



Northern Area Planning Committee

Date: Tuesday, 28 May 2019

Time: 2.00 pm

Venue: Bow Room, The Exchange, Old Market Hill, Sturminster Newton, Dorset, DT10 4FH

Membership: (Quorum 6)

S Jespersen (Chairman), M Penfold (Vice-Chairman), J Andrews, T Cook, L Fry, M Hall, C Jones, N Lacey-Clarke, R Legg, Val Potheary, Belinda Ridout and D Taylor

Chief Executive: Matt Prosser, South Walks House, South Walks Road, Dorchester, Dorset DT1 1UZ (Sat Nav DT1 1EE)

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AGENDA

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1 APOLOGIES

To receive any apologies for absence

2 DECLARATIONS OF INTEREST

To receive any declarations of interest

3 PUBLIC PARTICIPATION

Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting. Please refer to the [Guide to Public Speaking at Planning Committee](#).

4 PLANNING APPLICATIONS

To consider the applications listed below for planning permission

- | | | |
|----------|---|----------------|
| a | 2/2018/0696/OUT - Land North of Enmore Court And Off New Road, Shaftesbury, Dorset | 5 - 20 |
| | Develop land by the erection of 25 No. dwellings, form vehicular accesses, parking and landscaping (Outline application to determine access) | |
| b | 2/2018/1828/OUT - Land Adjacent To Cleff House, Dunns Lane, Iwerne Minster, Dorset, DT11 8NG | 21 - 42 |
| | Develop the land by residential development, 4 No. affordable dwellings, 2 No. easy access retirement bungalows, 3 No. 4 bedroom dwellings to include parking and garaging and creation of allotments, (outline application to determine layout, scale and access) | |
| c | 2/2017/1357/OUT - Land Adjacent To Sandways Farm, New Road, Bourton, Dorset, SP8 5BQ | 43 - 58 |
| | Demolish agricultural buildings; carry out improvements to existing access points, provision of new access road and modification of existing access track. Develop land for residential purposes and a new Village Hall with associated parking (Outline Application to Determine Access) | |

| | | |
|----------|--|----------------|
| d | 2/2019/0077/OUT - Land At Chaffeymoor Farm, New Road, Bourton, Dorset | 59 - 72 |
|----------|--|----------------|

Develop land by the erection of a village hall and 9 No. dwellings, form vehicular and pedestrian access (Outline application to determine access)

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Shaftesbury



Application Type: Outline Application

Application No: 2/2018/0696/OUT

Applicant: Nylo Homes Ltd

Case Officer: Mr Robert Lennis

Parish Name: Shaftesbury CP

Ward Name: Shaftesbury Town

Location: Land North of Enmore Court And Off, New Road, Shaftesbury, Dorset,

Proposal: Develop land by the erection of 25 No. dwellings, form vehicular accesses, parking and landscaping. (Outline application to determine access).

Financial Considerations:

- Affordable Housing: 8no. units.
- Quantum of Open Space: none.
- CIL Charges: Not applicable
- S.106 Obligations: £14,769.70 per dwelling
- Council Tax Revenue: not know at this stage (not a material planning consideration)
- Business rates: not known at this stage (not a material planning consideration)

1.0 Summary of recommendation:

It is considered that the impacts of the proposed development, having particular regard to heritage assets, would be less-than-significant. As such, there is no clear reason for refusing the proposed development. The adverse impacts of the proposal would not out weight the community benefits, particularly the provision of open market and affordable housing, which should be given significant weight in the planning balance.

Delegate authority to grant planning permission subject to the signing of a S106 legal to secure all off-site contributions, and subject to conditions list in below.

2.0 Reason for the recommendation:

- Lack of a five year housing land supply;
- Paragraph 11 of the National Planning Policy Framework sets out that permission should be granted for sustainable development unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
- The location is considered to be sustainable being adjacent to one of or four main towns designated to accommodate future growth;

- There is not considered to be any significant harm to neighbouring residential amenity;
- The impact on the setting of the adjacent conservation area would be less than substantial and the proposed development would provide community benefits in the form of affordable housing and financial contributions toward community infrastructure.

3.0 Table of key planning issues

| Issue | Conclusion |
|---|---|
| Principle of development | In light of the Council's lack of a five year housing land supply, the most important policies for determining the application are out-of-date. The site is an extension to Shaftesbury and not isolated in the countryside, therefore it is a relatively sustainable location for residential development. |
| Impact on Shaftesbury Conservation Area and listed structures | Less-than-substantial harm. |
| Open market and affordable housing | The prospect of providing open market should be given positive weight. The proposed eight affordable units should be given significant weight. |
| Impact on landscape and trees | Concerns have been raised and additional information requested, however this is an outline applicant and the site is not part of a designated landscape. |
| Access and highway safety | Subject to conditions the Local Highway Authority has no objections to the proposal. |
| Economic benefits | The key economic implications and benefits of new house building activity are generally acknowledged to be: investment, jobs and growth, resources for public services, stronger local communities and environments. |

4.0 Description of Site:

The proposed development site covers an area of 1.2 ha and is located in the countryside adjacent to the development boundary of Shaftesbury. Presently, the site is used as a paddock with a small stable building. The southern edge of the site is located adjacent to the Settlement Boundary of Shaftesbury and Shaftesbury Conservation Area (sub-area: Foot of The Slopes (Enmore Green)).

In terms of topography the site slopes down from south to north with a noticeable drop in the middle. There are various trees and hedges on the site boundaries, but within the site itself there are no significant landscaping features of particular note. A phase 1 ecology report has been undertaken and identified no signs of use of the site by protected species.

5.0 Relevant Planning History:

Application: 2/2012/0956/PLNG
Proposal: Develop the land by the erection of 1 No. dwelling with 2 No. parking spaces (outline application to determine layout and scale).
Decision: Refuse
Decision Date: 20.09.2012

Appeal: The subsequent appeal (APP/N1215/12/2/2186237) was dismissed. In that decision the Inspector was not convinced that "...the addition of a single dwelling would result in any meaningful "community" benefits...." He opined about how the dwelling would be visible from New Road and Woolands Lane but acknowledged that some shielding would be provided by the existing boundary hedging and the trees. However he concluded that the proposal would not constitute sustainable development but would represent unjustified development within the countryside which would adversely impact upon the rural character and appearance of the area.

6.0 Constraints:

Agricultural Land Grade: 4

Grade II Listed - LB Number: 1441806 – Drinking trough and conduit head

The drinking trough and conduit head at the junction of Shaftesbury Road and New - Road in Shaftesbury, was erected in 1844 and is listed at Grade II for the following principal reasons:

- Architectural interest; as a well-executed and substantially intact piece of Victorian street furniture that has distinctive design quality;
- Historic interest: it serves as a reminder of the now-vanished presence of animals in everyday life and is thus an evocative reminder of a lost way of life.

7.0 Consultations:

(note: all consultee responses can be viewed by the public in full on the website)

Transport Development Management

No objections subject to conditions.

Landscape Architect

Objection - insufficient information.

Given the previous appeal decision on this site, I recommend that the applicant considers a more detailed assessment on the impact on landscape and visual amenity. This assessment should be based on a defined layout and scale of buildings that forms part of the approval of this application. It may be more appropriate for a full application to be submitted for these proposals.

Tree Officer Majors

Object.

Concerns are raised regarding the mature Ash and Oak located in the lane where the trees have received little interference by man. It is likely that the proposal would gradually erode tree health due to residents' concerns regarding shading, leaf litter, high winds etc. which are regularly cited reasons for tree works / removal.

Dorset Education Authority

No objections subject to securing education contributions as stated in their comments.

Principal Technical Officer

No objections subject to conditions.

DC as Lead Local Flood Authority (Flood Risk Management)

No objections subject to conditions.

Conservation Officer South

No objections.

In determining the proposals due consideration has been given to Section 12 of the NPPF, Sections 66 and 72 of the 1990 Act and Policy ENV4 of the Local Plan.

Motcombe PC

Object

The Parish Council would like the following concerns registered:

- The proximity of the school in Motcombe will further add to pupil numbers & all the concerns we have about parking & additional cars through the village twice a day.
- The access roads are considered suitable for such a development but there appears to be no real pedestrian provision off the site to the town.
- From a wider perspective, the site is detached from Shaftesbury, & adds to the already large-scale developments in the town placing the existing inadequate infrastructure under further pressure.

Shaftesbury Town Council

Object.

Reasons: traffic generation and road safety; impact on public services; not in keeping with the look of the landscape; impact of the buildings on neighbours (overlooking).

Shaftesbury TC also considers the proposal to be contrary to Local Plan Policies SB3 and SB4 which aim to protect the character and appearance of the Slopes around Shaftesbury. They have also noted amongst other matters that:

- There are specific Slopes policies under development as part of the emerging Shaftesbury Neighbourhood Plan, which aim to protect the views in Shaftesbury including this area.

- Shaftesbury is a prime tourist location and tourism is vital to Shaftesbury' economy. Views feature as the number one comment from recent tourism studies and therefore need to be protected.
- This site is located on the spring line therefore prone to water logged ground surface and the running greensand is widely known locally as an unstable base for development. The associated cost with stabilising the foundation is likely to impact on the affordable housing element of the development.
- This stretch of the B3081 known by locals as a dangerous stretch of road and accidents have been recorded, including one fatality.
- Recent traffic studies have highlighted that the B3081 Southbound from Gillingham has an average of 36mph as the 85 percentile speed, therefore meeting criteria for a speed indicator device. This is evidence to support this is a dangerous stretch of road for a pedestrian crossing.
- The proposed location of the pedestrian crossing links to the pavement on the opposite side of the road. This pavement is not a continuous link to Shaftesbury and would require crossing this stretch of road again.

8.0 Representation from the public:

209 letters of representation were received, of which 1 offered comments which neither supported nor objected to the proposal, 207 objected to the proposal and 1 supported the proposal.

In summary, the issues raised relate to the following:

- Impact on Access
- Road Safety
- Traffic or Highways
- Effect on the Appearance of Area
- Heritage
- Impact on Light
- Landscape
- Local or Government Policy
- Noise/Disturbance
- Flooding and ground conditions
- Overlooking/Loss of Privacy
- Residential Amenity
- Trees
- Lack of infrastructure (health, education, etc.)
- Biodiversity
- Design
- Economic benefits

Representation raising concerns and, or, objections were also received by Shaftesbury Civic Society, the Campaign to Protect Rural England (CPRE), and Cllr Langham.

9.0 Planning Policies:

North Dorset Local Plan Part 1 (January 2016):

1. 7 Dev. within Settlement Boundaries
SB 3 Maintain Character of The Slopes
SB 4 Dev. at Foot of The Slopes
Policy 1 - Sustainable Developmentt.
Policy 2 - C Spatial Strategy
Policy 3 - Climate Change
Policy 4 - The Natural Environment
Policy 5 - The Historic Environment
Policy 6 - Housing Distribution
Policy 7 - Delivering Homes
Policy 8 - Affordable Housing
Policy 13 - Grey Infrastructure
Policy 14 - Social Infrastructure
Policy 15 - Green Infrastructure
Policy 18 - Shaftesbury
Policy 20 - The Countryside
Policy 23 - Parking
Policy 24 - Design
Policy 25 - Amenity

National Planning Policy Framework:

The following sections of the NPPF are considered to be most relevant to this case:

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well designed places
13. Protecting Green Belt Land
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.

10.0 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 having regard to the following articles of the European Convention on Human Rights:

- Article 1 Protection of property
- Article 6 - Right to a fair trial.
- Article 8 - Right to respect for private and family life and home.

11.0 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. In particular, regard has been given to the access, crossing, and proposed off-site pavement. As an outline application for consideration of access only, reserved matters relating to design particulars would have to be given consideration at a later date if permission is granted.

12.0 Planning Appraisal:

This planning application seeks outline planning permission for the construction of up to 23no. dwellings. The only detailed matter for consideration at this time is access, all other matters (layout, scale, appearance, and landscaping) are reserved. An indicative plan has been submitted to give an idea of how the site might be developed.

The applicant is offering to provide 35% (8no. dwellings) affordable housing which is above the Local Plan Policy requirement of 30%. The affordable homes are intended to be in a mix of affordable rented and intermediate tenures. Additionally off-planning contributions associated with the development are listed below.

The main issues of this proposal are considered to relate to:

- principle of development;
- impact on Shaftesbury Conservation Area and listed structure(s);
- affordable housing;
- access and highway safety;
- impact on landscape and trees;
- planning contributions;
- economic benefits
- planning balance.

Principle of development

Dorset Council, in the area that was North Dorset DC, has a 3.3yr housing land supply; hence, we cannot currently demonstrate a five-year housing land supply. This means the most important policies for determining this application, particularly those relating to housing, are out-of-date. Therefore, the principle of development could be acceptable in light of the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

The proposed development site would affect the setting of a listed structure and the Shaftesbury Conservation Area. There is a need to consider the effect of development on designated heritage assets as references in footnote 6 of the Framework. This 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.

With regard to Local Plan (LP) Policy 20, development in the countryside outside defined settlement boundaries development will only be permitted if it is a type appropriate for the countryside, or if there is an overriding need. It is considered that this Council's persistent shortfall in delivery of housing is a demonstrable and overriding need to locate residential development in the countryside if the site is sustainably located and there are no other reasons that should preclude development.

