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Development Control Committee

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24 April 2008

**To: All Members of the Development Control Committee
All other Members of the Council for information**

Dear Member

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held in the Council Chamber, Nordon, Salisbury Road, Blandford Forum on **Wednesday, 7 May 2008 at 10.00am** to consider the items overleaf.

Yours sincerely



**Elizabeth Goodall
Chief Executive**

Public Participation

Members of the public who have made representations on a planning application considered at this meeting may speak on that application. If you wish to do so, please register with Sandra Deary (Democratic Services Officer) on 01258 484370 as far in advance of the meeting as possible. When you arrive at the meeting, please also register that you are present and intending to speak. Public participation is run on rules set out in a leaflet (available at the meeting, or by contacting Democratic Services as above).

The minutes of this meeting will be published and available on the website, usually before the date of the next meeting.

A summary of the decisions made at the meeting will be available on the website (www.north-dorset.gov.uk) within a day or two of the meeting.

Agenda: see overleaf

A G E N D A

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Councillors are reminded of their obligations under the Code of Conduct to declare any personal and prejudicial interests

3. MINUTES

To confirm the minutes of the meetings of the Development Control Committee held on 8 April 2008, (previously circulated), as a correct record.

4. PLANNING APPLICATIONS

To consider the planning applications set out in the Report (*attached*) of the Development Control Manager.

5. PLANNING APPEALS

To note the Report (*attached*) of the Development Control Manager on Planning Appeals.

Members of the Committee

Chairman

W Batty-Smith

Vice Chairman

M Jeffery

N Cook

Mrs Hunt

Mrs D Croney

Miss T Lever

C Dowden

G Miller

V Fox

D Milsted

J Hickish

Mrs V Potheary

**RESERVED DAY FOR
SITE VISITS**

TUESDAY 20 MAY 2008

NEXT SCHEDULED COMMITTEE MEETING

TUESDAY, 3 JUNE 2008

INDEX FOR PLANNING APPLICATIONS – 7 May 2008

NEW APPLICATIONS

App No	Location	Ward Member(s)	Page
2/2008/0176 RT	Land off Common Mead Drove, off Common Mead Lane, GILLINGHAM	Cllr Mrs V Potheary Cllr M White	1 - 6
2/2008/0302 AJW	7, 8 and 9 High Street, GILLINGHAM	Cllr D Milsted	7 - 11
2/2008/0247 RT	Trooper Cottage, STOURTON CAUNDLE	Cllr W Batty-Smith Cllr G Carr-Jones	12 - 17
2/2008/0259 HP	Middle Farm, WINTERBORNE ZELSTON	Cllr Mrs D L Jones Cllr M Cox	18 - 22

Gillingham

Application Type: Full Planning (Minor) **Application No:** 2/2008/0176
Applicant: Scottish and Southern Energy Plc **Case Officer:** Richard Towndrow
Recommendation Summary: Approve

Location: Land Off Common Mead Drove, Off Common Mead Lane, GILLINGHAM

Proposal: Erect 1 No 33/11 kV sub station, comprising of 2 No external transformer bays and a switch house contained within a palisade fenced compound. Form vehichular access, turning and parking area.

Plan Numbers: Drg. No. BS 270350 2-SK 01 Rev.P1, 2-SK02 Rev. P1, 2-101 Rev.P1, 2-102 Rev. P1, 2-103 Rev. P1, 2-201 Rev.P1, 2-202 Rev. P8, 2-03 Rev.P1 rec'd 19.02.2008.

Planning Policies:

Local Plan: 1.33 Landscape Character Areas
1. 6 Development in the Countryside
1. 8 Standard Assessment Criteria
1.14 Surface Water Drainage Requirements
1.15 Foul Drainage Arrangements
1.17 Sewage Treatment Wks Protect. Area

Structure Plan:

Regional Planning Guidance:

Policy Guidance & Statements:

Constraints:

Blackmore Vale Landscape Area
Sewage Treatment Works Protection Area
Outside Settlement Boundary
Hazardous Installations

<p><u>Reason for Committee Decision:</u> At the request of the Planning Committee Chairman</p>

Statutory Duties (upon the LPA):

Planning and Compulsory Purchase Act 2004:

Section 38(5): *If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be).*

Section 38(6): *If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.*

Town and Country Planning Act 1990:

Section 197: *It shall be the duty of the local planning authority – (a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and (b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.*

Human Rights Act 1998:

Article 8, Right To Respect For Private And Family Life: *1. Everyone has the right to respect for his private and family life, his home and his correspondence. 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, etc.*

The First Protocol, Article 1, Protection of Property: *Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest, etc.*

Description of Site: The area is located to the south west of Gillingham at the eastern end of Common Mead Drove. The new site is adjacent to the railway embankment, opposite the entrance to the sewage works. The site comprises the corner of a field under pasture bounded by mixed hedgerows with occasional mature tree.

