

APPLICATION UNDER SECTION 73 OF THE
TOWN AND COUNTRY PLANNING ACT 1990

APPLICANT: SKELLY CONSTRUCTION LIMITED.

**SITE AT: FORMER SCOUT HUT, LUBBECKE WAY, DORCHESTER,
DORSET, DT1 1QL (THE PUMP HOUSE).**

SUPPORTING PLANNING STATEMENT

TO REMOVE CONDITION 8 PURSUANT TO P/FUL/2021/02056

FOR

'CHANGE OF USE OF FORMER SCOUT HUT TO 1. DWELLING. CREATE NEW

VEHICULAR AND PEDESTRIAN ACCESS AND 2 NO. PARKING SPACES.'

Architects:
Crickmay Stark Architects Ltd
57 High West Street
Dorchester
Dorset
DT1 1UT
Tel: 01305 262636



Sean Williams BA (Hons), MA, MRTPI.

Crickmay Stark Architects Ltd is an RIBA Chartered Practice No. 109416.
Registered Office 57 High West Street Dorchester Dorset DT1 1UT.
Registered in England and Wales No. 4283865 | VAT Registration no. 186234158



CONTENTS

1.0 INTRODUCTION/PROPOSAL.....3

2.0 APPLICATION SITE4

3.0 PLANNING HISTORY.....5

4.0 SITE PHOTOS.....5

5.0 LEGISLATIVE BACKGROUND.....7

6.0 PLANNING CONSIDERATIONS.....8

7.0 CONCLUSION12

8.0 APPENDICES.....13

1.0 Introduction/proposal.

1.1 Crickmay Stark Partnership have been instructed by Skelly Construction Limited, to prepare and submit an application seeking the removal of condition 8 pursuant to planning permission (P/FUL/2021/02056) for the *'Change of use from a former scout hut to 1 No. dwelling. Create new vehicular and pedestrian access and 2 No. additional parking spaces'* at the former scout hut, Lubbecke Way, Dorchester, Dorset.

1.2 This statement provides a brief description of the site and its general locality together with details of the reasons for the application and why condition 8 does not meet the statutory tests and should be removed.

1.3 The relevant condition in dispute is that of condition 8, which the applicant seeks the removal and is repeated below for ease of reference.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no garages, sheds or other outbuildings permitted by Class E of Schedule 2 Part 1 of the 2015 Order shall be erected or constructed.

Reason: To protect amenity and the character of the area.

1.4 As a way of background the planning permission (P/FUL/2021/02056) has now been implemented and the development undertaken. The property is now called, *'The Pump House'* and provides high quality and architecturally interesting accommodation in a sustainable location.

2.0 The application site.

2.1 The former scout hut is centrally located within a housing association development in the control of Magna Housing. There is the Dorchester Youth Association HQ to the north of the site also accessed off Lubbecke Way, which is in-turn adjacent to the Dorchester Ambulance Station. The development is shown below (figure 1.1) as viewed from access from Lubbecke Way to provide visual context together with a block plan of the site at figure 1.2 to provide context as to the related garden area.



Figure 1.1 Looking towards the application site from Lubbecke Way.

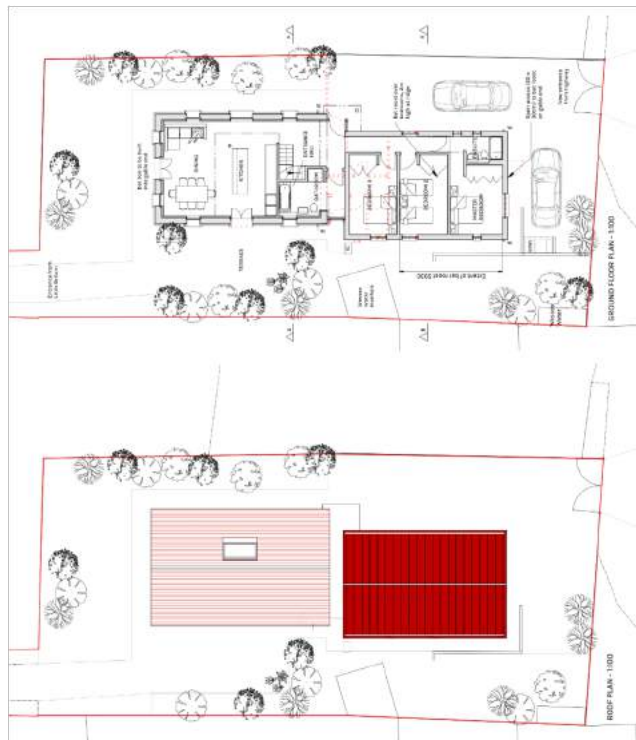


Figure 1.2 Plan showing extent of garden curtilage.