This site is immediately adjacent to Shaftesbury's defined settlement boundary and should be seen as an extension to Shaftesbury. Any future residential development here would be reliant upon Shaftesbury to provide services and facilities to meet day to day needs. Shaftesbury is identified in the adopted Local Plan as one of the four main towns in North Dorset that will function as a main service centre in the District. In policy terms, these centres are the main focus for growth both for the vast majority of housing and other development. Subject to securing off-site planning contributions, it is considered that there is a sufficient amount of services and facilities available within Shaftesbury for this site to be considered a sustainable location for some form of residential development.

It will be for members to attribute the amount of weight given to policies in the planning balance exercise with the knowledge that some are out-of-date. It is considered that the further away from a demonstrable five year housing land supply that more weight should be given to the benefits of delivering of houses (open market and affordable) in sustainable locations.

Impact on Shaftesbury Conservation Area (SCA) and listed structures

The designated SCA boundary also follows the settlement boundary here, as such the development of this site would have an impact on its setting, and the setting of the grade II listed 'Drinking trough and conduit head'. Your Conservation Officer has considered the principle of a housing development on this site and concluded that it would have a less than significant impact on these features. I would concur with these findings at this stage.

Affordable Housing

There is a considerable housing need in the North Dorset and Shaftesbury area.

There are currently 927 households on the housing register, these are broken down in more detail below and there is a high demand for smaller rented homes.

| North Dorset | INELIG | BRONZE | SILVER | GOLD | EC | (blank) | Grand Total |
|--|---------------|---------------|---------------|-------------|-----------|---------|--------------------|
| Single person requiring studios or 1 bedroom | 30 | 190 | 119 | 55 | 6 | | 400 |
| Couple requiring studios or 1 bedroom | 19 | 67 | 28 | 17 | | | 131 |
| Family requiring 2 bedrooms | 19 | 157 | 78 | 23 | | | 277 |
| Family requiring 3 bedrooms | 3 | 51 | 59 | 5 | | | 118 |
| Family requiring 4 bedrooms | 3 | 9 | 25 | 1 | | | 38 |
| Family requiring 4-5 bedrooms | | | 3 | 3 | | | 6 |
| Family requiring 4-6 bedrooms | 1 | | | 1 | | | 2 |
| (blank) | | | | | | | |
| Grand Total | 75 | 473 | 312 | 105 | 6 | | 972 |

Of those on the Housing Register 203 households have declared a connection with Shaftesbury. These are broken down in more detail and again the highest demand is for smaller homes.

| Shaftesbury | INELIG | BRONZE | SILVER | GOLD | EC | | Grand Total |
|--|---------------|---------------|---------------|-------------|-----------|--|--------------------|
| Single person requiring studios or 1 bedroom | 3 | 37 | 24 | 12 | 1 | | 77 |
| Couple requiring studios or 1 bedroom | 2 | 16 | 5 | 4 | | | 27 |
| Family requiring 2 bedrooms | 4 | 32 | 23 | 6 | | | 65 |
| Family requiring 3 bedrooms | | 10 | 13 | | | | 23 |
| Family requiring 4 bedrooms | | 2 | 8 | | | | 10 |
| Family requiring 4-5 bedrooms | | | 1 | | | | 1 |
| (blank) | | | | | | | |
| Grand Total | 9 | 97 | 74 | 22 | 1 | | 203 |

This means that the 8no. units (5 affordable rent, 3 intermediate) being proposed on this site would be helping to meet an identified housing need. The flats, assuming they are one and two bedroom properties, would meet the highest demand and these should be rented homes.

It is acceptable for the intermediate affordable homes on this site to be provided as either shared ownership or discount to open market, with the homes to be sold at no more than 75% of market value and with restrictions to ensure they remain as affordable homes in perpetuity.

It is appreciated that this is an outline application but care must be taken to ensure that the affordable homes are well designed and integrated with the market homes to ensure a tenure blind development.

The provision of 8no. affordable homes on this site (5 affordable rented and 3 intermediate) should be seen as a significant community benefit in the planning balance in light of our 3.3yrs of housing land supply.

Access and highway safety

The means of accessing the site are detailed with this application and to be determined at this stage along side the principle of developing the site for housing.

It is proposed that the development will be accessed from New Road. Two separate accesses would be formed - the eastern access point would be the main means of access into the site. The western access point would provide access to just two plots.

A speed survey was carried out for the site along New Road. The survey indicated that the eastbound speed was 29.2mph and the westbound speed was 33.7mph. This demonstrated a requirement for visibility splays of 2.4m x 50.7m in the primary direction and 2.4m x 41.3m

in the secondary direction, in accordance with the recommendations of Manual for Streets (MfS). Dwg No 005 Rev J indicates the proposed access positions and the associated visibility splays.

The application is supported by a Transport Statement (TS) that considers the likely highway impact of a development of 25 dwellings (as was originally proposed). A residential development of this size is predicted to generate up to 14 two-way vehicle trips in the AM peak hour and 12 two-way vehicle trips in the PM peak hour.

The original submission failed to provide any information relating to how pedestrians from the new development would be able to safely walk to the facilities available in Shaftesbury town centre. The Highway Authority voiced concerns at the lack of any pedestrian provision between the site and an existing footway some 100m to the east. This led to the site having to be considered as being almost entirely reliant on the use of the private motor car. The Highway Authority consequently recommended that permission be refused.

In response to this recommendation, the applicant engaged with the Authority to investigate if an appropriate and safe solution to this issue could be found. They commissioned an Automatic Traffic Counter (ATC) speed survey to be carried out on the B3081, to the east of the New Road junction, in order to establish the approach speeds in each direction. This survey took place between 06/01/19 and 12/01/19 with the 85th percentile speeds identified as being 35mph in each direction.

A Stage 1 Road Safety Audit (RSA1) was also commissioned by the applicant to consider the provision of a new pedestrian crossing position on the B3018, just to the west of the junction with New Road. The matters raised by the RSA were acted upon by the applicant with the proposed pedestrian crossing point relocated to account for the recorded 85th percentile speeds. The applicant also considered how pedestrians would access the new crossing position from the new development.

Dwg No 005 Rev J indicates the position of the new crossing point, further to the recommendations of the Stage 1 Road Safety Audit and the associated pedestrian improvements to facilitate access to the proposed development site. It should be noted that this drawing also indicates the provision of a new 2.0m wide footway linking the crossing point eastwards to join up with the existing footway on the northern side of the B3081.

The Highway Authority considers that the submitted Transport Statement is satisfactory and robust. The proposal represents a relatively small increase in traffic flows on the local highway network. Improvements have been made to the local highway network to facilitate access to the site from existing pedestrian linkages. Thus, the residual cumulative impact of the development cannot be thought to be "severe", when consideration is given to the National Planning Policy Framework.

Subject to conditions, the Highway Authority would have no objections to this proposal.

Impact on landscape and trees

A number of the representations have noted the above-mentioned appeal for this site which related to a proposed development of one dwelling. Having regard to the inspector's opinion your Landscape Architect would recommend that it may be more appropriate for a full application to be submitted for these proposals. Without details of scale, and layout there is

insufficient information to make an assessment like the Inspector, particularly having regard to all constraints: landscape, trees, SCA, and listed structures.

The Tree Officer has also expressed concerns however without a detailed layout it is difficult to understand which trees would be most affected, and how they would be. As this is an outline application with detailed matters of layout and landscape reserved. These concerns would not normally be sufficient to support refusal.

The applicant has reduced the scheme by two units which would reduce the scale of the block of flats. This improves the impression given through the indicative plans.

It is considered that the concerns being raised on these matters could be adequately addressed at the reserved matter stage as this is an application for 'up to' 23no. dwellings.

Planning Contributions

In order to make development acceptable in planning terms, applications for major housing development such as this one are expected to maintain and enhance the level of grey, green & social infrastructure as set out in LP Policies 13, 14 and 15 of the LPP1.

The current lack of a five year housing land supply within the District does not alter the spatial characteristics which informed the approach to focusing development in the most sustainable locations or the need for enhanced facilities associated with major housing proposals. This proposed development site is outside of Shaftesbury, one of the four main towns of the District where our core spatial strategy aims to focus growth.

The speculative nature of this application means that neither the District nor the Town Council has had sufficient time to fully consider the impact and needs of this development. As such, it would be unreasonable to expect there to be fully costed projects on which to direct these contributions. Any unspent contributions can be clawed back by the developer as set out in the terms of the legal agreement (normally we seek five years after the completion of the development as the earliest date for clawback).

Infrastructure should be provided within the Shaftesbury, or within 3 miles of the application site (walking distance) in order to ensure that the infrastructure is related to the development proposed. The triggers for payments will need to be agreed as part of the S106 legal agreement. Normally we seek payment in two equal parts; the first part upon practical completion of the first dwelling, the second part before the occupation of the second half of the dwellings.

Agricultural land values are relatively low compared to urban development sites. Hence, viability should not be a particular issue in this case and the amounts listed should not be open to negotiation other than were a developer can offer land which is a cost built into some of the figures.

The following planning contributions have been agreed and are to be secured by a Section 106 legal agreement. These are being sought on a per dwelling basis unless otherwise specified:

| | |
|--|-----------|
| • Allotments Contribution; | £ 308.16 |
| • Community, Leisure and Indoor Sport Facilities Contribution; | £ 2006.97 |
| • Destination Play Facilities Contribution; | £ 967.52 |
| • Destination Play Facilities Maintenance Contribution; | £ 359.36 |
| • Formal Outdoor Sports Contribution; | £ 1318.80 |
| • Formal Outdoor Sports Maintenance Contribution; | £ 128.73 |
| • Informal Outdoor Space Contribution; | £ 2307.36 |
| • Informal Outdoor Space Maintenance Contribution; | £ 1278.80 |
| • Primary and Secondary Education Contribution; | £ 6094.00 |
| • Rights of Way Maintenance Contribution. | TBC |

Economic Benefits

In addition to addressing the Council's housing shortfall, house building has economic benefits. The key economic implications and benefits of new house building activity are generally acknowledged to be: investment, jobs and growth, resources for public services, stronger local communities and environments. These matters should be given great weight in the planning balance.

Planning Balance

The purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to this: economic, social, and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. These roles should not be undertaken in isolation because they are mutually dependent.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved; and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance and a material consideration in determining applications.

This Council's Policies in the adopted Local Plan follow the approach of the presumption in favour of sustainable development. It has been noted above that this Council can only demonstrate 3.3 years of housing land supply as such the relevant policies for the supply of housing should not be considered up-to-date.

This invokes NPPF paragraph 11 (including footnote 6) which states, in part, that when policies most important for determining the application are out-of-date, the Council should granting permission unless:

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

13.0 Conclusion:

It is considered that the impacts of the proposed development, having particular regard to heritage assets, would be less-than-significant. As such, there is no clear reason for refusing the proposed development. The adverse impacts of the proposal would not outweigh the community benefits, particularly the provision of open market and affordable house, which should be given significant weight in the planning balance.

14.0 Recommendation:

- A) Delegate authority to grant planning permission subject to the signing of a S106 legal to secure all off-site contributions, and subject to conditions list in below.

15.0 Conditions:

1. Approval of the Reserved Matters (i.e. any matters in respect of which details have not been given in the application concerning the layout, scale or appearance of the building(s) to which this permission and the application relates, or the landscaping of the site) shall be obtained from the Local Planning Authority in writing before any development is commenced. Such development shall be carried out as approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Application for the approval of any Reserved Matter must be made 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 92 of the Town and Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details:

- Drawing No. 003 Rev A; Site location
- Drawing No. 005 Rev J; Masterplan
- Drawing No. 106.0009.001 Rev C; Proposed pedestrian crossing

forming the approved application.

Reason: For the avoidance of doubt and to clarify the permission.

5. Prior to commencement of any development, a detailed and finalised foul and surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and with due consideration of the construction phase, shall be submitted to, and agreed in writing by the local planning authority. Thereafter the development shall be implemented in accordance with the agreed details.

Reason: To prevent the increased risk of flooding, to protect third party assets, and to improve & protect water quality

6. Prior to commencement of any development, the details of responsibility, maintenance and management of the surface water sustainable drainage scheme and associated infrastructure shall be submitted to and agreed in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the agreed details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure future operation and maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

7. Prior to commencement of any development, details of the access, geometric highway layout, turning and parking areas shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety and to ensure the proper and appropriate development of the site.

8. Prior to occupation of any dwelling hereby approved the first 15.00 metres of each vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing; see Informative Notes), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

9. Prior to occupation of any dwelling hereby approved, details and specifications of the following works shall submitted to and agreed in writing by the Local Planning Authority and completed in accordance with the agreed details:

- The provision of new pedestrian crossing point on the B3081 and the associated pedestrian infrastructure additions/changes, as shown on Dwg No 005 Rev J, or similar scheme to be agreed in writing with the LPA.

- The provision of a 2.0m wide footway along the northern side of the B3081, linking the new pedestrian crossing point with the existing footway to the east.

Reason: In the interest of highway safety. These specified works are seen as a pre-requisite for allowing the development to proceed, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal.

10. Prior to occupation of any dwelling hereby approved the visibility splay areas as shown on Drawing Number Dwg No 005 Rev J must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: In the interest of highway safety.

11. Prior to occupation a scheme showing precise details of the proposed cycle parking facilities shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme must be constructed before the development is occupied and, thereafter, maintained and kept free from obstruction and made available for the purpose specified.

Reason: To ensure opportunities for the use of sustainable transport modes are made available.

12. Prior to any development a Construction Method Statement (CMS) must be submitted to and agreed in writing by the Local Planning Authority. The CMS must include:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: In the interest of highway safety by minimising the likely impact of construction traffic on the surrounding highway network.