Relevant Planning History: The Committee have considered a number of applications for a new substation at Gillingham as follows:

- 2007/0398 Electricity substation, adjoining western boundary of the sewage works, APPROVED 01/08/2007.
- 2006/0941 Electricity substation and 200m service road, in adjoining field to sewage works, REFUSED on 07/11/2006 on the grounds that it would detract from the rural character and visual amenity of the area and result in the loss of a substantial section of mature hedgerow.
- 2004/1319 Electricity substation at land adjacent Quarry Farm, Eccliffe, Gillingham, WITHDRAWN 06/02/2007.
- 2004/0533 As above but different design, REFUSED 27/09/2004.

Consultations:

Town/Parish Council: No objection, subject to approval by the Rights of Way Officer, Conservation Officer, Tree Officer, and Highway Officer, increased screening of the substation by the planting of trees and bushes, colours to blend in with the surrounding area, regular maintenance of The Drove, confirmation that there will be no additional overhead cables and that any damage caused as a result of construction vehicles using The Drove is rectified.

Highway Authority: No objection, in principle.

Environment Agency: No objection, subject to appropriate conditions.

Wessex Water: Recommend that the developer protects the integrity of Wessex systems and agree prior to the commencement of works on site arrangements for the protection of infrastructure crossing the site.

NDDC Trees & Landscape Officer: No objection

NDDC Environmental Health: No comment

Representations: Six letters of objection / concern from local residents concerning development in the countryside, loss of hedge, loss of wildlife, height of building, colour of materials increase in traffic, lack of landscaping, sound nuisance, need for razor wire on top of fence, unsuitable access road.

Planning Appraisal: The proposal is to erect a new 33/11kV Primary Sub-Station, to include a switch house for the indoor 33kV and 11kV distribution equipment and 2 No. 24 MVA capacity external transformers. The compound measures 38.8m x 27.5m and would be enclosed in 2.5m high dark green powder coated palisade fencing plus razor wire topping. The switchroom is a single storey brick constructed building with a monopitched profiled steel clad roof between 4m – 5.4m in height. The sub-station is designed and sited directly adjacent to the three-way junction of the 11kV circuits and a short distance to the nearest 33kV supply south of the railway. No new overhead lines would be constructed. A new entrance would be formed off Common Mead Drove which would require a section of hedge to be removed, but no trees affected. The applicants (SSE) have carried out an ecological and environmental assessment of the land and any issues would be taken account of in the detail design. There is no evidence of protected species other than the hedgerows and mature trees which are likely to support breeding birds and could provide roosting sites for bats.

Suitability of the site

This revised location on the southern side of Common Mead Drove has the advantage of being a more secluded site with better scope for further landscaping and overcomes some of the many concerns of the Three Rivers Partnership.

Need for the facility

There are two Shaftesbury to Bourton 33kV circuits, one to the north of Gillingham, and the other to the south. SSE decided to use the southern circuit to provide the supply to the proposed sub-station. The original proposal was to construct the new sub-station on land at Eccliffe but the Committee were unhappy in principle with the proposal and it was refused three years ago. Proceeding to search for an alternative site SSE became aware of an area of land which was potentially available to the south of Gillingham town centre, and part of the undeveloped area of the Brickfields Industrial Estate, they entered into negotiations with the landowner, Sigma Aldrich, carried out a survey, and prepared a schematic proposal for the planning application to be considered in March 2006. Then the landowner declined to sell. Further research revealed some land available at Chantry Fields, off Common Mead Drove. It was proposed to site the compound at the far end of the fields away from Common Mead Drove and would have required a service road of some 200m. With the compound overlapping the adjoining field over 40m of an important mature hedge would have been removed. This application was also refused, as set out above [2006/0941]. Following the approval of the site adjoining the sewage works in August last year, again the landowner declined to sell.