2.2 To the south of the Lubbecke Way is the Red Cow farm development, which has been built out pursuant to 1/D/09/001378 for, ‘Construct new road, demolish existing farm buildings, convert existing barn into three dwellings and erect fifty-one further dwellings and employment with associated garaging and access. Provide allotments and public open space.’

2.3 The proposal is within the Defined Development Boundary (DDB) for Dorchester.

2.4 The river Frome lies to the east although the land raises significantly such that it falls within Flood Zone 1 with a low probability of flood risk.

2.5 There are no listed buildings within the immediate locality and the site does not fall within a Conservation Area or Green Belt or within a designated National Landscape. There are no public rights of way in the immediate locality.

3.0 Relevant planning history.

3.1 P/FUL/2021/02056 – ‘Change of use from a former scout hut to 1 No. dwelling. Create new vehicular and pedestrian access and 2 No. additional parking spaces’– Approved (**APPENDIX A**).

4.0 Photo context.

4.1 To provide visual context the applicant reproduces several viewpoints as shown below.



Figure 1.3 Respective side elevations (north-western and south-eastern respectively).



Figure 1.4: Respective views of the front elevation.



Figure 1.5 (above) Views of the rear (east) elevation.



Figure 1.6 Views of the side elevation (south-eastern elevation).

5.0 Legislative Background.

5.1 The ability of the LPA to impose planning conditions is pursuant to Section 70(1)(a) of the TCPA 1990, which enables to an LPA to impose ‘such conditions that they think fit’. This power needs to be interpreted in light of material considerations such as the National Planning Policy Framework (NPPF), planning policy guidance, and relevant case law.

5.2 Paragraph 55 of the NPPF makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

In summary, conditions should be;

- i) Necessary;
- ii) Relevant to planning;
- iii) Relevant to the development to be permitted;
- iv) Enforceable;
- v) Precise; and;
- vi) Reasonable in all other aspects.

5.3 Furthermore, paragraph 56 of the National Planning Policy Framework (NPPF) states that planning conditions should be kept to a minimum and only imposed when necessary and relevant to planning and the development permitted whilst paragraph 54 of the NPPF states that;

‘54. Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.’

5.4 The Planning Policy Guidance (PPG) states that; ‘conditions restricting the future use of permitted development rights ... may not pass the test of reasonableness or necessity’. Paragraph 54 of the National Planning Policy Framework states that planning conditions should not be used to restrict national PD rights unless there is clear justification to do so. The Planning Practice Guidance (PPG) says that conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity, and goes on to add that the blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.

5.5 Therefore, the removal of freedoms to carry out domestic extensions etc that would otherwise not require planning permission are unlikely to meet all the six tests that planning conditions are required to meet. The starting point is always that permitted development rights should remain in place, unless clear justification for their removal is advanced which is specific to the site.

5.6 The permitted development rights conveyed by the General Permitted Development Order (GPDO) 2015 (as amended) is of course not an unrestricted right and already takes into account the conditions and limitations of the legislative provisions and therefore the authors of the GPDO have already restricted the ability to erect outbuildings to what they consider it necessary. Therefore, the GPDO is designed to confer a freedom from detailed control that is deemed acceptable, subject to its restrictions.

5.7 It is also of note that equally the LPA have not considered it appropriate to restrict permitted development rights elsewhere in the locality by the way of service of an Article 4 Direction.

6.0 Planning considerations.

6.1 Householder permitted development allowances are currently set out at Schedule 2, Part 1 to the GPDO, with Class E specifically dealing with *'buildings incidental to the enjoyment of a dwellinghouse'*. Whilst the GPDO has articles limiting the extent of allowances on certain categories of land such as National Landscapes or Conservation Areas, the property in this instance does not fall into any such category. As such normal permitted development allowances should apply unless exceptional circumstances can be demonstrated.