13. Prior to commencement of any development on-site, a definitive mitigations and method statement, following the recommendations of the submitted Biodiversity Mitigation Plan dated 21.04.2018, shall be submitted to and agreed in writing by the local planning authority and shall be implemented in accordance with the agreed statement.

Reason: In the interest of conserving and enhancing the natural environment.

B) Refuse planning permission for the reasons set out below if the S106 legal agreement is not completed within six months from the date of the committed or such extended time as agreed by the head of planning.

The proposed development by reason of its use would have an adverse impact on the off-site facilities the future occupants would be reliant upon contrary to Policies 13, 14, and 15 of the adopted North Dorset Local Plan Part 1 (January 2016).

Iwerne Minster



1.0 Application No: 2/2018/1828/OUT

Applicant: Mr & Mrs M Croney

Case Officer: Hannah Smith

Location: Land Adjacent To Cleff House, Dunns Lane, Iwerne Minster, Dorset, DT11 8NG

Proposal: Develop the land by residential development, 4 No. affordable dwellings, 2 No. easy access retirement bungalows, 3 No. 4 bedroom dwellings to include parking and garaging and creation of allotments, (outline application to determine layout, scale and access).

Ward: Beacon, Cllr J Somper

2.0 Recommendation Summary:

GRANT, SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IN A FORM TO BE AGREED BY THE LEGAL SERVICES MANAGER TO SECURE THE FOLLOWING:

- Affordable housing comprising of on-site provision of four units of discounted market housing
- Provision of the allotments identified on the submitted layout
- Provision of the landscape orchard area.

And the conditions (and their reasons) listed at the end of the report.

B) REFUSE PERMISSION FOR FAILING TO SECURE THE AFFORDABLE HOUSING AND ALLOTMENTS IF THE AGREEMENT IS NOT COMPLETED BY (6 months from the date of committee) OR SUCH EXTENDED TIME AS AGREED BY THE HEAD OF PLANNING

3.0 Reason for the Recommendation:

- Absence of 5 year land supply and in view of the acceptable historic and landscape impact
- Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The location is considered to be sustainable and the proposal is acceptable in its scale, layout and the proposed access
- There is not considered to be any significant harm to neighbouring residential amenity.

- The ecology impact of the proposal is acceptable
- There are no material considerations which would warrant refusal of this application

4.0 Table of Key Planning Issues

| Issue | Conclusion |
|------------------------------|--|
| Principle of development | The principle of the development is considered to be acceptable, as the site is located on the edge of a sustainable settlement. |
| Affordable housing | The proposal meets the requirements of Policy 8 of the North Dorset Local Plan. 4 of the 9 units would be affordable and this would be delivered on site. The dwellings would be provided as discounted market sales housing. |
| Access | The access arrangements are sufficient to serve the development and there is adequate visibility onto Dunn's Lane. |
| Layout | The layout responds positively to this edge of village location. The dwellings would be arranged around a courtyard. |
| Scale | Single storey and one and a half storey dwellings are proposed. This would appear recessive from public viewpoints and it would be similar to the existing development forming its backdrop. |
| Heritage impact | The application is considered to result in a neutral impact upon the setting of the Conservation Area and on the setting of the adjacent listed building. The public benefit of providing 9 dwellings is considered to weigh in favour of the application, and there is no identified historic conservation related harm that would outweigh this benefit. |
| Landscape and Visuals Impact | The proposal could be accommodated on the site without significant impact on landscape character and visual amenity. |
| Amenity | The level of amenity of surrounding land users would be safeguarded at an acceptable level. |
| Ecology | The application is supported by an approved Biodiversity Mitigation and Enhancement Plan. |
| Trees | The proposed access can be delivered without the need to remove or damage the treeline that runs along the track. 5 metres of hedge would be removed and no trees. The hedge removal would be mitigated. |
| Drainage | An appropriate surface water drainage strategy has been submitted. |

5.0 Description of Site

The proposed development site is situated on arable land on the eastern edge of Iwerne Minster, outside of the defined settlement boundary and on the edge of the Iwerne Minster Conservation Area boundary. The site lies wholly within the Cranborne Chase & West Wiltshire Downs AONB. The site is also located within the setting of Brookman's Old Farm. A footpath runs past the site to the west and then extends in a southerly direction.

The site comprises of 1 hectare of land, currently grazed by sheep. The north, south and west boundaries are lined with a stock proof fence and hedgerows. The east boundary is lined with a stock proof fence. A track runs along the southwestern corner of the west boundary. The north boundary lies adjacent to the gravel driveway and garden of Cleff House. The east boundary lies adjacent to the curtilage of Cleff House. The south boundary lies adjacent to an agricultural field and the west boundary lies partially adjacent to Brookman's Old Farm.

A 15m wide band of tree and shrub planting can be found along the southern boundary of the site and extends further east to the south-east corner of the adjacent, small field. This band of planting appears on the 1888 OS plan and may follow the line of an historic water course in this area. A band of hedgerow planting forms the western boundary of the application site with the existing lane that is proposed as access to the site. The northern boundary of the site is formed by a managed hedge to the garden plot to its north. The eastern boundary of the site is formed by post and wire fence between the application field and the adjacent, small pasture. The adjacent field is further bound to the east by a linear belt of trees and low hedgerow.

6.0 Relevant Planning History

Pre-Application: PRE/2018/0313/PREAPP

Proposal: Upgrade existing access track, form new access road and provision of 4 X starter homes, 2 easy access bungalows and 3 X detached dwellings and provision of allotments and associated parking area.

7.0 Constraints

Agricultural Land Grade - Grade: GRADE 2

Area of Outstanding Natural Beauty - Name: Cranborne Chase & West Wiltshire Downs (*statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000*)

Article 4 Directions - directing that the permission granted by Article 3 of the Order shall not apply to the development set out in the Schedule thereto and which relates to the formation of accesses and hardstandings for vehicles.

Conservation Area - The Iwerne Minster Conservation Area (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)

Public Rights of Way - Route Code: N65/21 Path Type: Footpath

TPO - Description: Group TPO 29/8/88 Devine House, 1 Minster No.8. Trees in this group include (amongst others) several Limes and 1 Ash. G1

8.0 Consultations (all consultee responses can be viewed in full on the website)

Iwerne Minster PC Objection:

- The proposed access for the development is not suitable for the traffic this development will produce.
- Due to the proposed access, the historical hedgerows will need to be cut back severely, which will have an impact on local wildlife and walkers.
- There are concerns that these new houses were being built on areas that already have seasonal flooding, this will affect the water courses, which could cause flooding of other people's properties nearby and in the village.
- The development is outside of the Settlement Boundary.
- The development is in the AONB.
- The development will have an adverse effect on a nearby listed dwelling.

Cranborne Chase & West Wilts AONB

Raise concerns, the AONB concludes that the Landscape and Visual Impact Appraisal underestimates the potential impact of the proposed developments and the significance of extending development eastwards into the AONB and the open landscape of Brookman's Valley. Consider that the proposal underestimates the impacts of the proposed development.

Rights Of Way

The proposed access is via a public footpath. Any conflict with users of the footpath must be considered.

Transport Development Management

No objection subject to conditions.

Wessex Water

Consulted on the 2 January 2019, there was no response from this consultee at the time of report preparation.

Drainage (Flood Risk Management)

No objection subject to conditions.

Natural England

No Objection: based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites.

Planning Obligations Manager

No objection / requirement with regard to any County planning obligations.

Housing Enabling Team

No objection.

Tree Officer South

No objection subject to conditions.

Conservation Officer South

Support subject to conditions.

Landscape Architect

No objection.

Representations:

87 letters of representation were received, of which 0 offered comments which neither supported nor objected to the proposal, 85 objected to the proposal and 2 supported the proposal.

The letters of objection contain the following summarised points:

- It is within the AONB and Conservation Area and despite reassurances to the contrary it will have a significant impact on the landscape, views and character of the village. Brookmans Valley is a beautiful example of our landscape and efforts should be taken to protect its importance and honour the AONB
- The affordable housing is not through a RP
- Impact on the setting of the adjacent listed building is considered to be unacceptable
- The site is outside of the settlement boundary
- The lane is not suitable for traffic, it is an important right of way for the village
- This site was not a preferred site when the village was looking to make a neighbourhood plan
- Impact on landscape views and the character of the village
- Impact on the hedge which runs along the lane
- Highway safety concern
- Drainage issues and risk of flooding
- The roads are insufficient to serve the development and the initial construction traffic
- Destruction of a hedgerow which is afforded protection under both s211 of the Town and Country Planning Act 1990 and The Hedgerow Regulations 1997. This hedgerow is situated across the planned access to the development site from footpath N65/21
- Biodiversity
- Effect on the Appearance of Area
- Heritage
- Impact on Access
- Impact on Light
- Local or Government Policy
- Facilities are overstretched including services
- Access for emergency vehicles is poor

- There is no need for development in the village
- Residential Amenity
- Conflicts with the Village Design Statement
- Impact on the dark skies status of the AONB
- Conflict with the access to the parish field. The parish field is regularly used for significant local events and is busy with both pedestrians and vehicles
- The footpath is much used by residents and walkers from other areas as a safe way for recreation, exercise and for the route to the Wessex Ridgeway. Plans to mitigate against the new hazards presented by a road are unspecified

NOTE: The proposed access to the site requires the removal of 5 metres of hedge. This section of hedge does not contain any trees. Both the Natural Environment Team and the Tree Officer are of the opinion that the additional planting that is set out in the biodiversity mitigation and enhancement plan, would mitigate the proposed removal of the section of hedge.

The letters of support contain the following summarised points:

- Provision is made for four affordable homes with added recreation in the form of much needed allotments. This will attract younger people to the village
- The existing footpath has been allowed to “grow over” making it a small track, if taken back to the boundaries of the original hedges it will be as wide as Dunns Lane
- The ensuing “road way” quite short in length could have a gravel or tarmac surface, whatever it would have no bearing upon it’s use as a public footpath, it would still be there
- Pedestrian access would be no worse than current that of walking Dunns Lane at present
- This is a discrete proposal having no real visual impact within the village
- With due consideration to building materials used in the construction, it would become part of the village
- Increased trade for local businesses

Dorset Wildlife Trust

The above planning application has been drawn to our attention by a local resident. The access to the proposed development appears to breach an Important Hedgerow, under the Hedgerow Regulations 1997. If this is the case then Dorset Wildlife Trust would recommend that if at all possible an alternative access route should be sought. If that ultimately proves to be impossible, then full mitigation for the loss of the hedgerow, and to ensure an overall biodiversity net gain should be conditioned as a part of the permission.

NOTE: The Natural Environment Team has approved the ecology impacts of this proposal, including the loss of hedge, in accordance with the NET Biodiversity Appraisal Process.

9.0 Relevant Policies

North Dorset Local Plan, Part 1:

Policy 2 - C Spatial Strategy
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
Policy 1 - Sustainable Devt.

Neighbourhood Plan

There is no neighbourhood plan for this area. Work did start on a plan however this has not been progressed at present.

NPPF February 2019

1. Introduction
2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
11. Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Sections of the NPPF which are specifically relevant to this case:

78. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

172. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

In terms of heritage, section 16, paragraphs 184, 189, 190, 192 and 200 are relevant. Paragraph 184 states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Once they are destroyed, they cannot be replaced.

Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Iwerne Minster Village Design Statement 2011 (VDS)

The design statement contains various policies that seek to protect the distinct character of the village. It encourages high quality design and seeks to safeguard local character.

The VDS identifies important views from the surrounding countryside of the soft green edges of the village that ensure Iwerne Minster nestles into the rural landscape, including many places in the village where there are views up Brookman's Valley and Coombe Bottom.

Environment Impact Assessment

The application was considered against the screening criteria as part of the planning process due to its sensitive location, including being sited within the AONB. It was considered that the application would not lead to wider adverse impacts beyond the application site that would warrant the submission of an environment statement. There is no objection from Natural England or in terms of the historic conservation impacts of the proposal.

10.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

11.0 Public Sector Equalities Duty

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

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

- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

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

- The two proposed easy access bungalows would provide for people with disabilities or mobility impairments

12.0 Financial Benefits

| Benefit | Material/Non-material |
|------------------------|--|
| Quantum of Open Space: | Allotment provision (material consideration) |
| S.106 Obligations: | Provision of four affordable dwelling to be provided on site (material planning consideration) |
| CIL Charges: | Not applicable (non-material) |
| Council Tax Revenue: | Not know at this stage (not a material planning consideration) |

13.0 Planning Assessment

The applicant seeks planning permission to erect 9 dwellings and to provide an area for allotments. The housing mix comprises two easy access bungalows, four affordable dwellings, provided as discounted market housing, and 3 open market dwellings.

Principle of the Development

It is acknowledged that there is currently not a sufficient supply of housing and that this currently stands at 3.3 years in the former North Dorset area. However, because of the need to consider the effect of the development on designated heritage assets and the AONB, and the reference to these in footnote 6 of the National Planning Policy Framework (the 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).

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.

In this instance, the scheme is not considered by officers to amount to substantial or less than substantial harm to heritage assets or the AONB. The public benefit of providing 9 dwellings which includes 4 affordable units is considered to outweigh any identified harm in this case. This will be discussed further in the following sections, but in view of this, the presumption in favour of sustainable development applies.

The site is located outside but adjoining the settlement boundary of Iwerne Minster. Policy 2 of the North Dorset Local Plan Part 1 sets out the spatial strategy within the former North Dorset area and requires that development proposals should be located in the four main towns, Stalbridge, or the larger villages. Outside of the defined boundaries of these settlements, the remainder of the district is to be subject to countryside policies where development will be strictly controlled unless it is required to enable essential rural needs. Policy 20 of the LP sets out that development in the countryside will only be permitted if it is a type of development that is specifically listed or if there is an overriding need for it to be located in the countryside.