It is noted that the electrical load at Gillingham has been rising steadily over the years and that the load is expected to continue to rise in the future. SSE have confirmed that the electrical requirement for the new primary sub-station at Gillingham is now extremely urgent and unless planning permission can be obtained for a new sub-station soon, security of supply in Gillingham will inevitably be put at risk. There have been complaints already regarding this situation, including recently from a Government Minister. SSE are now confident that the new owners will sell this site.

Other Matters

With reference to the comments received from local residents:

- Common Mead Drove is owned and maintained by Wessex Water.
- SSE are not acquiring the remaining area of the field west of the compound.
- The fencing around the operational compound is Dark Green colour coated and the switchroom would be constructed in facing brick with a steel clad roof. Alternative maintenance-free materials, and colours could be considered.
- SSE avoids having more substantial planting in close proximity to its sub-stations because it tends to grow in towards electrical equipment, and can cause a loss of supply and present a fire risk. Also SSE require visibility in to the sub-station compound, so that should anyone gain entry, they can be seen from outside.
- Modern transformers are very quiet in operation, and should be almost inaudible even a few metres away from the perimeter fence.
- The sub-station will be unmanned, so the lighting in the external compound would not normally be in use. Routine maintenance would normally be carried out in daylight hours, but might occasionally require the lights to be used in winter months. Very rarely emergency maintenance could be carried out during the hours of darkness, for instance if there was a loss of supply in the local area. The lights might also be operated in the event of an attempted ingress.

Conclusion: The proposal is considered acceptable, officers are of the opinion that this is as good a site if not better than the approval of 2007 and will not adversely affect the appearance and character of the area, or the amenities of any residential properties and that the applicants have addressed the previously raised issues subject to conditions regarding landscaping and materials.

Recommendation: APPROVE

Conditions:

1. FR11 - COMMENCEMENT (FULL PERMISSION)
2. MT03 - MATERIALS (NOTWITHSTANDING DETAILS SUBMITTED)
3. LS09 - HEDGEROW PROTECTION
4. LS12 - NEW PLANTING
5. DR01 - FOUL & SURFACE WATER DRAINAGE
6. BS04 - OUTSIDE STORAGE (COMMERCIAL)

NOTE: This development has land drainage implications. The applicant should contact the Environment Agency and / or the Technical Services Section of the North Dorset District Council to ascertain their requirements in respect of this matter.

Reason for Decision:

1. The proposal is of the appropriate design and scale and would not harm residential amenity or the landscape character of the area.
2. In reaching this decision the policies in the Development Plan for the area, which currently comprises the Bournemouth, Dorset and Poole Structure Plan 2000 and the North Dorset District Wide Local Plan (First Revision) 2003, were taken into account.
This includes specifically the following policies: 1.6, 1.8, 1.14, 1.15, 1.17, 1.33.

Human Rights:

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.

DECISION:

Gillingham

Application Type: Change of Use

Application No: 2/2008/0302

Applicant: Lancol Properties Limited

Case Officer: Andrew Williams

Recommendation Summary: Approve

Location: 7, 8 and 9, High Street, GILLINGHAM

Proposal: Change of use of ground floor from retail (Class A1) to restaurant (Class A3)

Plan Numbers: Received 1 April 2008

Planning Policies:

Local Plan: 3.17 Change of Use in Retail Areas
1. 8 Standard Assessment Criteria
1.24 Character of Conservation Areas

Structure Plan: SH.B Imp. of Local Shopping Facilities
S.C Local Service Centres

Regional Planning Guidance:

Policy Guidance & Statements: PPS 6: Planning for Town Centres

Constraints:

Blackmore Vale Landscape Area
Area Liable to Flood - Flood Zone 3
Conservation Area
Area Liable to Flood - Flood Zone 2
Primary Shopping Frontage
Hazardous Installations

<u>Reason for Committee Decision:</u> Request by Cllr Milsted, Local Member
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Statutory Duties (upon the LPA):

Planning and Compulsory Purchase Act 2004:

Section 38(5): *If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be).*

Section 38(6): *If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.*

Planning (Listed Buildings and Conservation Areas Act) 1990 as amended:

Section 72(1): *In the exercise, with respect to any buildings or other land in a Conservation Area, of any functions [of the Planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

Human Rights Act 1998:

Article 8, Right To Respect For Private And Family Life: *1. Everyone has the right to respect for his private and family life, his home and his correspondence. 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, etc.*

The First Protocol, Article 1, Protection of Property: *Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest, etc.*

Description of Site:

The vacant retail unit, formerly 'Tudor News' lies in the High Street to the west of the Town Bridge between a Chinese takeaway and a retail charity shop and then the Red Lion public house.