6.2 Therefore, there must be site specific reasons why the LPA have in this instance imposed such a planning condition when government advice is clear that this should only be imposed in exceptional circumstances. The reason given for the imposition of condition 8 is as follows;

'Reason: To protect amenity and the character of the area.'

6.3 The delegated report, as paragraph 13 does provide some substance as to why it was considered necessary to restrict permitted development rights pursuant to Class E, which is repeated below for ease of reference.

Crickmay Stark Architects Ltd is an RIBA Chartered Practice No. 109416.
Registered Office 57 High West Street Dorchester Dorset DT1 1UT.
Registered in England and Wales No. 4283865 | VAT Registration no. 186234158

13. Has the proposal been designed to provide appropriate levels of amenity for future occupants?

'There will be overlooking from existing homes that surround the building and its garden. This is unavoidable to realise this conversion and there is a degree of conflict with policy ENV16 as a result.

However, future occupiers will know this before moving in and the weight afforded to this issue is therefore tempered as a result.

There is an appropriate level of outdoor space (450 m²). However, it is necessary and reasonable to restrict the erection of incidental outbuildings as this could decrease the outdoor space to an unacceptable level e.g. if 50% of the space was filled by buildings. A condition is considered necessary to remove Sched 2, Part 1, Class E of the GPDO permitted development rights. '

6.4 The last paragraph does provide some limited commentary as to why such a condition was imposed and that being that being that should an occupier utilise their permitted development rights this could allow 50% of the outdoor space filled by buildings therefore limiting the outdoor amenity space. Therefore, the pertinent question here is whether there are such unique and exceptional circumstances that exist that warrant the imposition of the condition.

6.5 However, the above statement is of course at odds with the two-fold reason for the imposition of the condition, which is refers both to amenity and character and appearance of the area. The delegated officer report considers the character and appearance of the area at paragraph 7, which is repeated below.

7. Would the proposal be compatible with or enhance the appearance of the street and area?

The design is commendable and will enhance the streetscene by bringing back into use a redundant building and also possesses a high degree of architectural flair. It is considered necessary and reasonable that this flair is and the legibility of the building's former use (and its architectural and historical qualities) are not diluted by post- occupation alterations and additions. A condition removing Class A, AA and B of Sched 2, Part 1 of the GPDO permitted rights, is considered necessary and reasonable.

The 3D visuals show a dark colour for the standing seam panelling for the extension's walls and roof. It is considered necessary and reasonable that a RAL colour is agreed given the proposal involves the extension of a non- designated heritage asset, and this can be secured by condition.

6.6 The officer makes no reference as to any site-specific sensitivities as to the potential impact that class E outbuildings may have upon the character and appearance of the area. Indeed, the officer does reference the removal of permitted development rights relating to Class A, AA and B of Schedule 2, Part 1 of the GPDO but omits any commentary on Class E. One could allude from this that given the delegated report there is in fact no original concerns in respect of the potential impact of Class E outbuildings with regard to character and appearance but rather the LPA's standard wording was used in the reason for the imposition when this should have been amended to reflect amenity only.

6.7 Dealing specifically with impact of outbuildings on the character and appearance of the area, given that they are not permitted beyond the principal elevation then any outbuilding pursuant to the order will be limited to the side and rear in any case would be entirely consistent with the residential use of the land, within an urban environment, and would not in any way appear incongruous or conspicuous or indeed be out of character in a location which has no specific designation. Given the physical boundaries of the site then the ability to utilise large outbuildings, as permitted development, is in itself limited in any case, and these are likely to require the express grant of planning permission rather than be permitted development.

6.8 The property is orientated such that the front elevation looks east (towards the housing association car park) and the rear elevation west with the principal elevation being on the east giving access to the inner hallway (see figure 1.2). Given the boundaries to the site and the limited curtilage to the rear then the only buildings that would be erected as permitted development to the rear would be those consistent with E.1 (e) of, Class E, Part 1, Schedule 2 of the GPDO, which is repeated below.

1. (e) the height of the building, enclosure or container would exceed—
 - (i) 4 metres in the case of a building with a dual-pitched roof,
 - (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or**
 - (iii) 3metres in any other case;

6.9 Quite simply, Class E, Part 1, Schedule 2 of the GPDO provides sufficient control on what can, and cannot, be erected as permitted development and there is nothing exceptional to warrant additional control by way of a removal of permitted development rights.