Iwerne Minster is one of the larger villages and it contains facilities that make it more sustainable such as a public house, school, shop, church, play facilities and recreation space. Policy 2 states that the larger villages will form the focus of growth to meet the local needs outside of the four main towns. Reducing the weight that is given to the settlement boundaries as it is a policy that frustrates the supply of housing, the location is considered to be acceptable in principle, being on the edge of a sustainable settlement. This is subject to a site specific assessment of the relevant constraints.

Affordable Housing

There is a high level of housing need in the North Dorset area with currently over 960 households on the North Dorset Housing Register. The higher levels of need are for smaller homes. The 2015 SHMA estimated that 367 additional units of affordable housing would be needed annually over a five-year period to meet the identified housing need across the Council area. Last year, 7 affordable homes were built.

Policy 8 of the Local Plan, Part 1 sets out the affordable housing requirements. On schemes of six to ten in Areas of Outstanding Natural Beauty financial contributions to the provision of affordable housing will be sought. In this case, the application includes the proposal for the provision of on site affordable housing. This goes beyond the policy requirement of an offsite contribution. There is a benefit in providing the affordable housing on the site in terms of security of delivery.

Policy 8 normally seeks a mix that is 70% rented and 30% shared ownership. However, the policy recognises that a tenure split outside of this range may be permitted on individual sites, but only if this can be soundly justified, for example, where a scheme is proposed to meet a specific affordable housing need.

In this case, the housing mix reflects the need that was identified from evidence from the 2016 Neighbourhood Plan Questionnaire, during the initial scoping work for the neighbourhood plan, which was subsequently not progressed. There was an identified need for easy access bungalows and for housing that provides a subsidised route to home ownership. In view of this, the scheme includes two easy access bungalows and four discounted market sales housing. Discounted market sales housing is recognised as affordable housing in the NPPF. It is housing that is sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households. This would be secured through a S.106 Agreement.

Officers consider that the mix tenure in this case is acceptable when assessed against the requirements of policy 8. The housing mix reflects the most up to date information that is

available for the village in relation to the local housing need. The housing mix would assist those looking to downsize and people who are looking to access market housing who are excluded from being able to purchase a property locally. The proposal goes beyond what is required by Policy 8 as the affordable housing would be delivered on site, rather than by way of an offsite contribution.

Access

A single access is proposed to serve the site. This would be from a track which is accessed from Dunn's Lane. Concern has been raised in relation to the width of this lane and the potential conflict that could occur between vehicles and pedestrians. The track has a public footpath that runs along it.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds, if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

There is no highway objection to the proposal, subject to conditions. Sufficient visibility is available at the junction onto Dunn's Lane. The width of the access is sufficient to serve the level of traffic movements that would result from 9 dwellings.

The Highway Officer has commented that the access track serving the site from Dunns Lane is also a public Right-of-Way (footpath). The applicant has indicated that the surfacing of this track, from the junction with Dunns Lane south to the site entrance will be upgraded to provide a suitable surfaced finish for use by all road users. *The level of likely traffic generation in the AM and PM peaks is comparatively low and the nature of the approach roads are such that they effectively operate as low speed, shared space, environments. The available visibility at the junction of the access track with Dunns Lane is satisfactory.* Hence, there is no highway objection, subject to conditions.

In line with the requirements of the NPPF, the highway impacts of the scheme will not be severe. The proposal is considered to comply with policy 13 of the Local Plan, Part 1.

Layout

The pre-application discussions highlighted the requirement to ensure that the layout design did not appear overly suburban or regimented. It also highlighted the importance of not siting buildings and their narrow gardens too close to the boundary with the listed Old Brookmans as this would result in the density of the development impinging on the significance of the heritage asset.

The applicant has responded to these initial concerns. The proposed layout of the properties and their gardens have been re-sited away from the western boundary and their former formal arrangement now redesigned to provide a softer more organic lead into the development site. In addition, the proposed orchard is also intended to act as a visual buffer between the old and new buildings, as well as reinforce the natural setting of the listed building taking reference from former historic orchard prevalence in the area. As this area lies outside of the red line of the application, officers recommend that the provision of the orchard landscaping is secured within the S106 Agreement. This is due to the importance of delivering planting in this area as this will safeguard the setting of Old Brookmans.

The remainder of the layout has now abandoned its suburban regimented arrangement and adopted a scheme that takes reference from farmyard outbuildings with open grassy landscaping. Although still appearing slightly contrived, if executed well with a mix of materials and detailing appropriate to a rural edge of settlement service grouping, there is potential to integrate successfully into the field setting. The intention is also to retain outward through views across the site via the gaps between the buildings as well with restricted heights and natural material finishes to hard-standings.

Scale

It was emphasised at pre-app that the development should appear as recessive as possible from all viewpoints, similar to existing development forming its backdrop and the adoption of a mix of single and one and half storey construction, strategically placed was advised to take reference from historic farmstead groups, achieve a reduction in massing and mitigate long range visual impact and maintain outward views to the wider AONB setting. Officers consider that this has been achieved as the development will be mainly single storey towards the more sensitive edge the faces out towards the AONB with some one and a half storey proposed. A condition is proposed to ensure that any reserved matters application accords with this restriction.

Historic Conservation Considerations

This plot lies on the very edge of the settlement just outside of the Conservation Area. Within the plot, this due to its high field hedges, there is a relative sense of isolation, with outward views only to the east down the valley. To the north-west lies the listed Brookmans Old Farm, with its long garden curtilage extending south along the field boundary with the plot. This curtilage was previously well screened by vegetation but more recently the hedgeline has been reduced, providing some inter-relational views. The site is also within the Cranborne Chase AONB.

Further west, separating the listed building's curtilage and the Playing Field is a narrow grassy track, which is also designated as a public RofW. The connecting path leads out across the flat fields of the Brookman Valley until it rises up the hillside towards Preston Farm. These northern slopes of the hill and an extensive area sweeping around the valley end to the east of the plot are all identified as being of Sites of Archaeological Importance. Similarly, the building group incorporating Cleff House to the north are also on a Site of Archaeological Importance.

As well as from the hill, there are public views of the site and existing properties in the vicinity, from the lower sections of the path as it crosses the valley on the approach to the village. The present buildings that can be seen, appear to have been designed to maintain a recessive presence, with their dark roofs, with low eaves, being mainly visible, retaining the distinctly rural character. The proposed site is seen set against a backdrop of such dwellings and the predominantly lush vegetation and trees of the settlement and field edge also act as a natural buffer that dilutes the impact of the built environment beyond, upon the historic Chase.

The scheme proposes the use of the existing track as the access road to the new development site stating that the existing hedges are to be retained with only the present natural growth encroaching on the route to be cut back. It is noted that a cellular containment system is proposed with a finish to be agreed. A natural gravel finish is recommended,

without hard kerb lines or pavements so as to retain the rural character of the area and approach to the field path.

There are no non-designated heritage assets within the vicinity of the site that would be impacted by the development. The historic maps show that the area has been in agricultural use since at least 1811 and probably much earlier. This means that there is a generally low potential for the presence of archaeological features or deposits within the application area and therefore an archaeological recording condition is not considered to be necessary.

The main heritage constraints for consideration are the listed farmhouse and the Conservation Area. The applicant's heritage statement concludes that the proposed development would have a negligible effect on the setting of these assets but no effect on their significance. The Conservation Officer's comments reflect this view. Subject to conditions that relate to surface materials within the shared spaces, there is no conservation objection to the proposal. The application is considered to result in a neutral impact upon the setting of the Conservations Area and on the setting of the adjacent listed building. The public benefit of providing 9 dwellings is considered to weigh in favour of the application, and there is no identified historic conservation related harm that would outweigh this benefit.

In determining the proposals due consideration has been given to Section 16 (Paragraphs 190,192,193,194,195,196,200) of the NPPF, Section(s) 66/72 of the 1990 Act and Policy 5 of the Local Plan

Landscape and Visual Impact

The site is visible from the public footpath that runs past the site to the west. This footpath then extends in a southerly direction, out to the open countryside. The site is visible when viewed from the elevated part of the public footpath to the south. However, this view is set against the backdrop of the existing built form. The edge of the settlement is characterised by pockets of development that has extended out from the main villages routes, interspersed by green foliage.

Policy 4, The Natural Environment, states that the landscape character of the District will be protected through retention of the features that characterise the area. Where significant impact is likely to arise as a result of a development proposal, developers will be required to clearly demonstrate that the impact on the landscape has been mitigated and that important landscape features have been incorporated in to the development scheme.

Paragraph 4.56 states, the District-Wide Landscape Character Area Assessment identified 18 landscape character areas and set out the key features of these. If these features were harmed by development, the landscape character would be degraded. It is therefore important that all development is designed to fit with this landscape character, including the use of appropriate building materials and in relation to the scale of development.

Paragraph 4.57 states, where there is likely to be a significant impact on the landscape, development proposals should be accompanied by an assessment of the impact on the landscape character such as a landscape and visual impact assessment based on best practice. This should demonstrate how important landscape features will be integrated into development proposals and how the visual impact of a development has been mitigated.

The NPPF echoes the local plan policy. It states that great weight should be given to protecting the landscape qualities of the AONB.

In terms of the Landscape Character Assessment, the entire site falls within the Clay Vale LCT and to the east (towards Iwerne Hill) is the Chalk Ridge/Escarpment LCA.

At a local level, the landscape character of the application site is part of a small collection of three fields that are smaller in scale than the surrounding arable fields and more domestic in nature of use (they appear to be pasture or paddock). The 1888 OS plan of the area shows that the application site was once a single, small field that included the large garden to its immediate north.

There is a single footpath (N65/21) within the immediate vicinity of the proposed site, which runs along the lane that is proposed for access to the site and then travels approximately 500m to the south to an area of Open Access Land on Preston Hill. Views from footpaths to the north and west of the village will be screened by intervening topography, tree planting and buildings.

Views from the footpath within close proximity and the adjacent playing field contain open views to the east and south, with the striking rising landscape of Iwerne and Preston Hills as a backdrop. An indication of these views is available in the submitted LVIA as viewpoints A and C. As the viewer moves further south (and the land rises), more of the village and the application site becomes visible. From these wider views, the village is seen in its rural context surrounded by the rolling hills around it. An indication of these views can be seen in the submitted LVIA as viewpoints N and O. Once the viewer reaches the open access ground on Preston Hill, wide-ranging views are possible to the village and much further to the north and west. An indication of these views can be seen in the submitted LVIA as viewpoints H to L.

The Council's Landscape Architect responded to the concerns of the AONB Partnership who consider that the impact of the proposal on the visual and landscape receptors has been underestimated in the applicants submitted landscape appraisal. Whilst the concerns of the AONB are understood, it is considered that the proposal could be accommodated on the site without significant impact on landscape character and visual amenity.

Turning to landscape character, the site is a small field that is immediately adjacent to the settlement boundary and the conservation area. The field already has a character that is more domestic than rural and is in close proximity to a large garden and playing field. The introduction of low-density housing on this site will not significantly impact upon the wider landscape character of the area or the more local character of the valley.

Visual receptors likely to be affected by this development will be:

- Users of lane proposed for access to the site;
- Footpath N65/21; and
- The area of Open Access Land on Preston Hill.

Users of the existing lane will see a significant change in views along this route and will experience a loss of tranquillity brought about by an increase of vehicles along the lane; but this change will be limited to a small section of the overall experience of walking from the village onto Preston Hill.

Users of footpath N65/21 (once it leaves the lane) will experience less of a change in views and this change will be experienced more when the users are descending into the village

from higher ground to the south. Officers consider that the change in view when using this footpath will not significantly, adversely affect the experience of the users of the footpath. When descending Preston Hill, the user of the footpath will have views of the development that are partially screened by vegetation and that are set against the settlement backdrop of the village.

It is also the opinion of officers that views from Preston Hill will not be significantly or adversely affected by the proposed development. The wide, far-reaching views to the north and west will still be available and in this context, the development will appear very much as part of the village settlement.

Potentially the greatest visual impact of this development is likely to come from the west on the land rising up to the top of Iwerne Hill. Views from this direction will see the development without the benefit of screen planting but still set against the backdrop of the village. However, there are few visual receptors to the east of the development site and no public footpaths.

Any reserved matters application would need to be of an appropriate design, form, materials, landscaping and finishes but this is not for determination at this stage.

The application is considered to comply with the requirements of Policy 4 of the Local Plan, Part 1.

Amenity

The closest neighbour, Brookman's Old Farm is set over 40 metres from the proposed built form of the dwellings. The position of windows is not known at this outline stage but the separation distance would be sufficient so that it is not intrusive, overlooking or overbearing. Likewise, Cleff House and Old Orchard House, located to the north, are both set a significant distance from the proposed housing.

To the southwest is located the village Pavilion and playing field. The proposal would not have a direct impact on the use of the community facility due to its location which is on the opposite side of the track to the proposal. Concern has been raised in relation to the potential conflict with the use of the Pavilion and the new car movements that would result from the development. The 9 dwellings would result in a limited number of traffic movements. This would not be sufficient to prejudice the use of the Pavilion.

The proposal would not lead to any unacceptable overlooking or overbearing. As such, the development is considered to comply with policy 25 of the Local Plan, Part 1.