Relevant Planning History:

2/2002/0825 Permission granted on Appeal in May 2003 to use the ground floor of the premises for A3 restaurant and café uses, with conditions as per those recommended below.

Consultations:

Town Council: Comments awaited (to be reported orally at Committee meeting if provided).

Environment Agency: Comments awaited (ditto above).

Highways Authority: No objections

Representations:

None received

Planning Appraisal:

This application is for the renewal of permission granted on Appeal, which has not been implemented and expires on 19 May 2008.

The frontage is designated as Primary Retail Frontage, where Policy 3.17 states that the change of use of retailing units to*"food and drink uses will only be permitted where one or more of the following criteria apply:*

- *Vitality and viability of area not prejudiced,*
- *Change of use does not result in unacceptable concentration of similar uses e.g. at least 1 adjoining unit should be in retail (A1) use,*
- *The existing shop frontage is retained".*

The application meets the requirements of the two latter criteria.

The Planning Inspector, in his decision letter in 2003 concluded that another A3 use in this area would not undermine the vitality and viability of the retail function of the Gillingham town centre.

The unit has now been vacant for some time. The granting of a renewal of permission for an A3 use extends the scope of potential future uses of the building – it could be and continue to be used for either A1 retail or A3 restaurant type uses.

A Flood Risk Assessment has been submitted with the application as the property lies within a flood zone and that the property is at some risk of flood. The comments of the Environment Agency are awaited. However officers' interpretation of PPS25 is that an A3 use is an acceptable alternative use to A1 in this locality.

The Inspector, in the Appeal Decision, imposed conditions restricting opening hours to 11 am to 12 midnight and requiring details of extraction equipment to be submitted. These conditions are repeated in the Recommendation

Conclusion:

An A3 use is considered to be an acceptable use in this location and to meet the requirements of planning policies.

Recommendation: APPROVE

Conditions:

1. FR11 - COMMENCEMENT (FULL PERMISSION)
2. No development shall take place until a scheme showing details of the means of ventilation and fume extraction from the premises, sound attenuation measures associated with the means of ventilation and fume extraction, the position and finish of any external flues and a programme of operation and equipment maintenance has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed in its entirety before the use of the premises hereby permitted commences and thereafter shall be retained, maintained and operated in accordance with the approved details.
3. The premises shall not be open for customers outside the following times: 1100 to Midnight, Monday to Sunday.

Reason for Decision:

1. In reaching this decision the policies in the Development Plan for the area, which currently comprises the Bournemouth, Dorset and Poole Structure Plan 2000 and the North Dorset District Wide Local Plan (First Revision) 2003, were taken into account.
This includes specifically the following policies:
Local Plan policies 1.8 and 3.17
2. An A3 use is considered to be acceptable in this location in the High Street [Application Ref No. 2/2002/0825] and complies with the appeal decision dated 19 May 2003.

Human Rights:

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.

DECISION:

Stourton Caundle

Application Type: Full Planning (Minor)

Applicant: Mr W Webb

Application No: 2/2008/0247

Case Officer: Richard Towndrow

Recommendation Summary: Approve

Location: Trooper Cottage, STOURTON CAUNDLE

Proposal: Erect 1 no. garage/shed (demolish existing shed)

Plan Numbers: Plans rec'd 12.03.2008.

Planning Policies:

Local Plan: 1.33 Landscape Character Areas
1.8 Standard Assessment Criteria
1.23 Setting of Listed Buildings
1.24 Character of Conservation Areas

Structure Plan:

Regional Planning Guidance:

Policy Guidance & Statements:

Constraints:

Listed Building: Grade II
Limestone Ridges Landscape Area
Conservation Area
Listed Building
Outside Settlement Boundary
Public Right of Way
Planning Agreement

Reason for Committee Decision: At the request of the Planning Committee Chairman

Statutory Duties (upon the LPA):

Planning and Compulsory Purchase Act 2004:

Section 38(5): *If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be).*

Section 38(6): *If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.*

Planning (Listed Buildings and Conservation Areas Act) 1990 as amended:

Section 72(1): *In the exercise, with respect to any buildings or other land in a Conservation Area, of any functions [of the Planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

Town and Country Planning Act 1990:

Section 197: *It shall be the duty of the local planning authority – (a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and (b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.*

Human Rights Act 1998:

Article 8, Right To Respect For Private And Family Life: *1. Everyone has the right to respect for his private and family life, his home and his correspondence. 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, etc.*

The First Protocol, Article 1, Protection of Property: *Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest, etc.*

Description of Site: Trooper Cottage is a grade II listed building within the settlement boundary and conservation area of Stourton Caundle. The property is located in a good size garden plot which is secluded and well screened with mature landscaping and boundary fencing.

