are not subject to TPOs. Brick walls and chain link fencing provide existing enclosure.

- 4.2 The site is used as an educational establishment for students with Special Educational Needs and Disabilities.

5. Description of development

- 5.1 This application proposes to install a new modular building on an area of existing hardstanding and soft landscaping to the west of the main historic building. The supporting Design and Access Statement describes how the building has been designed to provide learning accommodation for up to four complex needs pupils. Four secure areas of outside space would be located around the building, enclosed by 1.8m high weldmesh fencing. Two pergolas/gazebo shelters with pitched roofs would be attached to the north and south of the building, providing covered outdoor spaces.
- 5.2 Three trees, grass and several bushes would be lost to accommodate the development. In order to compensate and demonstrate Biodiversity Net Gain (BNG), 18 new trees are proposed to the south of the site. Offsite BNG credits would also need to be purchased to make up for an ecological shortfall resulting from the development.
- 5.3 A total of 16 parking spaces would be lost.
- 5.4 The Council's Project Delivery Manager for Assets and Regeneration has explained that the location was chosen because of the complex needs of the pupils. This includes the relationship with the open farming landscape and distance from sources of noise, including the road and other activities taking place on the site. A location further to the south was ruled out for these reasons, as well as the fact that land to the south functions as outdoor play space that would be lost.

6. Background and relevant planning history

- 6.1 In the 1960s, Monkton Park House was an established hostel for young people with severe learning difficulties. In 1963, Marvin House was acquired by Dorset County Council and planning permission was granted for additional accommodation under ref. PA209046. In 1976, consent ref. 1/E/76/0156 allowed for Dorset County Council to '*erect special school and extension to existing hostel.*' As part of the planning application, the extension to the hostel was physically linked to the new special school.
- 6.2 A swimming pool to south was granted consent in 1983 under ref. 1/E/83/000373, but it appears it was never constructed.
- 6.3 In 1995, permission ref. 1/E/1995/0427 allowed for further minor extensions and alterations.
- 6.4 In 2010, consent was granted under ref. 1/D/10/001347 to change the use of the main group of buildings to a composite education and office use, replace a storage building and undertake parking and landscaping works. The consent was varied in 2011 under ref. 1/D/11/000118 to change the date for the completion of the access, turning and parking space works

7. List of constraints

- 7.1 The site is located in the open countryside for planning purposes. It is washed over by the Dorset National Landscape, and it lies within the Open Chalk Downland landscape character type. Maiden Castle to the west is a Scheduled Monument, and a round barrow cemetery to the southeast of Maiden Castle is a further Scheduled Monument, situated approximately 420m away. The site is within both of these monuments' settings and there is potential for archaeological remains in this locality.
- 7.2 The Edwardian building on the wider site is considered by the Council's conservation officer to be a non-designated heritage asset.
- 7.3 Public views encompassing the application site can be afforded from Maiden Castle, as well as a public footpath ref. S57/1 located around 550m away to the west.

- 7.4 The site is within the Poole Harbour nutrients catchment, but as the proposal would not result in any additional overnight accommodation, this is not a relevant planning constraint in this instance.
- 7.5 Parts of the wider landholding are within a Higher Potential Ecological Network, as identified by the Dorset Environmental Records Centre.
- 7.6 A medium pressure gas pipeline runs from the complex towards Dorchester, following the western edge of the road. As it is around 100m from the closest point of the proposed development, this is not considered to represent a relevant planning constraint.

8. Consultations

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

Consultees

1. **Historic England:** defer to the Council's archaeology team.
2. **Dorset Wildlife Trust:** no response received.
3. **Dorset Council - Education Officer:** no response received.
4. **Dorset Council – Highways:** no objection.
5. **Dorset Council - Trees:** expresses reluctance to the removal of trees, as the Council should be seeking to retain them. However, no objections are raised because of their limited amenity value outside the site, plus replacements are proposed.
6. **Dorset Council - Env. Services – Protection:** no comment.
7. **Dorset Council - Building Control:** no response received.
8. **Dorset Council - Public Health Dorset:** no response received.
9. **Dorset Council - Asset & Property:** no response received.
10. **Dorset Council - Archaeology:** notes that a trial pit has been dug, and the proposed works are unlikely to have an impact on below-ground archaeology.
11. **Winterborne Monkton Parish Council:** no objection.
12. **Winterborne and Broadmayne Ward:** no response received.