Ecology

The site lies within Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB) and within the Impact Risk Zones for AONB. In addition, the site lies within 2000 metres of the following notable and protected sites.

- Sutton Combe Site of Special Scientific Interest (SSSI)
- Lowland calcareous grassland Priority Habitat
- Deciduous woodland Priority Habitat
- Higher Furzehill Ancient and Semi Natural Woodland

- Higher Furzehill Ancient Replanted Woodland
- West Hill Wood Ancient and Semi Natural Woodland
- Brookman's Valley Site of Nature Conservation Interest (SNCI) (Unimproved chalk grassland)
- Preston Wood SNCI (Deciduous woodland)
- Preston Hill SNCI (Remnants of chalk downland)
- Ancient Yew (Greenwood Tree)

Much concern has been raised in relation to the ecology impacts of the proposal. The applicant has carried out an ecology assessment of the site and the ecology mitigation measures have been approved by the Natural Environment Team.

The amount of hedge that would be removed to allow for the new access amounts to five metres on the western boundary. The proposal would see an additional 185m of hedging and 50-100 trees planted. The loss of 5 metres of hedge would be adequately mitigated by the proposed planting. The details of the landscaping in terms of its location and species is a reserved matter. However, the requirement for planting is set out in the required biodiversity mitigation.

Concern was also raised by the parish and objectors in relation to the widening of the lane to facilitate the access. A detailed plan has been submitted by the applicant that clearly identifies the amount of cutting back of the hedge and details of the cellular containment system that would be used for the track to ensure that the hedge is protected.

The site is considered overall to be of a low conservation value and no evidence of protected species was found on the site. A series of mitigation measures are proposed to include bat and bird boxes, lighting restrictions and planting.

The proposal is considered to comply with the requirements of Policy 4 of the Local Plan, Part1.

Trees

The application was clarified to clearly show that a much smaller incursion into the important native hedgerow would be proposed of 5m. The Tree Officer considers that this revision has a dramatic effect on the proposed harm to the hedgerow and the setting of the site.

An Arboricultural Method Statement (Hellis reference 19/03/45NH) dated March 2019 has also been submitted. This is considered to be a preliminary concise statement which shows the proposed location of protective fencing to prevent physical damage to existing hedgerows and trees on the subject and neighbouring sites within the tree protection plan.

A cellular confinement system is proposed for the access track which would minimise damage to hedgerow and tree roots. This method is considered to be acceptable, subject to further precise details to show how this can be achieved prior to commencement.

It is imperative that all hedgerows are protected, including those in separate ownership; any damage or destruction of specimens as a result of the proposal should be rectified by the Applicant and should not cause financial detriment to those owners.

It is suggested in the report that some Hedgerows may benefit from coppicing; in light of the sensitivity regarding the site especially relating to the important western (H3) and southern (H6) hedges. This would not be supported as wholesale coppicing of the current hedging would reduce its attractive foil to the future development, especially when viewing the site from mid range views on the southerly public footpath. This native hedging is also a valuable wildlife corridor linking to other hedgerows in the vicinity and confirmation is required to confirm that the current hedgerows will be retained in their current form.

Subject to the conditioning of Arboricultural method statements, the proposed is considered to comply with the requirements of Policy 4 of the North Dorset Local Plan, part 1.

Drainage

Flood Drainage state that the site is shown to fall within Flood Zone 1 (low risk, fluvial) and is at no modelled risk of pluvial flooding according to the Environment Agency's (EA) indicative flood maps and the EA's Risk of Flooding from SW (RoFfSW) mapping. The site itself is therefore at a low risk of flooding. However, the surrounding community of Iwerne Minster, whilst free from any modelled fluvial flood risk, has a degree of unmodelled risk from small Ordinary Watercourses (OWC) and from SW. We (DCC's FRM team) are aware of historic flooding at several locations including Watery Lane and along the Blandford Road. These local flood issues broadly follow the 1 in 1000-year pluvial flood extent.

Following the initial objection from Dorset Council Flood drainage the applicant submitted additional details outlining a site-specific SW management scheme. Accordingly, the holding objection has been removed subject to pre-commencement surface water management conditions.

14.0 Conclusion:

The site is adjacent to the settlement boundary of the village of Iwerne Minster which is identified within the Local Plan as a location that is sustainable and in principle, acceptable for development to meet local need. The heritage and landscape impacts of the proposal are considered to be acceptable. As a result, the presumption in favour of sustainable development applies.

The application would provide 9 dwellings, 4 of which would be affordable and this weighs in favour of the proposal. The fact that the affordable element of the scheme would be provided on site, is considered to be a benefit of the proposal to which great weight can be attributed. The provision of allotments also weighs in favour as it would meet the social strand of sustainable development. The proposal would also have a small economic benefit through the creation of jobs at the construction phase.

Weighing against the scheme is the localised visual impact of the proposal upon views from the footpath at close range. This impact is however, not considered to be significantly harmful as it would only impact the use of the footpath for a short section before the path leads out towards the open countryside.

Weighed in the balance, the identified benefits of the scheme when taken as a whole outweigh the minor identified harm to localised visual receptors and as a result, it is recommended that outline planning permission is granted, subject to conditions and the completion of a legal agreement to secure the affordable housing, orchard planting and the provisions of the allotment.

15.0 Recommendation

A) GRANT, SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IN A FORM TO BE AGREED BY THE LEGAL SERVICES MANAGER TO SECURE THE FOLLOWING:

- Affordable housing comprising of on-site provision of four units of discounted market housing
- Provision of the allotments identified on the submitted layout
- Provision of the landscaped orchard area.

And the following conditions (and their reasons) listed below:

1. Approval of the Reserved Matters (i.e. any matters in respect of which details have not been given in the application concerning the layout, scale or appearance of the building(s) to which this permission and the application relates, or to the means of access to the building(s), or the landscaping of the site) shall be obtained from the Local Planning Authority in writing before any development is commenced. Such development shall be carried out as approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Application for the approval of any Reserved Matter must be made 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 92 of the Town and Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details:

17164-1 REV D,
2019/05/01 REV B,
17164-4 REV E,

forming the approved application.

Reason: For the avoidance of doubt and to clarify the permission.

5. Prior to the surfacing of the land or and other hardstanding area, details of the proposed surfacing material shall be submitted to the local planning authority for approval in writing.

The details shall include natural surface materials without kerbing or pavements. The development shall be carried out in accordance with the agreed details.

Reason: In the interests of providing a natural appearance to the development and to safeguard the significance of the Conservation Area and listed buildings.

6. Prior to the occupation of any dwelling, a precise landscaping scheme for the main site communal areas to include all hard landscaping for paths, access road within site, parking areas, courtyard, to include locations, materials, finishes, construction of all surfaces, boundary treatments, allotments and pond and all planting schemes shall be submitted to the

local planning authority for approval in writing. The development shall be carried out in accordance with the approved details.

7. No development shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction, and substantiated by infiltration tests, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be fully implemented in accordance with the submitted details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.

8. No development shall take place until details of maintenance & management of both the surface water sustainable drainage scheme and any receiving system have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

9. The Biodiversity mitigation measures set out in the approved Report dated 28th March 2019 shall be implemented in full in accordance with the timetable set out in the report, or in the absence of a specific timetable, prior to the development hereby approved being first brought into use and the site shall thereafter be maintained in accordance with the approved mitigation proposals.

Reason: To ensure adequate habitat is provided and subsequently protected to ensure adequate protection for important habitats and species is secured.

10. Before the development is occupied or utilised the first 10.00 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 Local 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.

11. A scheme showing precise details of the improvements/upgrading of the access road serving the site must be submitted to the Local Planning Authority. Any such scheme requires approval to be obtained in writing from the Local Planning Authority. The approved scheme must be constructed before the development is occupied or utilised.

Reason: To ensure that a suitable vehicular access is provided.

12. No development must commence until details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the proper and appropriate development of the site

13. The development hereby permitted must not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities is submitted to the Local Planning Authority. Any such scheme requires approval to be obtained in writing from the

Local Planning Authority. The approved scheme must be constructed before the development is commenced and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

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

14. There must be no gates hung so as to form obstruction to the vehicular access serving the site.

Reason: To ensure the free and easy movement of vehicles through the access and to prevent any likely interruption to the free flow of traffic on the adjacent public highway.

15. Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Local Planning Authority. The CTMP must include:

- construction vehicle details (number, size, type and frequency of movement)
- a programme of construction works and anticipated deliveries
- timings of deliveries so as to avoid, where possible, peak traffic periods
- a framework for managing abnormal loads
- contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- wheel cleaning facilities
- vehicle cleaning facilities
- a route plan for all contractors and suppliers to be advised on
- temporary traffic management measures where necessary

The development must be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: to minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway.

16. Notwithstanding any details submitted as part of the application, this permission is limited to single storey or one and a half storey dwellings only which shall be erected on this site.

Any reserved matters application shall accord with this restriction.

Reason: To give the Local Planning Authority adequate control over the Detailed proposals yet to be considered and as the site is within the AONB and on the edge of the Conservation Area.

17. Prior to the commencement of the development, a full and final Arboricultural Method Statement shall be submitted to the local planning authority for approval in writing. This shall contain precise detail of the proposed cellular confinement system, any further proposed works to trees or hedges (apart from cutting back to the boundary). The development shall be carried out in full accordance with the approved statement.

Reason: To ensure thorough consideration of the impacts of development on the existing trees.

18. No works shall commence on site until details of the design of building foundations, car park surface construction and the layout (with positions, dimensions and levels) of service trenches, ditches, drains and other excavations on site (insofar as they may affect trees on or

adjoining the site) shall be submitted to, and approved in writing by the Local Planning Authority. The development shall thereafter accord with the approved tree protection details. Reason: To ensure the protection of trees to be retained, and in particular to avoid unnecessary damage to their root systems.

- B) REFUSE PERMISSION FOR FAILING TO SECURE THE AFFORDABLE HOUSING AND ALLOTMENTS IF THE AGREEMENT IS NOT COMPLETED BY (6 months from the date of committee) OR SUCH EXTENDED TIME AS AGREED BY THE HEAD OF PLANNING

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Bourton



1.0 Application No: 2/2017/1357/OUT

Applicant: Mr & Mrs A Hix

Case Officer: Hannah Smith

Location: Land Adjacent To Sandways Farm, New Road, Bourton, Dorset, SP8 5BQ

Proposal: Demolish agricultural buildings, carry out improvements to existing access points, provision of new access road and modification of existing access track. Develop land for residential purposes and a new Village Hall with associated parking (Outline Application to Determine Access)

Ward: Gillingham, Cllr V Potheary Cllr B Ridout Cllr D Walsh

2.0 Recommendation Summary:

A) GRANT, SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IN A FORM TO BE AGREED BY THE LEGAL SERVICES MANAGER TO SECURE THE FOLLOWING:

The permitted site shall provide an area of at least 2.1 ha to be apportioned as follows:

- 0.3 ha to the village hall and a parking and manoeuvring area, and;
- 1.5 ha to amenity space of a reasonably level gradient and quality immediately adjacent to the village hall building, and;
- 0.3 ha to the housing development.
- The land for the village hall and amenity space, if not already transferred to the ownership of the Parish Council shall **prior to any grant of planning permission on any part of the site for any aspect of the proposed development** be transferred to the ownership of the parish Council.
- The land to be transferred to the Parish Council shall be transferred in a cleared state with services and access road provided to the site entrance point or there shall be a legal agreement on such provision.

And the following conditions (and their reasons) listed at the end of the report.

B) REFUSE PERMISSION FOR FAILING TO SECURE THE TRANSFER OF THE HALL IF THE AGREEMENT IS NOT COMPLETED BY (6 months from the date of committee) OR SUCH EXTENDED TIME AS AGREED BY THE HEAD OF PLANNING

3.0 Reason for the Recommendation:

- Compliance with policy 5 of the Neighbourhood Plan
- Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The location is considered to be sustainable and the proposed access is
- There is not considered to be any significant harm to neighbouring residential amenity
- The ecology impact of the proposal is acceptable
- There are no material considerations which would warrant refusal of this application

4.0 Table of Key Planning Issues

| Issue | Conclusion |
|-----------------------------|---|
| Principle of development | The principle of the development is considered to be acceptable; the site is allocated for the development of a hall, residential development and amenity space within the Neighbourhood Plan. |
| Access and Highway impact | The access arrangements are sufficient to serve the development and there is adequate visibility onto New Road. |
| Historic Conservation | The application is considered to result in a neutral impact upon the setting of the adjacent listed buildings. The public benefit of providing a hall, residential development and amenity space is considered to weigh in favour of the application, and there is no identified historic conservation related harm that would outweigh this benefit. |
| Landscape and Visual Impact | The proposal could be accommodated on the site without significant impact on landscape character and visual amenity. |
| Amenity | The level of amenity of surrounding land users would be safeguarded at an acceptable level. |
| Ecology | The application is supported by an approved Biodiversity Mitigation and Enhancement Plan. |
| Drainage | The lower part of the land has been subject to surface flooding however there is no development proposed within this area. There are no drainage concerns, subject to a foul and surface water drainage condition. |

5.0 Description of Site

There are two proposed accesses to the site, one off of New Road where there exists a field gate and part of the site would be served off a track to the south west. The site is located centrally in the village. Sandways Farmhouse is located immediately next door to the north east and is an important Grade II listed building, which fronts New Road. It is constructed of coursed rubble with a thatched roof. The adjoining brick built stables, which also front New Road are also listed.