Relevant Planning History:

- 2005/ 0011 garden shed adjoining front of cottage, allowed on appeal 07/07/2005
- 2006/1090 smaller garden shed, approved on the same site 23/11/2006

Consultations:

Town/Parish Council: Object, too big, request to go before the Planning Committee.

Highway Authority: No comment

Rights of Way Officer: No comment

NDDC Conservation Officer: No conservation objection

NDDC Trees & Landscape Officer: No comment

Representations: Six letters of objection from local residents concerned about:

- Size and height of the building
- Unsightly design
- Overdevelopment of the site
- Out of keeping with the character of the conservation area
- Out of keeping with the character of the garden of the listed building
- Loss of view, this is the only vantage point along the High Street in the centre of the Village with a view across the fields towards Spire Hill
- Devalue adjoining properties
- Loss of character of the adjoining footpath
- Mar the enjoyment of the public (customers of the Trooper Inn, the Strawberry Fayre, The Village Games)
- Garden becoming a semi-industrial estate

Planning Appraisal: The proposal is to erect a double garage/garden shed to replace the smaller shed approved in 2006, which only the base has been constructed. The building measures 8m x 5.5m with a ridge height of 5.3m above the garages. The building has been designed with a traditional 45 degree pitch for the garages with only a 22.5 degree pitch for the side storage area to help reduce the overall bulk. The building would be constructed in timber, stained dark brown with clay tiles for the roof and timber side hung double doors.

Before submitting the application the applicant took the advice of the Council's Planning and Conservation Officers regarding siting, design and materials. The approved shed measured 5.5m x 3.25m with a ridge height of 3.6m.

The building would be sited in the far corner of the rear garden some 45m from the rear of the cottage and well screened by the mature belt of trees on the boundary. As a result it is not considered that the proposal would have an adverse impact on the setting of the listed building or on adjoining neighbours

The applicant has stated that due to a change of circumstances he is selling his large house in the south of France and wishes to repatriate two vintage cars, two motorcycles and racks of tools.

Although there is a public footpath running from the road alongside the south boundary of this site, it is not considered that this modest garage/shed will detrimentally impact on it, especially as there is good boundary landscape screening.

The proposal is well designed using good quality materials sympathetic to the character of the cottage and the conservation area. Officers are of the opinion that there are no planning reasons to refuse this structure in the rear garden of Trooper Cottage and therefore the proposal is considered acceptable and will not adversely affect the appearance and character of the conservation area, the setting of the listed building, or the amenities of adjoining occupiers.

Conclusion: The proposal is considered acceptable, would preserve the character and appearance of the conservation area and would not have an adverse impact on the setting of the listed building. Further it would not have an unacceptable impact on the living conditions of adjoining occupiers through visual intrusion or loss of light.

Recommendation: APPROVE

Conditions:

1. FR11 - COMMENCEMENT (FULL PERMISSION)
2. MT02 - MATERIALS (SAMPLES FOR APPROVAL)
3. OC04 - ANCILLARY

Reason for Decision:

1. The proposal is of the appropriate design and scale, would not harm residential amenity, and would preserve the character of the Conservation Area whilst having no adverse impact on the listed building itself.
2. In reaching this decision the policies in the Development Plan for the area, which currently comprises the Bournemouth, Dorset and Poole Structure Plan 2000 and the North Dorset District Wide Local Plan (First Revision) 2003, were taken into account.
This includes specifically the following policies: 1.8, 1.23, 1.24, 1.33.

Human Rights:

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.

DECISION:

Winterborne Zelston

Application Type: Listed Building Consent
Application No: 2/2008/0259
Applicant: Mrs D Jones
Case Officer: Miss Hannah Powell
Recommendation Summary: Approve

Location: Middle Farm, WINTERBORNE ZELSTON

Proposal: Raise floor level and erect stud wall to create ground floor shower room and reinstate lounge door.

Plan Numbers: Drawing No. JC090108 received on the 13th March 2008.

