

Okeford Fitzpaine



Application Type: Outline Application

Application No: 2/2018/0458/OUT

Applicant: Lone Star Land Ltd

Case Officer: Ms Clare McCarthy

Recommendation Summary: Refuse

Location: Shillingstone Poultry Farm , Shillingstone Lane, Okeford Fitzpaine, DT11 0RB

Proposal: Demolish existing buildings and develop land by the erection of up to 45 No. dwellings with associated infrastructure, including the widening of Shillingstone Lane and provision of school drop off car park. (Outline application to determine access).

Reason for Committee Decision:

Written material representation has been received by the Head of Planning (Development Management and Building Control) and that representation has been made by Parish Council in whose area the application is situated, and received by the Head of Planning (Development Management and Building Control) within the Consultation Period and contains a recommendation that is contrary to the proposed decision.

The Head of Planning (Development Management and Building Control) at his/her absolute discretion after consultation with the Chairman of the Planning Committee, the Vice Chairman of the Planning Committee and the Ward Member(s) of the area in which the site of the application is situated considers is a matter which ought to be referred to the Planning Committee for determination.

Planning Policies:

North Dorset Local Plan Part 1 (January 2016):

- Policy 1 - Sustainable Devt.
- Policy 2 - C Spatial Strategy
- Policy 3 - Climate Change
- Policy 4 - The Natural Env.
- Policy 5 - The Historic Env.
- Policy 6 - Housing Distribution
- Policy 7 - Delivering Homes
- Policy 8 - Affordable Housing
- Policy 13 - Grey Infra.
- Policy 14 - Social Infra.
- Policy 15 - Green Infra.

- Policy 20 - The Countryside
- Policy 23 - Parking
- Policy 24 - Design
- Policy 25 - Amenity
- 1. 7 Dev. within Settlement Boundaries
- 1. 9 Important Open or Wooded Areas

North Dorset District-Wide Local Plan (saved policies) 2003

Policy OF1 (Employment Development Site E/34/1), relates to the relocation of the chicken factory that was proposed to relocate to the poultry farm site which is this application site. Policy OF1 specified:

- "2.1 Hectares (5.2 acres) of land at Shillingstone Lane will be developed for employment use, specifically for the relocation of the existing employment site off Higher Street, subject to the following criteria;
- (i) the satisfactory relocation of the existing poultry rearing unit,
 - (ii) the site shall be served by a new access road off Castle Lane,
 - (iii) the existing vehicular access off Shillingstone Lane shall be closed,
 - (iv) where necessary improvements shall be made to Castle Lane northwards from the new access road to the junction with the A357."

Note: the continued use of this site sought a new access road off Castle Lane and the existing vehicular access off Shillingstone Lane to be closed.

National Planning Policy Framework:

The National Planning Policy Framework is a material consideration in this case. As far as this application is concerned the following sections of the NPPF are considered to be relevant:

- 1. Introduction
- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 10. Supporting high quality communications
- 11. Making effective use of land
- 12. Achieving well designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

Para 11 - Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are not relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. The application of policies in this Framework that protect areas or asset of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, which assess against the policies in this Framework taken as a whole.

Para 38 - 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, including brownfield registers and permission in principle, 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

Description of Site:

The site is situated on the north eastern side of the village of Okeford Fitzpaine and is accessed from Shillingstone lane which is a narrow, winding, hedged lined country lane, with no footpaths alongside. The listed Downs Cottage sits on the bend with an open frontage with low wall and hedges to both sides. The Area of Outstanding Natural Beauty character area of North Dorset Escapment -chalk ridge

Undulating in form, the site measures 2.86 hectares and is currently covered with 6 large disused chicken sheds on the lower ground to the north east. An area of hardstanding, formerly used as car park, exists in the central part of the site. The chicken sheds and parking area are not visible from Shillingstone Lane as they are set behind two planted bunds which screen the site from immediate views from the road other than through the access drive.