Representations received

- 8.2 None.

9. Duties

- 9.1 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.
- 9.2 Section 66 requires that when considering whether to grant planning permission for a development which affects a listed building or its setting, there is a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.
- 9.3 Clause 85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscapes (formerly known as Areas of Outstanding Natural Beauty).

10. Relevant policies

Development plan

West Dorset, Weymouth and Portland Local Plan (2015)

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

- INT1: Presumption in Favour of Sustainable Development
- ENV1: Landscape, Seascape and Sites of Other Geological Interest
- ENV2: Wildlife and Habitats
- ENV4: Heritage Assets
- ENV10: The Landscape and Townscape Setting
- ENV12: The Design and Positioning of Buildings
- ENV13: Achieving High Levels of Environmental Performance
- ENV15: Efficient and Appropriate Use of Land
- ENV16: Amenity
- SUS2: Distribution of Development
- COM6: The Provision of Education and Training Facilities
- COM9: Parking Provision

Material considerations

Emerging local plan

10.2 In accordance with paragraph 48 of the NPPF, this emerging plan is at too early a stage to carry any weight in decision making.

National Planning Policy Framework 2024 (as amended 2025)

10.3 Paragraph 11 sets out the presumption in favour of sustainable 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 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.

10.4 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 11 'Making effective use of land.' Paragraph 128 says that Local Planning Authorities should make more effect use of sites that provide community services such as schools.
- 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.' In National Landscapes (formerly known as Areas of Outstanding Natural Beauty), paragraph 189 requires great weight to be given to conserving and enhancing the landscape and scenic beauty.

Paragraphs 192-195 set out how biodiversity is to be protected and encourage net gains for biodiversity.

- Section 16 'Conserving and Enhancing the Historic Environment.' Paragraph 212 says that when considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 216).

Other material considerations

National Planning Practice Guidance

- Dorset AONB Landscape Character Assessment
- Dorset AONB Management Plan 2019-2024 (extended to end of 2025 with the agreement of Dorset Council Cabinet 17/12/2024)
- 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

Supplementary Planning Documents/Guidance For West Dorset area:

- WDDC Design & Sustainable Development Planning Guidelines (2009)
- Landscape Character Assessment February 2009 (West Dorset)

11. 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.

11.1 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.

12. Public Sector Equalities Duty

12.1 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have 'due regard' to this duty. There are three 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.

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

- This proposal would help facilitate the education of individuals with complex educational needs/disabilities.
- The submitted planning statement confirms that there would be level thresholds to external doors, albeit the submitted Design and Access Statement says that if this is not possible, doors would be served by a suitable level platform with non-slip surfacing.
- The planning statement confirms that the entrance lobby would be suitable for wheelchair users. An accessible hygiene/toilet room is proposed.

13. Planning assessment

Principle of development

- 13.1 The site is located within the open countryside, where Policy SUS2 of the local plan strictly controls development, having particular regard to the need for the protection of the countryside and environmental constraints. This is subject to a number of exceptions, one of which is (underlined for emphasis):
- *'new employment, tourism, educational/training, recreational or leisure related development.'*
- 13.2 Policy COM6 also allows for the provision of new education and training facilities, subject to the location being well linked and accessible to the local catchment; and any loss of facilities being re-provided to the same or a higher standard.
- 13.3 The site's planning history shows that the educational use of the site is well established. Whilst users of the site are likely to be car dependent, it is important to recognise that the facility will have a wide draw because of its specialist nature. It is therefore different from a more typical educational establishment that will have a more localised catchment. Nevertheless, its location along the main road between Weymouth and Dorchester, close to surrounding villages, means it is well linked and accessible. Therefore, whilst the proposal does not strictly accord with the 'accessible to the local catchment' criterion, these factors weigh heavily in favour of the proposal and are considered to outweigh the minor conflict with this part of Policy COM6.
- 13.4 Having regard to the second criterion, the development would see the loss of parking spaces and an area of external amenity space, which could be argued to constitute a facility under Policy COM6. However, this is a substantial site with extensive grounds, such that the loss of this small area of space is unlikely to prejudice the wider site and there is no demonstrable need to re-provide the lost space elsewhere.
- 13.5 Taking these factors in the round, the proposal is acceptable under policies SUS2 and COM6 of the local plan.
- 13.6 A review of the site's planning history shows no restrictive planning conditions or Article 4 directions that would prevent the erection of means of enclosure. Owing to the positioning of the proposed fencing and its height of 1.8m, it could be installed anyway under permitted development rights.