Planning Policies:

Local Plan: 1.21 Alterations to Listed Buildings

Structure Plan: EN.Q Architectural & Historic Heritage

Regional Planning Guidance:

Policy Guidance & Statements: PPG 15: The historic environment

Constraints:

Listed Building: Grade II
River Valley Area
Important Open/ Wooded Area
Chalk River Valleys Landscape Area
Chalk Uplands Landscape Area
Site of Archaeological Importance
Groundwater Source Protection Area
Conservation Area
Tree Preservation Order
Area Liable to Flood - Flood Zone 2
Listed Building
TPO: YES

<u>Reason for Committee Decision:</u> Applicant is District Councillor

Statutory Duties (upon the LPA):

Planning and Compulsory Purchase Act 2004:

Section 38(5): *If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be).*

Section 38(6): *If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.*

Planning (Listed Buildings and Conservation Areas Act) 1990 as amended:

Section 16(2): *In considering whether to grant Listed Building Consent for any works, the LPA shall have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

Section 72(1): *In the exercise, with respect to any buildings or other land in a Conservation Area, of any functions [of the Planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

Town and Country Planning Act 1990:

Section 197: *It shall be the duty of the local planning authority – (a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and (b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.*

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The First Protocol, Article 1, Protection of Property: *Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest, etc.*

Description of Site: Middle Farm is a listed building situated centrally in Winterborne Zelston, within the conservation area. The property is set in generous gardens and is accessed from a private drive.

Listing: Detached farmhouse. Late C18-early C19. Plastered cob walls on brick plinth, thatched roof, brick end stacks. 2 storeys. Lean-to addition on left, of brick, with slate roof. Stable door in this. In main house, stable door in slightly recessed arched porch. Ground floor has 4 casement windows with glazing bars. First floor has 4 casement windows, slightly dormered, timber glazing bars to opening lights; remains of lead lights in fixed lights.

Relevant Planning History: Nil

Consultations:

Town/Parish Council: No objection to the application.

County Archaeologist: Considering the nature of the proposed development, I advise that there seems to be no archaeological constraint to take into account when determining this application.

NDDC Conservation Officer: No Objection.

The proposal consists solely of internal works. There is no destruction of historic fabric and the works are reversible.

The application preserves the character of the listed building in accord with PPG15 and Local Plan Policy 1.21.

Representations: Nil

Planning Appraisal: The internal works to the listed building involve the addition of stud partitions to form an accessible downstairs shower room out of an area that is currently the hallway of the property.

The proposed works are reversible as it is proposed to add a stud wall between the walls of the dining room and the study. The addition of the downstairs bathroom does not affect the architectural or historic interest of the building, and in this respect it would not be an issue if the works were not reversed in the future.

The proposal is therefore in accord with Local Plan Policy 1.21, and PPG15 regarding the historic environment.

Conclusion: The internal works to the listed building are in accord with national and local policy regarding alterations to listed buildings as the architectural and historic interest of the building will be preserved and no original or historic features will be destroyed. The works are reversible and do not affect the historic fabric of the building.

Recommendation: APPROVE

Conditions:

1. FR12 - COMMENCEMENT (LISTED BUILDING & CONSERVATION AREA)

Reason for Decision:

1. In reaching this decision the policies in the Development Plan for the area, which currently comprises the Bournemouth, Dorset and Poole Structure Plan 2000 and the North Dorset District Wide Local Plan (First Revision) 2003, were taken into account.
This includes specifically the following policies: 1.8, 1.21.
2. Policy 1.21 and PPG 15 is complied with as the architectural and historic interest of the building will be preserved and no original or historic features will be destroyed.

Human Rights:

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.

DECISION:

AGENDA ITEM 5

DEVELOPMENT CONTROL COMMITTEE – 7 May 2008 PLANNING APPEALS Report of Development Control Manager

APPEALS LODGED BETWEEN 31 March and 24 April 2008		
P.A. No.	APPLICANT/PROPOSAL	METHOD OF DETERMINATION
2/2007/1300	Mr J Trim Certificate of Lawfulness to continue occupying the dwelling by persons not working at or enjoying the facilities of the proposed stables and cross country course Church Farm, WEST STOUR	PUBLIC INQUIRY
APPEAL DECISIONS RECEIVED BETWEEN 31 March and 24 April 2008		
P.A. No.	APPLICANT/PROPOSAL	APPEAL DECISION
	None	
COSTS AWARDED AGAINST THE COUNCIL BETWEEN 31 March and 24 April 2008		
P.A. No.	APPLICANT/PROPOSAL	
	None	