There is a strong public right of way network surrounding the site. One footpath crosses the site along its northern and western boundaries and allows for access to the primary school and the centre of the village, as well as a route towards Castle Lane and the sports and recreation ground. The footpaths are narrow and unsurfaced but provide useful connections within the village.

Okeford Fitzpaine benefits from a number of services and facilities. It has a primary school, a church, a village hall, shop and post office, a public house, a car repair garage, superfast broadband, and a sport and recreation ground. It is also served by a bus route and lies on a national cycle route.

Constraints:

Agricultural Land Grade: 3

Parish Name - : Okeford Fitzpaine CP

Public Rights of Way - Route Code: N48/55

Public Rights of Way - Route Code: N48/4

Public Rights of Way - Route Code: N48/6

Public Rights of Way - Route Code: N48/5

Settlement Boundary: Okeford Fitzpaine

TPO - Charge Description: Area TPO 42/2/66 Okeford Fitzpaine No.2. The several hedgerow trees, principally Oak and Elm, with some Ash. A4

TPO - Charge Description: Area TPO 42/2/66 Okeford Fitzpaine No.2. The several hedgerow trees, principally Oak and Elm, with some Ash. A6

Ward Name: Bulbarrow Ward

Consultations:

Okeford Fitzpaine PC

No objection to the Planning Application.

Conservation Officer South - NDDC

Objection for the following reason:

Less than substantial harm to the setting of the Downs Cottage and the setting of the Okeford Fitzpaine conservation area.

Transport Development Management - DCC

No objection subject to conditions and informative notes.

Environment Agency

No objection subject to planning conditions, requiring the submission of further risk assessment, remediation strategy and verification report, to address potential contamination relating to historic tanks and possible made ground and the proximity of the site to Cookwell Brook.

Drainage (Flood Risk Management) - DCC

No objection subject to conditions and informative notes

Environmental Health Officer NDDC

No objection subject to a condition(s).

Principal Technical Officer NDDC

No objection subject to condition

Dorset AONB - DCC

No objection in principle subject to conditions for mitigation requiring:

- Limits to the scale and density of housing within the southern portion of the site
- Adoption of a comprehensive landscaping strategy that incorporates planting of a native species landscape buffer along the southern boundary of the site and the inclusion of sufficient native trees within the site to soften the appearance of the housing.
- High quality building design and the use of materials that are both appropriate to the site's local context and also suitably recessive.

Landscape Architect

No objection.

In terms of local landscape character and visual amenity, the proposed development should be designed so that tree planting is incorporated to soften the impact of the hard urban edge that will occur as a result of the introduction of residential housing in this area

Rights Of Way - DCC

No objection subject to the following footpath enhancements being secured through S106 contributions.

1. N44/4 to the west and north of the site to be suitably surfaced to 2m wide.
2. N44/55 to be improved to provide access from Ridouts to Mill Farm to provide the village with improved access to the recently improved Little Lane.
3. N44/2 to be improved to provide better access to the school.
4. The proposed new footpath on the eastern side of the site to be 2m wide and suitably surfaced.
5. All RoW access point surrounding the development site to have gates to the current British Standard (BS5709:2006) where necessary.

Planning Obligations Manager - DCC

No objection subject to securing improvements to the footpath between The Cross / Shillingstone Lane and Little Lane in terms of surfacing and fencing, to improve the accessibility of the site in the absence of pedestrian routes along Shillingstone Lane. Consideration should be given to converting the footpath to a bridleway.

Dorset Education Authority - DCC

No objection subject to securing contribution via S106 agreement for education. Secondary school contributions should be secured for the new general classroom block/extension at the Sturminster Newton High School.

NHS Dorset Clinical Commissioning Group

Consulted on the 20 July 2018, their comments dated 2 August 2018 are as follows: No objection subject to community infrastructure contribution being secured.