6.8. In any case, there is of course no certainty that the applicant or any future occupier would utilise PD rights in such a way that conflicted with the character and appearance. Therefore, it does not follow that there are any exceptional circumstances exist with due regard to character and appearance of the area.

6.9 With regard to amenity space, as clearly stated in the officer report it remains that there is ample outdoor amenity space. Due to aforementioned physical nature of the boundaries to the plot, there is only limited ability to erect larger buildings under Class E and in all likelihood the use of class E will only result in the erection of a very modest shed or greenhouse required for day-to-day living. The legislative provisions of Class E already provide limitations and restrictions designed to minimise the size, position and coverage of outbuildings that was considered necessary to control the extent of Class E outbuildings.

6.10 If the LPA were concerned that householders would erect outbuildings up to 50% of the curtilage, and therein reduce amenity space, then of course the condition would be imposed on the vast majority of new dwellings in urban areas with modest gardens, or the Council would serve a blanket Article 4 Direction, although of course neither of these propositions can be substantiated. There are no exceptional reasons in this case, and it simply does not follow that as there is a theoretical possibility of something happening that such an occurrence will take place. In this case, it would require a home homeowner to erect a continuous run of (many) small sheds as permitted development to restrict the use of this area. Of course, whilst in theory this could take place in practice this wouldn't in anyway be practical and the planning conditions should not be imposed for such an unlikely theoretical possibility.

6.11 There are simply no special reasons for the imposing the condition with due regard to character of the area or amenity. The site does not have any particularly special characteristics that would justify singling it as falling in the exceptional category as required in the legislative provision and the applicant should have the ability to undertake small scale development pursuant to Class E as any

other householder in the locality. As such the condition is unreasonable and unnecessary and should be removed and therefore does not meet the tests of reasonableness or necessity respectfully.

7.0 Conclusion.

7.1 It is the applicant's opinion that there are no exceptional circumstances to justify the imposition of condition 8. Therefore, the removal of this condition in itself would not be contrary to the aims of Local Policies, ENV 10, ENV 12 and ENV16 of the West Dorset, Weymouth and Portland Local Plan (2015).

7.2 For the reasons set out above, it is respectfully requested that the application is approved, and the condition removed.

Sean Williams BA (Hons), MA, MRTPI.

8.0 APPENDICIES.

APPENDIX A – DECISION NOTICE (P/FUL/2021/02056).



Miss Rachel O'Boime
Crickmay Stark Architects
13&14 Princes Street
Princes Street
Dorchester
DT1 1TW

Development Management
County Hall, Colliton Park
Dorchester, Dorset, DT1 1XJ
01305 838336
www.dorsetcouncil.gov.uk

Date: 21 December 2021
Ref: P/FUL/2021/02056
Case Officer: Simon Sharp
Team: Northern Team
01305252517
Simon.Sharp@dorsetcouncil.gov.uk

Town and Country Planning Act 1990
Town and Country Planning
(Development Management Procedure) (England) Order 2015

Planning Decision Notice

Full Planning Application

Application Number: P/FUL/2021/02056
Case Officer: Simon Sharp
Applicant: Skelly Construction Ltd
Location: Scout Association Lubbecke Way Dorchester DT1 1QL
Description: Change of use from a former scout hut to 1 No. dwelling.
Create new vehicular and pedestrian access and 2 No.
additional parking spaces.
Decision Date: 21 December 2021

Dorset Council **grants** planning permission for this development as detailed in the application. In making this decision the Council considered whether the application could be approved with or without conditions or should be refused.

This planning permission does not cover Building Regulations Approval or any other Byelaw, Order or Regulation. Please see our website www.dorsetcouncil.gov.uk/planning-buildings-land/building-control/contacts/building-control-contacts for more details about making a building regulation application and contacting our Building Control Team.

This planning permission is subject to conditions set out over the page.

The applicant's attention is drawn to the need to comply with all conditions imposed on this permission.

There may be conditions that require additional details to be submitted and this may be needed before work can start on the development. Failure to comply with all conditions may result in the Council serving a breach of condition notice, of which, there is no right of appeal. Note that legislation requires the payment of a fee in respect of requests to discharge conditions.