Impacts on local character, the National Landscape and heritage, including the setting of Scheduled Monuments and the main school building

- 13.7 The site is within the Dorset National Landscape, where Local Plan Policy ENV1 will not permit development that would harm the character, special qualities or natural beauty of the National Landscape. It goes on to say that development should be located and designed to not detract from the local landscape character. At the national level, paragraph 189 of the NPPF requires 'great weight' to be given to conserving and enhancing landscape and scenic beauty in National Landscapes.
- 13.8 The site also falls within the setting of two Scheduled Monuments, i.e. Maiden Castle and a round barrow cemetery, which are designated heritage assets. Policy ENV4 and paragraph 212 of the NPPF require consideration of a proposed development on the significance of designated heritage assets, with the NPPF also attributing 'great weight' to their conservation. The Edwardian building within the site is considered by the Council's conservation officer to be a non-designated heritage asset, and both Policy ENV4 and paragraph 216 of the NPPF require the effects of development on the significance of non-designated heritage assets to be taken into account. In such circumstances, the NPPF says a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset.
- 13.9 This part of the application site is not visible from the main road, but there are clear public views from the footpath to the west and from Maiden Castle. At around 550m, views from this direction are distant, plus they are somewhat filtered by existing boundary vegetation, but the existing buildings are still clearly perceptible.

- 13.10 The proposed development would also be visible from these vantage points, but it would be experienced as part of the established backdrop, with the 2-3 storey form of existing buildings immediately behind. This includes part of the western side (rear) of the main school building, which holds less architectural interest compared with the main front elevation.
- 13.11 The development would involve the removal of three trees, which are category C (low quality) according to the submitted arboricultural report. Whilst these trees are not important specimens, they do provide a small degree of relief and they help filter views of the existing buildings, softening the edge of the complex. The removal of these trees would therefore have an impact through opening up this part of the site in public views. However, that impact would not be demonstrably harmful because of the separation distance between the site and the footpath and Maiden Castle. Given the expansive and attractive views on offer from these public vantage points, it is doubtful the eye would be drawn towards the application site, particularly given the separation distance. Even if it were, most of the application site can already be seen, and the new single-storey building would be viewed within the context of larger buildings behind it.
- 13.12 Therefore, whilst it would be preferable to retain the trees, their removal would not lead to such demonstrable harm as to justify an objection. Although the breathing space between these buildings and the open western edge of the site would be lost, the single-storey scale of the proposal would make it appear subservient and not unduly discordant in this context.
- 13.13 The main new building's proposed finish of European redwood timber boarding and sheet metal roof would be appropriate. The pergola/gazebo structures would be open-sided, supported by posts in a natural wood finish. The roofs would be natural slate. All materials and finishes have been agreed with the applicant, and a planning condition to ensure their use is reasonable. The weldmesh fence would be black powder coated, which is acceptable.
- 13.14 In summary, taking into account the single-storey scale of the proposals, the design and the separation distance from public vantage points, the scheme is acceptable. The landscape and scenic beauty of the National Landscape would be conserved; no harm would arise to the setting of Maiden Castle and the round barrow cemetery; and there would be no harm to the setting of the Edwardian school building.
- 13.15 The proposals therefore accord with policies ENV1, ENV4, ENV10 and ENV12 of the local plan, and paragraphs 189, 207, 208, 212 and 216 of the NPPF.

Archaeology

- 13.16 The Council's archaeologist has raised no concerns with the proposal. It is considered to accord with Policy ENV4 of the local plan and paragraph 207 of the NPPF.

Impact on neighbouring properties

- 13.17 The separation distance is sufficient to mitigate against an unneighbourly relationship in terms of overshadowing, overlooking or an overbearing presence. Given how this part of the site could currently be used for outdoor amenity space and therefore a source of noise, it is unlikely the proposal would lead to a material difference. The development therefore accords with Policy ENV16 of the local plan.