Planning Policy

It could be considered that the scale of the growth that would result from the proposal being granted planning permission in combination with the approval of one or both of the proposals at Castle Lane (2/2017/1952/OUT) and at Pleydells Farm (2/2018/0125/OUT) would be inappropriate at Okeford Fitzpaine.

As the Council cannot currently demonstrate such a supply the policies in the local plan relating to the provision of open market housing, in particular policy 2, 6, 7 and 20, cannot be considered up-to-date and the presumption in favour of sustainable development as set out in Paragraph 11 of the NPPF applies.

Representations:

31 letters of representation were received, of which 9 objected to the proposal and 22 supported the proposal.

Summary of issues raised:

Objections:

- Access on Shillingstone Road dangerous with increased traffic flows
- Proposed visibility splay of limited benefit as doesn't solve visibility at two blind bends close to site
- Shillingstone Lane too narrow with blind bend at each end accidents outside Downs Cottage and bottleneck at Trinity Cottage
- Shillingstone Lane unsafe for increase in traffic due to a steep hill, blind summit and an obscured exit onto the main A357 road in Shillingstone.
- Vehicular access should be from Ridouts off Castle Lane
- Estimated pedestrian trips inaccurate for Shillingstone Lane
- Footpaths around the site are muddy and cannot be used for much of year
- Disproportionate increase in housing in the village on this one site
- Change in character and scale of village
- Too much pressure on existing infrastructure and school
- Harmful impact on setting of listed properties
- Harmful impact on natural environment rich with wildlife and greenery
- Loss of privacy, increased noise, loss of natural setting, light pollution to Downs Cottage Listed Building
- Front wall damaged and reported 14 times at Downs Cottage
- Vehicle collisions at Downs Cottage bend and Little Lane July 2017 reported to police, vehicles recovered and road close
- car park to school no use as footpaths across cattle field and muddy.

Support:

A petition of 40 in support of the principle of housing development was received, including two comments welcoming bungalows and one welcome affordable housing. Other individual letters of support made the following points:

- Best site for housing in Okeford Fitzpaine in Neighbourhood Plan
- Site in settlement boundary so not building in open countryside
- Good connectivity with the village alternative footpaths to avoid danger of walking on Shillingstone Lane
- Access improvements widening Shillingstone lane outside application site beneficial to traffic flows
- Excellent use in place of derelict chicken sheds
- Road widening and traffic signs proposed adequate for highway safety
- Hedge planting to replace bund will be more appropriate on Shillingstone Road frontage
- Good use of derelict wasteland with former concrete hard standing of chicken sheds and car park

(Note: full comments can be seen on the case file online.)

Relevant Planning History:

Application:	2/1979/0448
Proposal:	Erect 4 No. chicken houses
Decision:	Approve
Decision Date:	18.07.1979

Application: 2/2002/0800
Proposal: Application for Certificate of Lawfulness to use land for the production of poultry and for the parking of cars for staff employed at High Street premises, Okeford Fitzpaine
Decision: Approve
Decision Date: 26.09.2003

Planning Appraisal:

This is an outline application for the erection of up to 45 dwellings. Full details of access are to be considered with all other matters (appearance, layout, scale and landscaping to be reserved for later consideration.

The application proposes a drop-off car park for the Primary School and the access details include a widening of Shillingstone Lane across the site frontage.

The main planning considerations that need to be addressed in this instance are:

- Principle of Development
- Impact on Heritage
- Affordable Housing
- Planning contributions
- Access, Highway impacts, parking and sustainable transport improvements
- Impact on Ecology
- Impact on Neighbouring Amenity
- Sustainability of site location
- Other matters
- Planning Balance

Principle of Development

The Council cannot currently demonstrate a five-year housing land supply. However, the proposed development site would affect the setting of a listed building and the Okeford Fitzpaine Conservation Area. Because of the need to consider the effect of the development on designated heritage assets and the reference to these in footnote 6 of the National Planning Policy Framework it would mean that the 'tilted balance' in paragraph 11d is **not** triggered unless the proposal can first pass the simple balancing exercises in paragraph 195 (in cases where harm to the significance of a designated heritage asset is judged to be substantial), or 196 (where any harm is found to be less than substantial).