There is a Community Infrastructure Levy (CIL) Liability notice attached to this permission. Your CIL liability notice will follow separately. A CIL payment may need to be paid however you need to follow the strict process in order to comply with the requirements of CIL procedure.

Signed



Mike Garrity
Head of Planning
Economic Growth and Infrastructure

This planning permission is 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:

21/007/01 Rev C
21/007/02 Rev A

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

3. The development hereby approved must not be first brought into use unless and until a report or photographs providing evidence of compliance with the Biodiversity Plan certified by Dorset Natural Environment Team on 14th December 2021, has been submitted to and approved in writing by the Local Planning Authority. Compliance with the said Biodiversity Plan includes pre-commencement a dawn re-entry survey and two dusk emergence surveys for bats carried out under suitable weather conditions between May and the end of August with at least three weeks between each survey. Four experienced surveyors will be required to sufficiently cover the building.

Reason: To secure mitigation, compensation and enhancement/net gain for impacts on biodiversity

4. Before the development is occupied or utilised the first 5.0 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing – see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Planning Authority.

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

5. Before the development hereby approved is occupied or utilised the turning and parking shown on the submitted plans must have been constructed. Thereafter, these areas, must be permanently 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.

6. Prior to development of the extension above damp proof course level, details of the colour of the standing seam panelling for the walls and roof, expressed as a RAL reference, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

APPENDIX B– DELEGATED REPORT PURSUANT TO DECISION NOTICE (P/FUL/2021/02056).

Officer Report

Delegated Officer Report

Application Number:	P/FUL/2021/02056
Proposal:	Change of use from a former scout hut to 1 No. dwelling. Create new vehicular and pedestrian access and 2 No. additional parking spaces.
Location:	Scout Association Lubbecke Way Dorchester DT1 1QL
Recommendation:	Grant permission subject to conditions
Case Officer:	Simon Sharp
Ward Member(s):	Cllr Jones and Cllr Rennie

Fee Paid:	£462.00	CIL Liable:	Yes
Publicity expiry date:	11 October 2021	Officer site visit date:	6 th October 2021
Decision due date:	24 December 2021	Ext(s) of time:	24 December 2021
Where Scheme of Delegation consultation required under constitution:			
SoD Constitutional trigger:			
Nominated officer agreement to delegated decision		Date agreed:	

Relevant Planning History

None relevant

Constraints

PLN - 1/E/89/000052 - 9 Little Britain, DORCHESTER - Distance: 0

PLN - 1/E/81/001149 - LITTLE BRITAIN, DORCHESTER - Distance: 0

PLN - 1/E/80/000160 - LAND AT THE REAR OF LITTLE BRITAIN, DORCHESTER - Distance: 0

PLN - NULL - NULL - Distance: 0

PLN - 1/E/81/000211 - LAND AT THE REAR OF LITTLE BRITAIN, DORCHESTER - Distance: 0

PLN - P/FUL/2021/02056 - Scout Association

Page 1 of 12

Officer Report

Lubbecke Way
 Dorchester
 DT1 1QL - Distance: 0
 PLN - 1/E/01/001913 - The Scout Hut, Lubbecke Way, DORCHESTER - Distance: 0
 CON - DORC, Dorchester Conservation Area - Distance: 86.6
 LP - SUS2; Defined Development Boundary; Dorchester - Distance: 0
 LP - ENV 2; Poole Harbour Nutrient Catchment Area; Poole Harbour - Distance: 0
 LP - Landscape Chara; Valley Pasture; Frome and Piddle Valley Pasture - Distance: 0
 LP - Landscape Chara; Urban Area; Dorchester - Distance: 0
 LP - Boundary; West Dorset District Boundary; West Dorset - Distance: 0
 LP - Landscape Chara; Valley Pasture; Frome and Piddle Valley Pastur - Distance: 0
 LP - Landscape Chara; urban area; Dorchester - Distance: 0
 LP - Landscape Chara; Urban area; Dorchester - Distance: 0
 LP - NULL; NULL; NULL - Distance: 0
 DESI - PDC Poole Dissolve Area - Distance: 0
 DESI - NE - SSSI impact risk zone; - Distance: 0
 DESI - NE - SSSI (400m buffer); River Frome; - Distance: 54.01
 DESI - NE - SSSI: River Frome ; - Distance: 2705.72
 FLD - Flood Zone 3 - Distance: 44.71
 FLD - Flood Zone 2 - Distance: 15.26
 EA - EA - Poole Harbour Catchment Area - Distance: 0
 EA - EA - Groundwater Source Protection Zone - Distance: 12.16

Development Plan policies

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.