The neighbouring cottages 1 ' 5 Sandways form an historic group with the farmhouse. The farmhouse dates from C18, and is likely to have replaced an earlier house on the site, and is best appreciated from the rear fields and footpath, when you see the setting of the farmhouse, the neighbouring redundant barns and the adjacent farm cottages.

6.0 Relevant Planning History

Application: 2/2016/1227/OUT

Proposal: Demolish agricultural buildings, carry out improvements to existing access points, provision of new access road and modification of existing access track. Residential development and erection of new Village Hall with associated parking. (Outline application to determine access).

Decision: Withdrawn

7.0 Constraints

Agricultural Land Grade - Grade: GRADE 3

TPO - Charge Description: Area TPO 562-2016 - Bourton. All trees of whatever species.

TPO - Charge Description: Individual TPO 5/4/93 Bourton No.4. Beech (*Fagus Sylvatica*). T1

Setting of the Area of Outstanding Natural Beauty - Name: Cranborne Chase & West Wiltshire Downs (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

Setting of Sandways Farm and adjacent building (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

8.0 Consultations (all consultee responses can be viewed in full on the website)

Principal Technical Officer

No objection: To prevent flooding and minimise the risk of pollution, I suggest that no development shall take place until precise details of foul and surface water disposal shall be submitted to and approved in writing by the Planning Authority.

Tree Officer

No objection.

Transport Development Management

No objection subject to conditions.

Wessex Water

No objection.

Bourton PC

Object on the following grounds:

- The Parish Council has selected the Jubilee Field site as the preferred location for its new Village Hall, associated Amenity Land and enabling Housing Development in accordance with Policy 5 of the Bourton Neighbourhood Plan.
- The proposed indicative position of the new hall on the Sandways site, as indicated within this application, was considered to be detrimental to the business aims of the Village Hall Trustees.
- The likely environmental health impact of the Sandways site on a number of surrounding properties from Hall events was felt to be excessive.
- There was a negative impact on nearby heritage assets e.g. Sandways Farm and Cottages.

Conservation Officer South

Consulted on the 2 October 2018, their comments dated 5 December 2018 are as follows: Support roadside accesses but insufficient information to approve the internal site road layouts.

NOTE: The application is only for access at this outline stage.

Environmental Health Officer

No comment.

Representations:

30 letters of representation were received, of which 3 offered comments which neither supported nor objected to the proposal, 9 objected to the proposal and 18 supported the proposal.

The letters of objection contain the following summarised points:

- Concerns regarding noise from the use of the hall
- Impact upon the setting of listed buildings is unacceptable
- Impact on Access
- Road Safety
- Traffic or Highways
- Flooding Issues
- Premature Lack of detail
- Inadequate appraisal of heritage assets
- The development would have a significantly adverse effect on important views of the countryside from the village or those towards the village, S106 obligations do not meet the CIL tests
- Impact on Light
- Design
- Effect on the Appearance of Area
- Heritage
- Impact on Light
- Landscape

- Noise/Disturbance
- Overlooking/Loss of Privacy
- Parking

The letters of support contain the following summarised points:

- The site is located in the centre of the village
- The area of proposed amenity land is ideally suited for use as recreational and sporting activities, the topographical survey shows that it has a gentle slope from East-West of some 4 m over a distance of some 220 m, a gradient in the order of 1 in 50 and a North-South slope of 2 m in 100, again some 1 in 50
- Impact upon listed building is acceptable
- The drawings accompanying this application are indicative only
- The hall does not need to be on the road
- Highway impact is acceptable
- Amenity impact in terms of noise is acceptable
- Parish Council comments are at odds with the wishes of the community
- The 2018 Site Selection Public Engagement/Consultation Process by the PC ran contrary to the views of the community
- Preferring an alternative site is not a legitimate reason to withhold consent
- Economic Benefits
- Effect on the Appearance of Area
- Recreation area located at the bottom of the site would be safe and secure for the young away from the main road

A letter from the Trustees of Bourton Village Hall Charitable Incorporated Organisation has been received. It states that the trust supports the development of the site at Chaffymore, rather than this application at Sandways Farm.

A petition signed by a number of people has been submitted in support of the application.

9.0 Relevant Policies

North Dorset Local Plan, Part 1:

Policy 1 - Sustainable Devt.
 Policy 2 - C Spatial Strategy
 Policy 4 - The Natural Env.
 Policy 5 - The Historic Env.
 Policy 6 - Housing Distribution
 Policy 7 - Delivering Homes
 Policy 11 - The Economy
 Policy 13 - Grey Infra.
 Policy 14 - Social Infra.
 Policy 15 - Green Infra.
 Policy 20 - The Countryside
 Policy 23 - Parking
 Policy 25 - Amenity
 Policy 27 - Comm. Facilities

Policy 14 of the Local Plan, Part 1 states that in the countryside, such facilities may be permitted on the edge of the built-up area of Stalbridge or the District's villages to support a rural community, where no suitable sites exist within the relevant settlement. It should be noted that both the village hall sites within the neighbourhood plan are outside of the settlement boundary of the village. However, the Bourton Neighbourhood Plan has allocated both sites as being acceptable locations for a new facility.

The Bourton Neighbourhood Plan

The Bourton Neighbourhood Plan has been made and therefore the policies contained within it, where applicable, should be afforded full weight.

The most relevant policies in relation to this application are Policy 2, Settlement Pattern and Character, Policy 3, Building Design and Form, Policy 5, New Village Hall, and Policy 4, Traffic and Parking.

NPPF February 2019

1. Introduction
2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
11. Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Sustainable development has been made a core principle underpinning government planning guidance which is considered to be central to the economic, environmental and the social success of the country. These three principles are to be pursued in an integrated manner to provide for solutions and deliver multiple goals. The NPPF considers that there need not be an inherent contradiction between achieving increased levels of development and protecting and enhancing the environment, provided that development is planned and undertaken responsibly and the planning system is expected to take an active role in guiding development to sustainable solutions.

Relevant Sections of NPPF to this application:

78. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

79. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential dwelling; or

e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

83. Planning policies and decisions should enable:...

.....d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

92. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments...

In terms of heritage, section 16, paragraphs 184, 189, 190, 192 and 200 are relevant.

Paragraph 184 states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Once they are destroyed, they cannot be replaced.

Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

10.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

11.0 Public Sector Equalities Duty

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

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

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

12.0 Financial Benefits

| Benefit | Material/Non-material |
|------------------------|--|
| Quantum of Open Space: | 1.5 Hectares (material planning consideration) |
| S.106 Obligations: | Provision of a hall, 9 open market dwellings and amenity space (material planning consideration) |
| CIL Charges: | Not applicable (non-material) |
| Council Tax Revenue: | Not know at this stage (not a material planning consideration) |
| Affordable Housing | No |

13.0 Planning Assessment

It is proposed to develop land adjacent to Sandways Farm through the erection of a village hall and 9 dwellings. This is an outline application with only access for determination at this stage. Both of the proposed accesses are off of New Road. One access would be from in the location of a field gate that serves the agricultural building and the other access is off a track off of New Road which runs between the properties Fernleigh and Kiama.

This is one of two sites that are identified in the Bourton Neighbourhood Plan. Each site must be considered on its own merits. The requirements of Policy 5 of the Neighbourhood Plan are discussed further in the next section.

The Principle of the Development: Bourton Neighbourhood Plan

The Bourton Neighbourhood Plan is a made plan and it therefore carries full weight in decision making. The Local Plan, Part 1 locates this site outside of a defined settlement boundary and within the open countryside where most forms of development for general needs are strictly controlled. However, the made neighbourhood plan has a specific policy that relates to the provision of a hall, amenity land and residential development.

The most relevant policy in relation to this site is Policy 5: New Village Hall. The following paragraphs relate to sections 'a' to 'f' of policy 5 of the Bourton Neighbourhood Plan.

(a) Policy 5 sets out that either of the two sites is deemed to be suitable for a village hall, amenity space and a small housing development. It is therefore relevant to note that this site is considered an appropriate site for a village hall. The application is in outline with only the access for consideration at this stage. Nevertheless, the applicant has provided an indicative plan that shows how a hall, 9 dwellings and amenity space could be accommodated on the site.

(b) The site shall provide an area of at least 2.1 ha to be apportioned as follows: - approximately 0.3 ha to the village hall and a parking and manoeuvring area, and; - approximately 1.5 ha to amenity space of a reasonably level gradient and quality immediately adjacent to the village hall building, and; - approximately 0.3 ha to the housing development.

The submitted plan provides sufficient area to accommodate these uses. The amenity space is shown adjacent to the hall on level ground.

(c) The policy states that the land for the village hall and the amenity space must be transferred to the Parish Council prior to the grant of any planning permission. In view of this, prior to the grant of planning permission the applicant and the parish council would need to enter into legal agreement to allow for the transfer of the land. If no agreement could be reached, the permission would not be granted. The recommendation in this case is approval subject to conditions and the completion of the land transfer by agreement. Only one of the sites can be brought forward and the other reverts to open countryside. While the Parish Council has objected to this site, it should be noted that it is an acceptable site in principle. This is set out in the Neighbourhood Plan. A preference for the other site is not a material reason for refusing consent.

(d) Policy 5 states that the land to be transferred to the Parish Council shall be transferred in a cleared state with services and access road provided to the site entrance point or there shall be a legal agreement on such provision. This would form part of the S.106 Agreement.

(e) Development proposals for this site are required to include: screening, using native species planting to lessen visual impact and to limit the impact of noise on neighbouring households; the augmentation of ecological value on the site as discussed in the relevant Ecological Impact Assessment; housing consisting mainly of small family homes: measures that protect heritage assets and their setting. As the application is in outline, the landscaping details and layout details are not known at this stage and this would be dealt with at the reserved matters stage. The application includes an approved biodiversity mitigation plan. The plan includes details the proposed ecological enhancements which are detailed further in the ecology section of this report.

(f) The policy states that the decision-making process on planning applications for the proposed site options will be carried out by the Local Planning Authority in accordance with this policy as part of the plan-led process and having taken into account any other material considerations, including the identified planning considerations of the residents as expressed through the Parish Council. The Parish Council have raised an objection to this application and this is a consideration in this case. There is, however, support for the proposal from some residents.

To conclude, it is considered by officers that the application accords with the requirements of policy 5 of the neighbourhood plan.

Access and Highway Impact

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds, if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

There is no highway objection in this instance, subject to the recommended highway conditions. Both of the proposed accesses would have adequate visibility onto New Road.

Historic Conservation

Paragraph 193 of the Framework sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, that great weight should be

given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Harm to the significance of a designated heritage asset can arise from its alteration, destruction, or from development within its setting. Any harm should require clear and convincing justification. This advice is reflected in Policy 5 of the Local Plan.

It is acknowledged that the Council currently cannot demonstrate a sufficient supply of housing and that this currently stands at 3.3 years within the former North Dorset area. However, because of made neighbourhood plan and 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 (the 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).

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.

In this case, it is of note that the site is allocated in the Bourton Neighbourhood Plan as a suitable site for a village hall and residential development.

The ground level slopes away to the south of the cottages and the gardens are of varying lengths. The farmhouse has quite an open aspect to the rear and is readily visible from the fields to the south, which in turn contributes to the significance of Sandways farm by providing a rural setting.

Although the outbuildings that once surrounded the farmhouse forming the yard area to the south of the site have disappeared, the linear character of the building, the associated cottages, the paddock area and the open fields to the rear allow the farmhouse to remain in a rural setting which compliments the character and former use of the group and contributes to the significance of the listed buildings by providing their setting.

At present, although there is a redundant agricultural building next to the site, this is clearly a building with an agricultural purpose. It is also set back on to the road with a low corrugated roof and extensive screening. The appearance ties in with the former use of the farm site. The access is also low key with a field gate and vegetation forming the entrance.

This is visually important in the pastoral setting of the historic farm group across the valley, and was noted in the Village Design Statement (VDS), which indicates that there is a key view (page 23 of the document) looking across the site for the proposed village hall and car parking, which gives the village it's rural character. It is this character which also contributes towards the setting of Sandways Farm.

Much is made of the rural setting of the village in the VDS - The area is diverse being a mainly pastoral farmed landscape which is characterised by thick hedgerows and medium-sized fields of irregular shape with some copses and plantations on the higher points. The settlement is mainly located just beneath the highest ridges which surround it so providing far-reaching views across the Blackmore Vale to the south and west and eastwards to the downs at Mere.

The design and layout of the development will require careful consideration however it should be noted that this application is to determine the access only. The revised site plan provides more information in the form of an indicative proposed layout for the whole plot, in order to provide the missing context for the proposed roadside access. The Conservation Officer has raised a number of layout and design points that would require consideration at the reserved matters stage but the principle of the development and the proposed access is supported.

The indicative layout shows the car park area located in the far SW corner of the site, which allows the proposed hall to provide screening, along with the existing hedgerows. This would mitigate any likelihood of detrimental visual impact on the wider setting, due to the high reflective nature of mass cars.

The site is allocated in the neighbourhood plan so the principle of the development has been established. The access points would have a neutral impact upon the setting of heritage assets. Weighed against the community benefit of a new hall and small scale housing development, the proposal is considered to be acceptable in heritage terms.

Landscape and Visual Impact

An Area Tree Preservation Order (TPO 562-2016) was served following a previous submission of a similar scheme (2/2016/1227/OUT).

The site falls within the Blackmore Vale Landscape Character Area which is characterised by straight hedgerows and medium-small sized irregular shaped fields, as seen at this site.