On that basis the correct approach to decision making here would be first to assess whether any harm would be caused to the significance of the designated heritage assets affected. If any is found, then the degree of that harm needs to be defined. Then, that harm needs to be balanced against the public benefits of the proposal. If the public benefits do not outweigh the harm then, following the Framework's path, planning permission should be refused.

If the public benefits outweigh the harm caused to the significance of the designated heritage assets, then the 'tilted balance' in paragraph 11d would be re-engaged and the policies which are the most important for determining the application should be considered out-of-date. That would mean that planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh

the benefits when assessed against the policies in the Framework, taken as a whole. It is only if the proposal passes the test in paragraphs 195 or 196 that any additional harm (ie that arising from the location of the site) would need to be considered. In either scenario proper regard must also be had to the Local Plan and other material considerations.

Impact on Heritage

The site shares a boundary with the Okeford Fitzpaine Conservation Area (OFCA). Downs Cottage (grade II listed building) is located immediately opposite the south-west corner of the application site on the opposite side of Shillingstone Lane. To the south-west of the site is the historic centre of the village directly off Shillingstone Lane.

The access to the proposed development site is located approximately 100m from the conservation area. There are a number of other listed-buildings within 150m of the application site within the conservation area.

The primary heritage concern is with the setting of the Downs Cottage and the setting of the conservation area. Other listed-buildings are assessed in relation to any harm on the conservation area as a whole. In weighing the proposal, due consideration has been given to Section 12 of the NPPF, Sections 66 and 72 of the 1990 Act, the Framework, and the Development Plan.

The significance of the building of Downs Cottage, has been assessed through criteria as set-out in Historic England's Conservation Principles, Policies and Guidance (2008), which includes a methodology for assessing significance by considering 'heritage values'. In relation to the application site it is the aesthetic value of Downs Cottage that is harmed when viewed from the Shillingstone Lane (including from the proposed site entrance), that harm is identified to this listed-building because it currently has an important role at the eastern entrance to the village, comprising an attractive street scene and setting. The removal of the existing mature hedgerow opposite the site and widening of Shillingstone Lane would cause less-than substantial harm to the aesthetic value of the building. The building would no longer sit at the entrance to the village or on a narrow country lane bound by hedgerow. Even though a new hedgerow would be planted on the rear line of the new pavement in both directions it would be at an angle to the other hedging and would not share the enclosing affect that the existing hedgeline narrow lane contains which provides part of the setting for the Listed building.

The conservation area covers the historic core of the village and largely contains historic residential buildings and their gardens, former farm buildings and important local buildings such as the church, school and the inn. The evolution of the village started with a small collection of buildings spreading outwards from the village core in a linear fashion along the street frontages, as is typical in many villages in North Dorset. The conservation area is in good condition with well-maintained buildings and gardens, appropriate boundary treatments and good public realm. Okeford Hill to the south and land around Collwell Brook to the east, provide an important backdrop to the conservation area. The buildings on the application site and associated hardstanding are currently screened from the conservation area by bunding and mature tree and hedgerow planting.

The proposed outline scheme proposes to widen Shillingstone Lane and remove bunding just behind the road frontage. It also proposes to replace tree and hedgerow planting

behind the widening of Shillingstone Lane but will result in the harmful loss of natural grass banks and hedgerow planting along the existing roadside. The indicative housing layout shows new buildings close to Shillingstone Lane. It is likely that the buildings will be visible from the conservation area and combined with the removal of existing hedgerow and widening of Shillingstone Lane, would significantly change the arrival experience into the conservation area from the east, resulting in less-than substantial harm to the setting of the conservation area.