Adopted West Dorset and Weymouth & Portland Local Plan:

The site is within the development limits for Dorchester. The building is considered to be a non-designated heritage asset.

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

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats

Officer Report

- ENV4 Heritage assets
- ENV5 - Flood risk
- ENV10 - The landscape and townscape setting
- ENV12 - The design and positioning of buildings
- ENV16 - Amenity
- SUS2 - Distribution of development
- COM3 – The retention of local community buildings and structures
- COM9- Parking provision

Other Material Considerations

National Planning Policy Framework

- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed 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 126 – 136 advise that:

National Planning Practice Guidance

Consultation Responses

Consultation Responses	No Objection	Object	Brief Summary of Comments
Town or Parish Council			"No objection"
Ward Member(s)			Cllr Rennie – "welcome use of a redundant building for housing"
DC Highways			No objection subject to conditions.



Officer Report

DC Natural Environment Team		Approved BP. Implementation to be secured by condition.
DC Building Control		"No adverse comments"
Third Parties		No comments received

Officer Assessment

	Yes	No	N/A
1. Does the proposal represent development that requires planning permission?			
2. Has screening under the Environmental Impact Assessment regulations concluded that no assessment is required?			Not Sched 1 or 2.
3. Does the area benefit from a 5 year housing land supply and has the housing delivery test been passed?			
4. Is the principle of development acceptable?	<p>A highly sustainable location within the main urban area of Dorchester within an acceptable walking or cycling distance to the town centre, employment, education and medical facilities. The proposal accords with policy SUS2 as a result.</p> <p>The tilted balance is not determinative but it is clear that the benefits of the proposal (bringing what is considered to be a non-designated heritage asset back into use and providing a single home) are not outweighed by significant or demonstrable adverse impacts.</p>		

Officer Report

	No harm to the significance of the non-designated heritage asset.		
5. Would the proposal be compatible with or enhance the character and qualities of the area in which it is proposed?	A commendable preservation of the existing building, the previous use of which will remain legible. The extension is subservient and simple in form. It is complementary to its setting within a rather eclectic mixed use area, the majority of uses being residential and two storey. The proposal echoes these characteristics.		
6. Would the proposal be compatible with or enhance the built form, height, mass and scale of development in the area?	See above.		
7. Would the proposal be compatible with or enhance the appearance of the street and area?	<p>The design is commendable and will enhance the streetscene by bringing back into use a redundant building and also possesses a high degree of architectural flair. It is considered necessary and reasonable that this flair is and the legibility of the building's former use (and its architectural and historical qualities) are not diluted by post-occupation alterations and additions. A condition removing Class A, AA and B of Sched 2, Part 1 of the GPDO permitted rights, is considered necessary and reasonable.</p> <p>The 3D visuals show a dark colour for the standing seam panelling for the extension's walls and roof. It is considered necessary and reasonable that a RAL colour is agreed given the proposal involves the extension of a non-designated heritage asset, and this can be secured by condition.</p>		
8. Would the materials, details and features complement the existing built form/be consistent with the general use of materials in the area?			

Officer Report

9. Would the scale of development be acceptable and avoid overdevelopment of the site?	Subservient extension.		
10. Would the proposal ensure the retention of trees at the site and adjacent to the site?	None affected.		
11. Has the proposal been designed to prevent overlooking or loss of privacy that would be demonstrably harmful to any of the neighbouring properties and their gardens?	<p>The nearest dwellings are those to the southwest. These are 2 storey with ground and first floor windows serving habitable rooms facing the site. The proposal includes windows at ground floor serving habitable rooms facing these existing homes. The separation distance is 11m. There are no first floor openings within the proposal on this side. The distance is less than would normally be acceptable but weighing heavily in the overall balance are the following points: -</p> <p>The proposal involves the welcome conversion of an existing building. Greater separation distances cannot be achieved.</p> <p>Leaving the building vacant is not desirable in the middle of this residential area.</p> <p>There is a new build element but this replaces an existing structure.</p> <p>The extant use as a community building could result in as much overlooking and even more amenity issues e.g. noise and disturbance.</p> <p>Additions to the building including, for example sun rooms or dormers could erode the level of residential amenity to unacceptable levels. A condition removing Class A, AA and B of Sched 2, Part 1 of the GPDO permitted rights, is considered necessary and reasonable.</p>		
12. Has the proposal been designed to respect all other amenities of neighbouring properties? (inc. overbearing impact, loss of	Mass of the proposed extension is very similar to existing.		