Highway impacts, safety, access and parking

- 13.18 No objections are raised by Highways in respect of impacts on the local network or from the loss of 16 parking spaces. The proposal would have an acceptable impact on highway safety and is considered to accord with policies COM7 and COM9 of the local plan.

Ecology, including Biodiversity Net Gain

- 13.19 The application is supplemented by an Ecological Impact Assessment, which was referred to the Natural Environment Team (NET) prior to the application being submitted. NET has issued a certificate approving the report, and the mitigation and enhancement measures set

out in sections 5 and 6 of the assessment can be conditioned to any grant of planning permission.

- 13.20 The loss of trees, bushes and grass means the proposal is required to demonstrate at least 10% Biodiversity Net Gain. This would be achieved partly within the application red line on land to the south, and partly through the purchase of offsite credits. This would take place post decision at the discharge of conditions stage.

14. Summary of issues and the planning balance

- 14.1 The proposed new building is acceptable in principle, and its design, scale and appearance are acceptable for this setting in the open countryside. No material harm would arise in terms of the setting of Scheduled Monuments and no adverse impacts are anticipated in respect of archaeology. No harm to neighbour amenity would result and no harm in highway terms is identified. Ecological mitigation and enhancement measures can be conditioned.
- 14.2 The proposed development is therefore considered acceptable and in overall accordance with the policies of the adopted local plan and the NPPF.

15. Recommendation

- 15.1 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:

- A100-P4 location and block plan.
- A110-P2 enclosures.
- A111-P1 levels.
- A112-P1 levels/sections.
- Sketch 01-C proposed tree planting layout.
- 503-RCK-ZZ-SE-DR-A-20300 typical section.
- 2503-RCK-ZZ-ZZ-DR-A-20000 site plan.
- 2503-RCK-ZZ-00-DR-A-20001-P01 ground floor.
- 2503-RCK-ZZ-EL-DR-A-20200-P01 elevations.
- 2503-RCK-ZZ-RF-DR-A-20002 elevations.

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

3. The development shall not be commenced until a Habitat Management and Monitoring Plan (the HMMP) has been prepared in accordance with the approved Biodiversity Gain Plan and submitted to and approved in writing by the Local Planning Authority. The HMMP shall include:

i) A non-technical summary;

ii) The roles and responsibilities of the people or organisation(s) delivering the HMMP;

iii) The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan and a timetable for implementation;

iv) The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of the habitat and enhancement works as set out in the HMMP.

v) The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority.

Thereafter the development shall be carried out, along with the management and monitoring of habitat, in accordance with the approved HMMP.

Reason: in the interests of biodiversity to secure the monitoring and management of significant onsite habitats.

4. Notice in writing shall be given to the Local Planning Authority within one month of the habitat creation and enhancement works as set out in the approved HMMP having been completed. The notice shall include a completion report evidencing the completed habitat enhancements.

Reason: in the interests of biodiversity to secure the monitoring and management of significant onsite habitats.

5. Notwithstanding the approved plans and application form, unless otherwise agreed in writing by the Local Planning Authority, the materials and finishes shall be as follows:

- Modular building:
 - European redwood vertical timber cladding in a natural finish.
 - Thin gauge powder coated steel roof sheeting, eaves, soffits and fascias in grey (RAL 7040).
 - Light grey powder coated aluminium windows (RAL 7040).
 - Basalt grey powder coated aluminium entrance door (RAL 7012).
 - Black UPVC gutters and downpipes.
- Pergola/gazebo shelters:
 - Timber posts and supports in a natural finish.
 - Natural slate roofs.

Reason: for the avoidance of doubt, and to ensure appropriate external finishes.

6. The development hereby approved shall be carried out in full accordance with the ecological mitigation and enhancement measures detailed in sections 5 and 6 of the submitted Ecological Impact Assessment version 1.0, prepared by ES Ltd and dated November 2024. The approved enhancement measures shall be carried out within three months of the commencement of development or the first available ecological window, whichever is the sooner. They shall thereafter be retained and maintained for the lifetime of the development.

Reason: to ensure the delivery of ecological mitigation and enhancement measures.

Informatives

1. 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. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the 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 require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Read more about Biodiversity Net Gain and Biodiversity Gain Plans at <https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain> and <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>