The proposed development with the detailed access as shown, would fail to preserve or enhance the character or appearance of the Okeford Fitzpaine Conservation Area and Grade II listed Downs Cottage and would cause "less than substantial" harm to their significance as designated assets. As such, clear and convincing justification is required for the development. The public benefits of the proposed development would need to outweigh the harm for the application to succeed. The development as it stands conflicts with Policies 4 and 5 of the adopted North Dorset Local Plan Part 1 (January 2016), paragraphs 195 and 196 of Section 16 of the revised Framework which together, seek to protect, preserve and enhance the character of the historic environment, landscape and other features in promoting development.

Affordable Housing

The applicant has offered 40% of the units on site towards affordable housing. The tenure split is proposed to be 70% affordable rent and 30% intermediate housing at this outline stage. This is a policy compliant contribution of at up to 18 dwellings for local needs within the Parish and is considered reasonable and acceptable.

Planning contributions

Okeford Fitzpaine is well serviced by infrastructure as a rural settlement and from this site it is a walk of 5 minutes to a pub, shop and school and less than 10 minutes to the playing fields, village hall and church.

The Heads of Terms for the S106 agreement relate to the policy compliant provision of 40% Affordable Housing plus contributions towards Pre-school, Primary and Secondary Education, Rights of Way; Open Space; and, Social infrastructure in line with Grey Green and Community Infrastructure Policy.

The need for affordable housing throughout North Dorset is great and therefore a minimum of 18 affordable dwellings will meet the immediate need of affordable homes from within the Parish, will boost the mix of tenure available in the rural areas, and offer a small amount of additional affordable homes to meet the wider needs of North Dorset District Council rural areas.

The following list of the proposed grey (highway and footpaths) Green (open space and play) infrastructure and community contributions (village hall schools and pre-school) have been negotiated in consultation with the Parish Council and Dorset County Council. The contributions have been demonstrated to be reasonable, necessary and proportionate and to meet the regulations for Community Infrastructure Levy and have been agreed in full by the applicant.

Proposed Heads of Terms for S106 legal agreement (subject to satisfactory grant of planning permission- including reserved matters- and subject to implementation of permission 40% Affordable housing and grey, green and community infrastructure as

calculated below). The contributions per dwelling are proposed to be delegated to officers to continue to finalise and adjust prior to completion of the S106 agreement:

- Play Facilities = £967.52
- Play Facilities Maintenance = £359.36
- Allotments = £308.16
- Formal Outdoor Sports = £1,318.80
- Formal Outdoor Sports Maintenance = £128.73
- Informal Outdoor Space = £2,307.36
- Informal Outdoor Space Maintenance = £1,278.80
- Community, Leisure & Indoor Sports Facilities = £2,006.97
- Rights of Way Enhancements = £498.45
- Primary and Secondary Education = £6,094
- Pre-school provision = £190.50

Access, Highway impacts, parking and sustainable transport improvements

The access proposed meets the engineering requirements for safety and traffic flows as designed and set out in the County Council Transport Officers assessment.

The submitted Transport Statement (TS), prepared by the applicant's highways consultants, considers the impact that the development will have on the highway network in the vicinity of the site. It also considers the sustainability of the development in terms of accessibility to and from the site.

The proposed vehicular access to the site is from Shillingstone Lane would be in accordance with the guidance provided by Manual for Streets.

It is proposed that Shillingstone Lane would be widened from its existing 4.1m width to 5.5m along the site frontage to accommodate two-way movements of large vehicles, such as refuse and delivery vehicles. The submitted "Proposed Site Plan", Drawing No 03 Rev A, indicates that a new footway would be provided across the site frontage onto Shillingstone Lane. Whilst this is not needed to the west of the access leading towards the village centre, to the east this will link up to join to the existing public Right-of-Way at Little Lane footpath N48/7 and to a proposed internal public footpath shown on this drawing. A condition can be imposed to ensure the delivery of this improvement as a public benefit.

The submitted TS has, in the opinion of the County Highway Authority, complied with the recommendations of the TRICS Good Practice Guide 2013 and produced a robust daily trip generation for the proposed development.