Officer Report

<i>outlook, unreasonable loss of light, noise, disturbance or other pollution)</i>	As above, the proposed use is likely to reduce the residential amenity impact in terms of noise and disturbance.		
13. Has the proposal been designed to provide appropriate levels of amenity for future occupants?	<p>There will be overlooking from existing homes that surround the building and its garden. This is unavoidable to realise this conversion and there is a degree of conflict with policy ENV16 as a result.</p> <p>However, future occupiers will know this before moving in and the weight afforded to this issue is therefore tempered as a result.</p> <p>There is an appropriate level of outdoor space (450 m²). However, it is necessary and reasonable to restrict the erection of incidental outbuildings as this could decrease the outdoor space to an unacceptable level e.g. if 50% of the space was filled by buildings. A condition is considered necessary to remove Sched 2, Part 1, Class E of the GPDO permitted development rights.</p>		
14. Would any proposed change of use be compatible with existing uses in the area and avoid loss of community facilities/protected employment/protected retail/Assets of Community Value/open space/sports facilities/education?	<p>An independent review of the building was undertaken in 2019 to review the financial feasibility of repairing it to permit continued use by the Scouts. The estimated costs were £100k. This was likely to result in many years of fundraising whilst the hall continued to deteriorate. There is a letter on file from the Scouts saying that the proceeds of the sale of the site with pp would be recycled to assist their objective of providing a new facility within the town.</p> <p>Given the condition of the building, its relatively small size, constrained site and juxtaposition with surrounding dwellings, it is highly unlikely that another community group would use the building. Furthermore, other community buildings are available in locality.</p>		

Officer Report

<p>15. Has the proposal been designed to safeguard any significant wildlife habitats and protected species, or is appropriate mitigation secured where harm has been demonstrated to be unavoidable?</p>	<p>A Biodiversity Plan has been agreed by NET. This responds to the low probability of bats being present in the building (further surveys required but the BP permits the determination of the application).</p> <p>The site is within the Poole Harbour Catchment. Mitigation is required as identified by the Appropriate Assessment under the Habitat Regulations. It is understood that CIL will cover the contributions required for the commensurate level of mitigation.</p>	
<p>16. Is the proposal (alone or in combination) unlikely to result in a significant effect on any internationally protected sites?</p>	<p>See above.</p>	
<p>17.b) If no, has an appropriate assessment concluded that the development impacts can be fully mitigated?</p>		
<p>17. Does the siting and character of the development avoid both the risk of flooding from any source and increased flood risk elsewhere in accordance with chapter 14 of the NPPF?</p>	<p>The site is within flood zone 1. It is not within an area of known surface water flooding problems.</p> <p>Surface water drainage is proposed via the main sewer. This is the least desirable method of draining such water as identified in the national surface water drainage hierarchy. However, it is the existing system that is being utilised with and there is no increase in coverage of the site by buildings or other impermeable surfaces.</p>	
<p>18. Does the proposal avoid adverse impact upon highway safety?</p>	<p>Subject to conditions.</p>	
<p>19. If the building lies within the Area of Outstanding Natural Beauty, does the proposal conserve and enhance the landscape and scenic beauty of the AONB?</p>		

Officer Report

<p>20. Has the proposal been designed so that it would not adversely affect the setting of any listed buildings, Conservation Areas or areas of special landscape designation (Heritage Coast / Area of Outstanding Natural Beauty)?</p>	
<p>21. If the site is listed or is a non-listed heritage asset, would the proposal preserve the special architectural or historic interest of the building and its setting?</p>	<p>See 5 and 7.</p>
<p>22. If sited within a Conservation Area, would the proposal preserve or enhance the character and appearance of the Conservation Area?</p>	
<p>23. If sited in proximity of a Scheduled Ancient Monument or area of archaeological interest is the development acceptable or can it be made acceptable by condition?</p>	

Balance and conclusions

The development is accordant with the development plan as a whole. The small degree of discordance includes the residential amenity impact but, overall, these are not considered to be determinative in the balancing exercise. Conditions are deemed necessary as explained in this report.