Whilst immediate views into the site are somewhat restricted by the mature hedging bordering New Road, views to the east of the existing barn have been identified as important within the proposed Bourton neighbourhood plan 2016-2031 and should be duly protected when determining layout and landscaping. This is to ensure any new development is successfully integrated into the local landscape character. This application is in outline and detailed matters of landscaping and layout are not for consideration at this stage.

However, with the majority of trees and hedging being situated around the curtilage of the allocated land; it is unlikely that the existing trees will pose an unworkable constraint to future development.

A small section of hedging is noted for removal to enable the access and required visibility splays. A green frontage should be retained to ensure that the character of this part of the village is not detrimentally altered. Section 7.0 and 12.0 of the Design and Access Statement address this by proposing mitigating planting on site and re-instatement to the back of the splay.

Whilst in principle, there is no concern in respect of the proposed location of the access points, it is vital, from a landscape perspective, that any development is designed carefully to ensure a sensitive transition between the village and rural open countryside. Landscaping and arboricultural details would be dealt with at the reserved matters stage.

An area of green open space would be retained immediately adjacent to the A303. In view of this, more distant viewpoints to the south-east would not be harmed.

There are limited views into the site and it is well related to existing development in the immediate locality.

Amenity

There is no environmental health objection to the proposal. The application is supported by an acoustic report. The report concludes that the normal functioning of a hall in the location proposed would not give rise to unacceptable impact upon the living conditions of the nearby residents. The layout and appearance is not known at this outline stage. Consideration to the orientation and positioning of opening at the reserved matters stage will be important to ensure that the design of the building is compatible with its surroundings.

The indicative layout demonstrates that the development would be set a sufficient distance from Sandways Farm, Flax Cottage and Acacia Cottage, the dwellings that are most closely located to the application site.

The proposal is considered to comply with the requirements of policy 25 of the Local Plan, Part 1 as the amenities that are currently enjoyed by surrounding properties would be safeguarded at an acceptable level.

Ecology

The approved biodiversity mitigation plan contains details of on-site biodiversity compensation and enhancement measures. These enhancements include creating log piles to enhance the habitat for reptiles, dark corridors maintained within the southern boundary of the site, scrub/grassland buffer adjacent to the wet ditch is retained, 2 bird and 2 bat boxes placed on trees, bat enhancements with crevice spaces within the design of the dwellings, rotational cutting of all hedgerows.

Drainage

The lower part of the land has been subject to surface flooding however there is no development proposed within this area. There are no drainage concerns, subject to a foul and surface water drainage condition.

14.0 Conclusion:

This application would provide for a new village hall, amenity space and residential development within the centre of the village. It is considered that the proposal is compatible with the requirements of the Bourton Neighbourhood Plan and the relevant policy within the north Dorset local plan. The significant community benefits of providing a new village hall and amenity space, and a limited amount of residential development are considered to be significant material considerations in this case. In view of the lack of any identified harm to heritage, ecology, highways, landscape, amenity or drainage, the application is recommended for approval, subject to a legal agreement that ensures that the transfer of the land to Parish Council takes place prior to the grant of planning permission.

15.0 Recommendation:

- A) GRANT, SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IN A FORM TO BE AGREED BY THE LEGAL SERVICES MANAGER TO SECURE THE FOLLOWING:

The permitted site shall provide an area of at least 2.1 ha to be apportioned as follows:

- 0.3 ha to the village hall and a parking and manoeuvring area, and;
- 1.5 ha to amenity space of a reasonably level gradient and quality immediately adjacent to the village hall building, and;
- 0.3 ha to the housing development.
- The land for the village hall and amenity space, if not already transferred to the ownership of the Parish Council shall ***prior to any grant of planning permission on any part of the site for any aspect of the proposed development*** be transferred to the ownership of the parish Council.
- The land to be transferred to the Parish Council shall be transferred in a cleared state with services and access road provided to the site entrance point or there shall be a legal agreement on such provision.

And the following conditions (and their reasons) listed below:

1. Approval of the Reserved Matters (i.e. any matters in respect of which details have not been given in the application concerning the layout, scale or appearance of the building(s) to which this permission and the application relates, or to the means of access to the building(s), or the landscaping of the site) shall be obtained from the Local Planning Authority in writing before any development is commenced. Such development shall be carried out as approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Application for the approval of any Reserved Matter must be made 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 92 of the Town and Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details: 06013- 7 A, 06013- 9 A forming the approved application.

Reason: For the avoidance of doubt and to clarify the permission.

5. No development must commence until details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the proper and appropriate development of the site.

6. Before the development is occupied or utilised the first 10.00 metres of the vehicle access serving the proposed dwellings from the track adjacent to Fernleigh, 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 Local 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.

7. Before the development is occupied or utilised the first 15.00 metres of the vehicle access serving the proposed village hall, 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 Local 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.

8. The development hereby permitted must not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities must be submitted to the Local Planning Authority. Any such scheme requires approval to be obtained in writing from the Local Planning Authority. The approved scheme must be constructed before the development is commenced and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

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

9. There must be no gates hung so as to form obstruction to the vehicular access serving the site.

Reason: To ensure the free and easy movement of vehicles through the access and to prevent any likely interruption to the free flow of traffic on the adjacent public highway.

10. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on the submitted plans must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

11. The Biodiversity mitigation measures set out in the approved Report dated July 2016 shall be implemented in full in accordance with the timetable set out in the report, or in the absence of a specific timetable, prior to the development hereby approved being first brought into use and the site shall thereafter be maintained in accordance with the approved mitigation proposals.

Reason: To ensure adequate habitat is provided and subsequently protected to ensure adequate protection for important habitats and species is secured.

12. No development shall be commenced until a scheme for the disposal of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Thereafter, no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented.

Reason: To minimise the risk of flooding and/or pollution.

13. Before the development hereby approved commences a Construction Method Statement (CMS) must be submitted to and approved in writing by the Local Planning Authority. The CMS must include:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- delivery, demolition and construction working hours

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: to minimise the likely impact of construction traffic on the surrounding highway network.

B) REFUSE PERMISSION FOR FAILING TO SECURE THE TRANSFER OF THE HALL IF THE AGREEMENT IS NOT COMPLETED BY (6 months from the date of committee) OR SUCH EXTENDED TIME AS AGREED BY THE HEAD OF PLANNING

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Bourton



Application No: 2/2019/0077/OUT

Applicant: S C Hannam Trust

Case Officer: Hannah Smith

Location: Land At, Chaffeymoor Farm, New Road, Bourton, Dorset

Proposal: Develop land by the erection of a village hall and 9 No. dwellings, form vehicular and pedestrian access. (Outline application to determine access).

Ward: Gillingham, Cllr V Potheary Cllr B Ridout Cllr D Walsh

2.0 Recommendation Summary:

A) GRANT, SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IN A FORM TO BE AGREED BY THE LEGAL SERVICES MANAGER TO SECURE THE FOLLOWING:

The permitted site shall provide an area of at least 2.1 ha to be apportioned as follows:

- 0.3 ha to the village hall and a parking and manoeuvring area, and;
- 1.5 ha to amenity space of a reasonably level gradient and quality immediately adjacent to the village hall building, and;
- 0.3 ha to the housing development.
- The land for the village hall and amenity space, if not already transferred to the ownership of the Parish Council shall **prior to any grant of planning permission on any part of the site for any aspect of the proposed development** be transferred to the ownership of the parish Council.
- The land to be transferred to the Parish Council shall be transferred in a cleared state with services and access road provided to the site entrance point or there shall be a legal agreement on such provision.

And the following conditions (and their reasons) listed at the end of the report.

B) REFUSE PERMISSION FOR FAILING TO SECURE THE TRANSFER OF THE HALL IF THE AGREEMENT IS NOT COMPLETED BY (6 months from the date of committee) OR SUCH EXTENDED TIME AS AGREED BY THE HEAD OF PLANNING

3.0 Reason for the Recommendation:

- Compliance with policy 5 of the Neighbourhood Plan
- Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The location is considered to be sustainable and the proposed access is
- There is not considered to be any significant harm to neighbouring residential amenity
- The ecology impact of the proposal is acceptable
- There are no material considerations which would warrant refusal of this application

4.0 Table of Key Planning Issues

| Issue | Conclusion |
|-----------------------------|---|
| Principle of development | The principle of the development is considered to be acceptable; the site is allocated for the development of a hall, residential development and amenity space within the Neighbourhood Plan. |
| Access and Highway impact | The access arrangements are sufficient to serve the development and there is adequate visibility onto New Road. |
| Historic Conservation | The application is considered to result in a neutral impact upon the setting of the adjacent listed buildings. The public benefit of providing a hall, 9 dwellings and amenity space is considered to weigh in favour of the application, and there is no identified historic conservation related harm that would outweigh this benefit. |
| Landscape and Visual Impact | The proposal could be accommodated on the site without significant impact on landscape character and visual amenity. |
| Amenity | The level of amenity of surrounding land users would be safeguarded at an acceptable level. |
| Ecology | The application is supported by an approved Biodiversity Mitigation and Enhancement Plan. |
| Drainage | The lower part of the land has been subject to surface flooding however there is no development proposed within this area. There are no drainage concerns, subject to a foul and surface water drainage condition. |

5.0 Description of Site

The proposed scheme is located on the western extent of the village of Bourton in the parish of Bourton. The site comprises part of a 3.9 hectare agricultural field.

The site slopes gently down from the north to the south and west. There is a sparse hedge along the northern boundary to New Road and a more species rich quality hedgerow with occasional mature trees around the rest of the site.

The nearest residential property is Fairmead to the northeast.

1 and 2 Pleasant View is a pair of semi-detached houses which are located on the opposite side of New Road and facing south. Grove Cottage lies next to the western boundary of Jubilee Field, some 125m from the application site, with Chaffeymoor Farm located further west.

6.0 Relevant Planning History

None relevant to this application.

7.0 Constraints

Agricultural Land Grade - Grade: GRADE 3

Setting of the Area of Outstanding Natural Beauty - Name: Cranborne Chase & West Wiltshire Downs (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

Setting of the church and other adjacent listed buildings (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

8.0 Consultations (all consultee responses can be viewed in full on the website)

Bourton PC

Support:

The Council was of the view that the application fully met the planning requirements laid down in Policy 5 of the Bourton Neighbourhood Plan and in addition provided a site with a single point of access, an indicative village hall position which would provide easy access for visitors and appeal for potential hirers, had the ability for future expansion and provided hall users with excellent car parking and attractive long views over the Blackmore Vale towards Duncliffe Woods and Shaftesbury.

Wessex Water

No objection.

Transport Development Management

No objection subject to conditions.

Environmental Health Officer

No comment.

Conservation Officer

No objections.

Representations:

35 letters of representation were received, of which 1 offered comments which neither supported nor objected to the proposal, 24 objected to the proposal and 9 supported the proposal.

The letters of objection contain the following summarised points:

- Loss of View, (this is not a material planning consideration),
- Reduction in Value of dwelling, (this is not a material planning consideration)
- Loss of privacy
- Noise pollution
- Too far from the rest of the village, it should be in the centre, this site is less accessible
- Highway safety
- Danger to pedestrians
- There is more support from residents for the Sandways Farm site,
- Effect on the Appearance of Area
- Impact on Access
- Landscape
- Noise/Disturbance
- Overlooking/Loss of Privacy
- Road Safety
- Seriously detrimental to the outstanding views to all entering and leaving the village
- By allowing development to stretch furtherwest will sadly join Bourton to the lovely hamlet of Chaffeymoor with its many listed buildings
- Design

The letters of support contain the following summarised points:

- The location of the site is accessible, it is close to the Bourton & Zeals Pre-school, St George's School and St George's Church
- The Pre-school and School would benefit from more outside facilities
- This site would encourage cars to exit the A303 on the Bruton junction, keeping cars out of the village
- Less chance for noise and disturbance
- Design
- Economic Benefits
- Noise/Disturbance
- Parking
- Residential Amenity
- Road Safety
- Traffic or Highways
- There is more support for this site.

NOTE: Both of the proposed hall sites are greenfield sites.

9.0 Relevant Policies

North Dorset Local Plan, Part 1:

Policy 1 - Sustainable Devt.
Policy 2 - C Spatial Strategy
Policy 4 - The Natural Env.
Policy 5 - The Historic Env.
Policy 6 - Housing Distribution
Policy 7 - Delivering Homes
Policy 11 - The Economy
Policy 13 - Grey Infra.
Policy 14 - Social Infra.
Policy 15 - Green Infra.
Policy 20 - The Countryside
Policy 23 - Parking
Policy 25 - Amenity
Policy 27 - Comm. Facilities

Policy 14 of the Local Plan, Part 1 states that in the countryside, such facilities may be permitted on the edge of the built-up area of Stalbridge or the District's villages to support a rural community, where no suitable sites exist within the relevant settlement. It should be noted that both the village hall sites within the neighbourhood plan are outside of the settlement boundary of the village. However, the Bourton Neighbourhood Plan has allocated both sites as being acceptable locations for a new facility.

The Bourton Neighbourhood Plan

The Bourton Neighbourhood Plan has been made and therefore the policies contained within it, where applicable, should be afforded full weight.

The most relevant policies in relation to this application are Policy 2, Settlement Pattern and Character, Policy 3, Building Design and Form, Policy 5, New Village Hall, and Policy 4, Traffic and Parking.

NPPF February 2019

Sustainable development has been made a core principle underpinning government planning guidance which is considered to be central to the economic, environmental and the social success of the country. These three principles are to be pursued in an integrated manner to provide for solutions and deliver multiple goals. The NPPF considers that there need not be an inherent contradiction between achieving increased levels of development and protecting and enhancing the environment, provided that development is planned and undertaken responsibly and the planning system is expected to take an active role in guiding development to sustainable solutions.

78. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

79. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling; or
- e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

83. Planning policies and decisions should enable:...

.....d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

92. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments...

In terms of heritage, section 16, paragraphs 184, 189, 190, 192 and 200 are relevant.

Paragraph 184 states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Once they are destroyed, they cannot be replaced.

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10.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

11.0 Public Sector Equalities Duty

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

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

12.0 Financial Benefits

| Benefit | Material/Non-material |
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| S.106 Obligations: | Provision of a hall, 9 open market dwellings and amenity space (material planning consideration) |
| CIL Charges: | Not applicable (non-material) |
| Council Tax Revenue: | Not know at this stage (not a material planning consideration) |
| Affordable Housing | No |

13.0 Planning Assessment

It is proposed to develop land adjacent to Chaffey Moor Farm. The applicant proposes the erection of a village hall and 9 dwellings and an area of amenity space that would be transferred to the Parish Council. This is an outline application with only access for determination at this stage. The proposed access is off New Road.

This is one of two sites that are identified in the Bourton Neighbourhood Plan. Each site must be considered on its own merits. The requirements of Policy 5 of the Neighbourhood Plan are discussed further in the next section.

The Principle of the Development: Bourton Neighbourhood Plan

The Bourton Neighbourhood Plan is a made plan and it therefore carries full weight in decision making. The Local Plan, Part 1 locates this site outside of a defined settlement boundary and within the open countryside where most forms of development for general needs are strictly controlled. However, the made neighbourhood plan has a specific policy that relates to the provision of a hall, amenity land and residential development.

The most relevant policy in relation to this site is Policy 5: New Village Hall. The following paragraphs relate to sections 'a' to 'f' of policy 5 of the Bourton Neighbourhood Plan.

(a) Policy 5 sets out that either of the two sites is deemed to be suitable for a village hall, amenity space and a small housing development. It is therefore relevant to note that this site

is considered an appropriate site for a village hall. It is therefore not a requirement of the policy to look at the acceptability of the site for such a use. The application is in outline with only the access for consideration at this stage. Nevertheless, the applicant has provided an indicative plan that shows how a hall, 9 dwellings and amenity space could be accommodated on the site.

(b) The site shall provide an area of at least 2.1 ha to be apportioned as follows: - approximately 0.3 ha to the village hall and a parking and manoeuvring area, and; - approximately 1.5 ha to amenity space of a reasonably level gradient and quality immediately adjacent to the village hall building, and; - approximately 0.3 ha to the housing development. The submitted plan provides sufficient area to accommodate these uses. The amenity space is shown adjacent to the hall. There is a drop in the gradient of the land in this location. However the level change is not considered such that it would impede the use of the land for amenity purposes.

(c) The policy states that the land for the village hall and the amenity space must be transferred to the Parish Council prior to the grant of any planning permission. In view of this, prior to the grant of planning permission, the applicant and the parish council would be required to enter into legal agreement to allow for the transfer of the land. If no agreement could be reached, the permission would not be granted. The recommendation in this case is approval, subject to conditions and the completion of the land transfer by agreement. According to the provisions of the neighbourhood Plan policy, only one of the sites can be brought forward and the other reverts to open countryside. The Parish Council supports this application. They consider that the development as proposed complies with the requirements of the Neighbourhood Plan for the village.

(d) Policy 5 states that the land to be transferred to the Parish Council shall be transferred in a cleared state with services and access road provided to the site entrance point or there shall be a legal agreement on such provision. This would form part of the S.106 Agreement.

(e) Development proposals for this site are required to include: screening, using native species planting to lessen visual impact and to limit the impact of noise on neighbouring households; the augmentation of ecological value on the site as discussed in the relevant Ecological Impact Assessment; housing consisting mainly of small family homes: measures that protect heritage assets and their setting. As the application is in outline, the landscaping details and layout details are not known at this stage and this would be dealt with at the reserved matters stage. The application includes a biodiversity mitigation plan. The plan includes details the proposed ecological enhancements which are detailed further in the ecology section of this report. Provided that the ecology measures which are set out in the report are conditioned, the ecology impacts of the development would be mitigated.

(f) The policy states that the decision-making process on planning applications for the proposed site options will be carried out by the Local Planning Authority in accordance with this policy as part of the plan-led process and having taken into account any other material considerations, including the identified planning considerations of the residents as expressed through the Parish Council. The Parish Council have raised no objection to this application and this is a consideration in this case. There is, however, objection to this proposal from some residents.

To conclude, it is considered by officers that the application accords with the requirements of policy 5 of the neighbourhood plan.

Access and Highway Impact

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds, if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

A single access is proposed to serve the site. This would be from New Road, the main village road that runs through Bourton.

There is no highway objection to the proposal, subject to conditions.

In line with the requirements of the NPPF, the highway impacts of the scheme will not be severe.

Historic Conservation

Paragraph 193 of the Framework sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, that great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Harm to the significance of a designated heritage asset can arise from its alteration, destruction, or from development within its setting. Any harm should require clear and convincing justification. This advice is reflected in Policy 5 of the Local Plan.

It is acknowledged that within this area the Council currently cannot demonstrate a sufficient supply of housing and that this currently stands at 3.3 years within the former North Dorset area. However, because of made neighbourhood plan and 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 (the 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).

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. In this case, it is of note that this site is allocated in the Bourton Neighbourhood Plan as a suitable site for a village hall and residential development.

The site is located outside of any conservation area and the nearest listed-building is a group listing under the name of Church View, which is located approximately 60m to the northeast of the application site. Church View is a collection of cottages of varying ages, proportions and materials. The cottages are predominantly situated in a north-west/south-east arrangement with gardens to the front (south-east) and a cemetery to the rear (north-west). The cottages face the church to the south-east and a small area of pasture to the east. The most southerly of these cottages faces south and has views onto New Road with Grenville Cottage directly opposite. There are limited views from this cottage onto the application site but these are oblique and from windows on the upper floors. I do not anticipate that the proposals as shown on the Illustrative Site Plan will affect the evidential, historic, aesthetic or cultural values of these listed buildings.

There are a further collection of designated heritage assets that surround the site. Chaffey Moor Farm to the west and the collection of historic assets, which are located around Grove House to the north west of the site form an attractive group. Open field would remain to provide separation from the application site and the hamlet of Chaffey Moor. This would ensure that the development would not lead to an erosion of the significance of this group of assets, which form an attractive enclave in this part of the village.

The listed church of St George forms an important focal point from longer range views. The church is an important landmark which rises up over the village and this is considered to be a key part of the assets significance. The proposed development, located on the sloping ground to the west, would not obscure longer range views of the church.

Voscombe Farm and Guinea Lodge are considered to be non-designated heritage assets. The proposal would not impact on their significance.

In the opinion of your officers, the proposed access onto the site and the principle of 9 dwellings and a village hall with associated parking on the site will not give rise to substantial or less-than substantial harm to the setting of the Church, Church View or any other designated heritage assets.

In determining the proposals due consideration has been given to Section 16 of the NPPF, Sections 66 and 72 of the 1990 Act and Policy 5 of the Local Plan.

Landscape and Visual Impact

The site falls within the Blackmore Vale Landscape Character Area which is characterised by straight hedgerows and medium-small sized irregular shaped fields, as seen at this site. The site is located outside of the Cranborne Chase and West Wilts Downs Area of Outstanding Natural Beauty (AONB). However, the site is within the setting of the AONB as the settlement is bordered by the designated landscape to the north.

It is of note that the application site has very limited visibility from the AONB due to the topography of the land.

The landscape appraisal that supported the Neighbourhood Plan process identified that the field rises up to the point where development is proposed, so that it will be visually prominent from several locations within and around the village. There is an important view from the approach from the west from further afield. Developing this parcel of land will lead to an extension of the built form into what is currently a green area. However, considering the extent of the built form in this location, this is not considered to cause significant harm to the landscape qualities of this edge of village site.

Views are also possible from the footpath that lies on elevated land to the north of Woolcott Lane. At this distance of around 400m, the application site occupies a small part of the overall vista from this viewpoint.

The site is visible from a number of public vantage points. This application is in outline to determine the access. Any reserved matters application would need to ensure that the layout and landscaping responds to the visibility of the site to ensure that it is successfully acclimated to its surroundings.

The nature of the site is that of a large open field that offers views from its surroundings. Planting of native species trees to screen both the hall and residential would need to form part of the reserved matters application. Subject to this, the proposal is not considered to have an unacceptable visual impact on either the village or the surrounding countryside, including the sensitive AONB setting.

Amenity

There is no environmental health objection to the proposal. The application is supported by an acoustic report. The report concludes that the normal functioning of a hall in the location proposed would not give rise to unacceptable impact upon the living conditions of the nearby residents. The layout and appearance is not known at this outline stage. Consideration to the orientation and positioning of opening at the reserved matters stage will be important to ensure that the design of the building is compatible with its surroundings.

The indicative layout illustrates how the properties that are located to the east of the site would be adequately safeguarded from intrusive overlooking or overbearing. Sufficient separation between the site and the properties to the north and east would also be achieved.

The proposal is considered to comply with the requirements of policy 25 of the Local Plan, Part 1 as the amenities that are currently enjoyed by surrounding properties would be safeguarded at an acceptable level.

Ecology

The biodiversity mitigation plan contains details of on-site biodiversity compensation and enhancement measures. Provided this is made a condition of any consent, the proposal is not considered to give rise to concern in terms of its ecological impact.

The submitted biodiversity mitigation plan has been signed off by the Natural Environment Team under the Dorset Biodiversity Appraisal Protocol. The mitigation plan contains a series of measures which include Temporary Construction Exclusion Zone fencing, Dormouse Mitigation Strategy Report, Supervised removal of hedgerow section, New hedgerow planting of native species and access for wildlife.

Whilst up to 10m of the north hedgerow would be removed to provide a new access with hedgerow repositioned to create a splay, more than 200m of new native hedgerow is indicated on the indicative layout. Landscaping is a reserved matter and therefore not for consideration at this stage. However, the indicative layout demonstrates that the landscape enhancements could be incorporated into the development.

Drainage

A drainage condition is proposed. There is no objection from Wessex Water to the proposed drainage strategy of soakaways.

14.0 Conclusion:

This application would provide for a new village hall, amenity space and residential development at the edge of the village. Officers considered that the proposal is compatible with the requirements of the Bourton Neighbourhood Plan and the relevant policy contained within the North Dorset local plan. The significant community benefits of providing a new village hall and amenity space, and a limited amount of residential development are considered to be significant material considerations in this case. In view of the lack of any identified harm to heritage, ecology, highways, landscape, amenity or drainage, the application is recommended for approval. This is subject to a legal agreement that ensures that the transfer of the land to Parish Council takes place prior to the grant of planning permission.

15.0 Recommendation:

- A) GRANT, SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IN A FORM TO BE AGREED BY THE LEGAL SERVICES MANAGER TO SECURE THE FOLLOWING:

The permitted site shall provide an area of at least 2.1 ha to be apportioned as follows:

- 0.3 ha to the village hall and a parking and manoeuvring area, and;
- 1.5 ha to amenity space of a reasonably level gradient and quality immediately adjacent to the village hall building, and;
- 0.3 ha to the housing development.
- The land for the village hall and amenity space, if not already transferred to the ownership of the Parish Council shall **prior to any grant of planning permission on any part of the site for any aspect of the proposed development** be transferred to the ownership of the parish Council.
- The land to be transferred to the Parish Council shall be transferred in a cleared state with services and access road provided to the site entrance point or there shall be a legal agreement on such provision.

And the following conditions (and their reasons) listed below:

1. Approval of the Reserved Matters (i.e. any matters in respect of which details have not been given in the application concerning the layout, scale or appearance of the building(s) to which this permission and the application relates, or to the means of access to the building(s), or the landscaping of the site) shall be obtained from the Local Planning Authority in writing before any development is commenced. Such development shall be carried out as approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Application for the approval of any Reserved Matter must be made 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 92 of the Town and Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details: Drawing Number 01 Location Plan forming the approved application.

Reason: For the avoidance of doubt and to clarify the permission.

5. The Biodiversity mitigation measures set out in the approved Report dated December 2018 shall be implemented in full in accordance with the timetable set out in the report, or in the absence of a specific timetable, prior to the development hereby approved being first brought into use and the site shall thereafter be maintained in accordance with the approved mitigation proposals.

Reason: To ensure adequate habitat is provided and subsequently protected to ensure adequate protection for important habitats and species is secured.

6. No development shall be commenced until a scheme for the disposal of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Thereafter, no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented.

Reason: To minimise the risk of flooding and/or pollution.

7. Before the development is occupied or utilised the first 15.00 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 Local 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.

8. No development must commence until details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the proper and appropriate development of the site.

9. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on Drawing Number 03 must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

10. The development hereby permitted must not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities is submitted to the Local Planning Authority. Any such scheme requires approval to be obtained in writing from the Local Planning Authority. The approved scheme must be constructed before the development is commenced and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

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

11. Before the development hereby approved commences a Construction Method Statement (CMS) must be submitted to and approved in writing by the Local Planning Authority. The CMS must include:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- delivery, demolition and construction working hours

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: to minimise the likely impact of construction traffic on the surrounding highway network.

B) REFUSE PERMISSION FOR FAILING TO SECURE THE TRANSFER OF THE HALL IF THE AGREEMENT IS NOT COMPLETED BY (6 months from the date of committee) OR SUCH EXTENDED TIME AS AGREED BY THE HEAD OF PLANNING