The proposed development is anticipated to generate up to 31 vehicular trips in the AM peak period (08:00 to 09:00), up to 26 vehicular trips in the PM peak period (17:00 to 18:00) and a total of up to 215 two-way trips per day.

Historically, the proposed site was previously used as a chicken farm and a car park for factory workers and HGV's associated with the Faccenda Food processing plant at the centre of the village (which has since been redeveloped). It is accepted that the traffic numbers and type generated by the proposal would be likely to be less than the historic use of the site created on a daily basis. Although several local residents object to the traffic volumes and safety due to traffic speeds in Shillingstone Lane and danger with the

narrow road with no pavements, a review of personal injury collision data has not identified any critical locations on the local highway network with collision records, so the proposed development is considered to be acceptable in both traffic generation and safety terms.

With regard to pedestrian movements, unsurfaced and narrow Public Rights-of Ways are available in the immediate vicinity of the site that link to the centre of the village. The applicant is to provide a financial contribution to support better surfacing of these footways as part of the development proposals (to be included within the S106 agreement).

Whilst the proposal will increase traffic flows on the highway network the residual cumulative impact of the development cannot be thought to be "severe".

Impact on Ecology

A Biodiversity Mitigation Plan and construction method statement was submitted and identifies that badgers have not been occupying the site, bats and birds forage in the site and there are hedgehogs, dormice and reptiles present on the site which would need relocating. New hedgerows would need to be planted with species rich varieties to support the wildlife and a green space retained for reptile refugia. Bat and bird boxes are proposed on dwellings. The grassland areas would also be planted with a species rich mix.

Subject to all these findings the Biodiversity species and habitats at the site can be appropriately protected mitigated and enhanced. Maintenance could be secured through a Landscape Environment Management Plan via planning condition.

Impact on Neighbouring Amenity

The proposed housing development would be unlikely to generate harmful levels of noise and disturbance that would significantly affect the quiet enjoyment of neighbouring residential properties.

During the construction phase of the proposed development, there would inevitably be some adverse impact on neighbouring occupiers, by way of disturbance. However, a construction management plan condition could be imposed to ensure that any such disturbance would be kept to a minimum. Such disturbance would also be transitory and, as such, it is not considered that the disturbance would be significant enough to warrant refusal of the scheme.

Therefore, notwithstanding local concern, a satisfactory detailed design at the reserved matters stage could ensure that the proposal would not have a significant adverse impact on residential amenity. Furthermore, a construction management plan condition would assist in protecting neighbouring amenities, in compliance with Policy 25 of the LPP1.

It is clear from the illustrative outline layout that there would be sufficient space to accommodate open space and additional planting necessary on boundaries to assist retaining a rural appearance through new hedgerows establishing a landscape screen to housing that would lie beyond the linear settlement pattern and to protect the rural qualities of the surrounding countryside.

Sustainability of site location

The Parish of Okeford Fitzpaine has been identified as a larger village capable of meeting local needs housing within its settlement boundary. However, due to the site location close to the proximity to a heritage asset and conservation area boundary where it could affect their setting that would trigger footnote 6 and paragraph 11d in the NPPF that seek to restrict development.

Other matters

A further consideration of the principle of development with this application is the fact that the site is actually located within the settlement boundary and is subject to saved Policy OF1. This policy allocates the site for employment use accessed from Castle Lane, specifically for the relocation of what an existing employment site (Faccenda Chicken Factory) off Higher Street. There appears to be no longer a need for the site to be allocated for employment use, and in fact the release of the site for such use was recommended on sustainability grounds in the 2007 Employment Land Review.