	Yes	No
<p>Having regard to your answers to all the preceding questions, is the application considered to be acceptable?</p>		

Officer Report

Recommendation: Grant permission subject to 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:

21/007/01 Rev C
21/007/02 Rev A

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

3. The development hereby approved must not be first brought into use unless and until a report or photographs providing evidence of compliance with the Biodiversity Plan certified by Dorset Natural Environment Team on 14th December 2021, has been submitted to and approved in writing by the Local Planning Authority. Compliance with the said Biodiversity Plan includes, pre-commencement, a dawn re-entry survey and two dusk emergence surveys for bats carried out under suitable weather conditions between May and the end of August with at least three weeks between each survey. Four experienced surveyors will be required to sufficiently cover the building.

Reason: To secure mitigation, compensation and enhancement/net gain for impacts on biodiversity

4. Before the development is occupied or utilised the first 5.0 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing – see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Planning Authority.

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

5. Before the development hereby approved is occupied or utilised the turning and parking shown on the submitted plans must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

Officer Report

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

6. Prior to development of the extension above damp proof course level, details of the colour of the standing seam panelling for the walls and roof, expressed as a RAL reference, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no enlargement(s) of the dwellinghouse hereby approved, permitted by Classes A, AA and B of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To protect amenity and the character of the area.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no garages, sheds or other outbuildings permitted by Class E of Schedule 2 Part 1 of the 2015 Order shall be erected or constructed.

Reason: To protect amenity and the character of the area.

Informatives

1. Informative: National Planning Policy Framework Statement
In accordance with paragraph 36 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 applications/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 vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact

Officer Report

Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

Case Officer Signature:	Simon Sharp	Authorising Officer Signature:	H Smith
Date:	21/12/2021	Date:	21/12/2021

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no enlargement(s) of the dwellinghouse hereby approved, permitted by Classes A, AA and B of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To protect amenity and the character of the area.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no garages, sheds or other outbuildings permitted by Class E of Schedule 2 Part 1 of the 2015 Order shall be erected or constructed.

Reason: To protect amenity and the character of the area.

Informatives:

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 applications/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 vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

Planning Decision Notes

Power to grant planning permission

This permission is issued by Dorset Council as the local planning authority set out by the Town and Country Planning Act 1990 (as amended) and the Town and Country (Development Management Procedure) (England) Order 2015.

Removal of application site notice

If you have not already done so I would be grateful if you could take down and dispose of this application's site notice if it is still being displayed outside the property.

How to comply with the conditions of your planning permission

You should not start work until you have agreed with the Council the information requested by the conditions. If you fail to do this the works on site could be unauthorised and the Council may consider enforcement action.

The information must be submitted in writing. There is a standard form which you can download from the website www.dorsetcouncil.gov.uk/planning. A fee is required each and every time you apply to discharge any or all of the conditions (£34 per request for householder applications, £116 per request for all other classes).

Appeals to the Secretary of State

If you disagree with our decision or the attached conditions, then you can appeal to the Secretary of State (Planning Inspectorate) under section 78 (1) of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within **SIX MONTHS** of the date of this notice. If this decision is on a planning application relating to the same or substantially the same land and development that is already subject to an **enforcement notice**, if you want to appeal against our decision on your application, then you must do so within 28 days of the date of this decision notice.

If an **enforcement notice** is served relating to the same or substantially the same land and development as in your application and you want to appeal against our decision, then you must do so within **28 days of the date of service of the enforcement notice**, or within **SIX MONTHS** of the date of the decision notice, whichever date expires first.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

An appeal must be made by the applicant. You must use a form that you can get from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or an appeal can be made on-line at this website www.planningportal.gov.uk/pcs

The Planning Inspectorate can allow a longer period for giving notice of an appeal, but they will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Planning Inspectorate need not consider an appeal if it seems that we could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

The Planning Inspectorate does not normally refuse to consider appeals solely because we based our decision on a direction given by them.

Purchase Notices

If either the Council or the Planning Inspectorate refuses permission to develop land or grants it subject to conditions, the owner may claim, in exceptional circumstances, that neither the land can be put to a reasonably beneficial use in its existing state, nor can the land be rendered capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.