Little weight should be given to the emerging neighbourhood plan itself, as set out in PPG Paragraph: 007 Reference ID: 41-007-20170728; however the housing needs assessment produced for the Parish Council as evidence base to inform the neighbourhood plan is a material planning consideration that can be taken into account. The document was produced by AECOM in June 2016 and was published alongside both versions of the draft neighbourhood plan as part of the pre-submission consultation. The conclusion reached by the HNA is that 107 dwellings are needed at Okeford Fitzpaine over the period 2013 to 2033. Taking into account completions from 2013 and extant commitments [53 - 2 (nos. completions in 11/12 and 12/13) = 51], at 1/12/18 the current level of need is therefore 56.

At the time of writing this report one further scheme for 27 dwellings (last Committee Castle Lane) has been approved, a scheme for 27 dwellings is recommended for approval and is pending a decision (Pleydells Farm), and therefore there is still scope for a further 2 dwellings to meet the long term local needs. This scheme of 'up to 45 dwellings' would be over that level of local need.

In the countryside the level of housing is set as an 'at least' number. Therefore it is a matter of planning judgement as to when the local housing need has been met in Okeford Fitzpaine.

Planning Balance

The application site is located in adjacent to the Okeford Fitzpaine Conservation Area, and a grade II Listed thatched cottage. The proposed development would cause less than substantial harm to both heritage assets which form part of the considerations.

Paragraph 193 of the NPPF states: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

In this instance great weight is afforded due to the significance of the Conservation Area and Downs Cottage. The setting of both these heritage assets would be harmed through the engineered form of the new access proposed, which would cause a loss of character to Shillingstone Lane with its grassy banks and hedge-lined rural and winding heritage value. This is demonstrated by a widening of the road and a proposed footpath to the west of the access, that is acknowledged to be unnecessary by the Transport Officer, as it does not connect to any other footpath leading into the village, This character once lost cannot be replaced. An alternative access to the Poultry Farm could be explored in a position further from the Conservation area and with better visibility and wider road onto Castle Lane. This option was not explored as part of this application as the land does not currently lie within the applicant's ownership.

The great weight afforded to the significance of the heritage assets and the less than substantial harm to their setting is considered to outweigh the public benefits of increasing housing supply with accompanying infrastructure contributions for this application.

The revised Framework is clear in footnote 6 to Paragraph 11, and paragraph 196, that this can be a clear reason for refusing development proposed if the benefits do not outweigh the harm.

Conclusion:

When all of the material considerations are weighed together, it is concluded that the less than substantial harm to significance of the Okeford Fitzpaine Conservation Area and Downs Cottage (Grade II listed), significantly and demonstrably outweigh the benefits of affordable housing, green, grey and community infrastructure contributions and additional market housing supply, when assessed against the policies in the Framework taken as a whole. The adverse impacts upon the character and appearance of the area are demonstrated through loss of grassy banks and hedgerows on the narrow, winding, rural lane and introduction of an engineered access with visibility splays, pavements and road widening. The proposed development would therefore conflict with the environmental objective of the Framework and Policy 5 of the North Dorset Local Plan.

It is the opinion of your Officers, having regard to the details set out in this report, that the proposal does not provide a sustainable form of development, which due to the harm to the significance and setting of heritage assets, cannot be mitigated through conditions, and therefore the application is recommended for refusal.

Recommendation:

Refuse

Reason for Refusal:

1. The proposed development, is to be served by an access point with visibility splays and footpaths both sides, and an associated widening of Shillingstone Lane which is narrow country lane. It involves removal of grass banks and hedgerows which form part of the setting to Downs Cottage (Grade II listed building) and Okeford Fitzpaine Conservation Area. The adverse impacts of the development on the setting of the Okeford Fitzpaine Conservation Area and Downs Cottage would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the National Planning Policy Framework taken as a whole. The proposed development

would also conflict with the environmental objective of the National Planning Policy Framework, and Policies 4 and 5 of the North Dorset Local Plan Part 1 (January 2016).

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.

Public Sector Equalities Duty (PSED)

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.

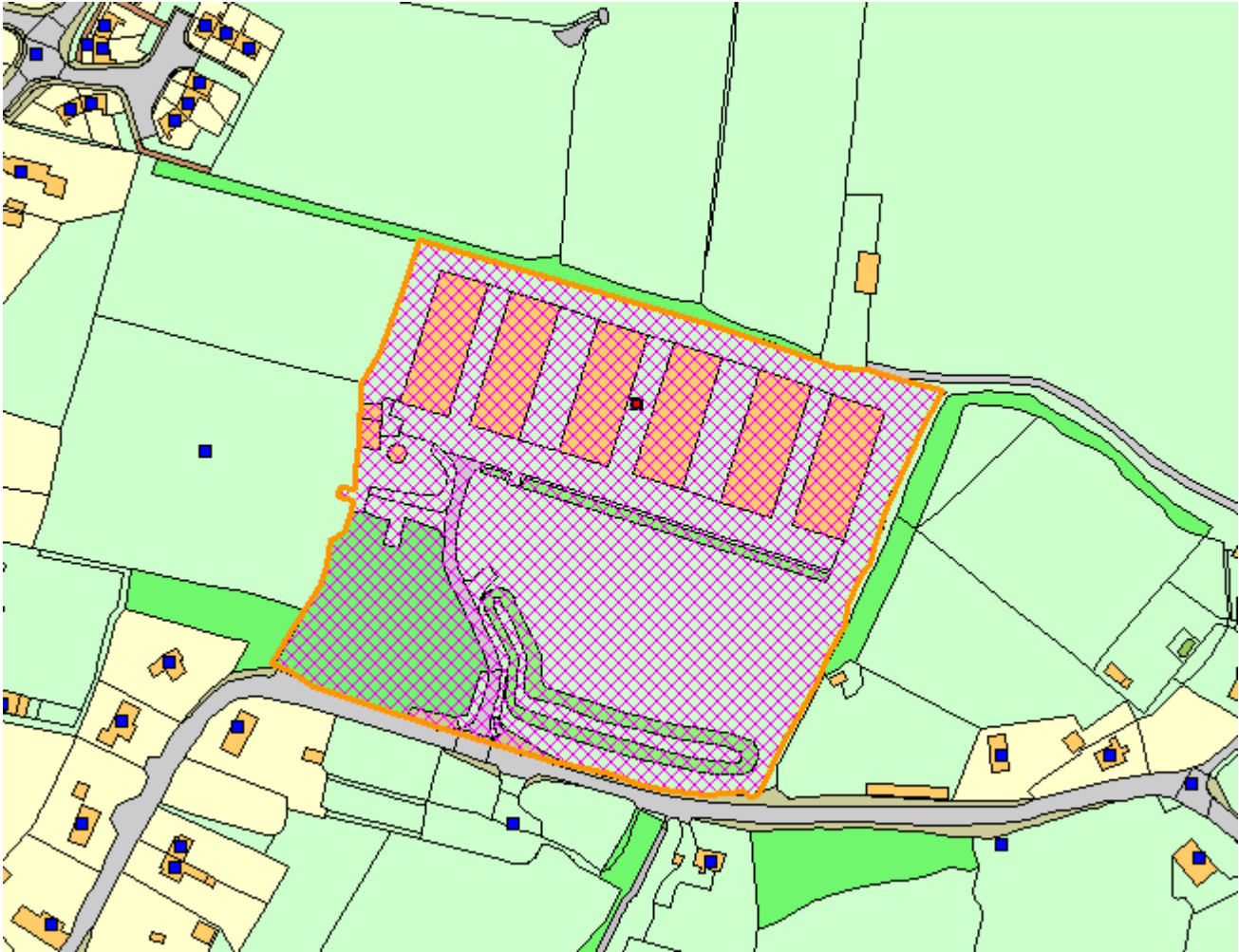
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.

- Encouraging people with certain protected characteristics to participate in public life, or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

DECISION:

LOCATION PLAN 2/2018/0458/OUT



DO NOT SCALE

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