



# Western and Southern Area Planning Committee

**Date:** Thursday, 5 September 2019  
**Time:** 2.00 pm  
**Venue:** Committee Rooms A&B,, South Walks House,  
South Walks Road, Dorchester, DT1 1UZ (DT1  
1EE for sat nav)

**Membership: (Quorum 6)**

Simon Christopher (Chairman), David Gray (Vice-Chairman), Pete Barrow, Kelvin Clayton, Susan Cocking, Jean Dunseith, Nick Ireland, Louie O'Leary, David Shortell, Sarah Williams and Kate Wheller.

---

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

**For more information about this agenda please contact Denise Hunt 01305 224878 - [denise.hunt@dorsetcouncil.gov.uk](mailto:denise.hunt@dorsetcouncil.gov.uk)**

---



For easy access to the Council agendas and minutes download the free public app Mod.gov for use on your iPad, Android and Windows tablet. Once downloaded select Dorset Council.

Members of the public are welcome to attend this meeting with the exception of any items listed in the exempt part of this agenda. **Please note** that if you attend a committee meeting and are invited to make oral representations your name, together with a summary of your comments will be recorded in the minutes of the meeting. Please refer to the guide to public participation at committee meetings for more information about speaking at meetings.

There is a Hearing Loop Induction System available for public use on request. Please speak to a Democratic Services Officer for assistance in using this facility.

**Recording, photographing and using social media at meetings**

Dorset Council is committed to being open and transparent in the way it carries out its business whenever possible. Anyone can film, audio-record, take photographs, and use social media such as tweeting and blogging to report the meeting when it is open to the public, so long as they conform to the Protocol for filming and audio recording of public council meetings.



# A G E N D A

Page No.

## 1 APOLOGIES

To receive any apologies for absence

## 2 DECLARATIONS OF INTEREST

To receive any declarations of interest

## 3 MINUTES

5 - 14

To confirm the minutes of the meeting held on 8 August 2019.

## 4 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](#).

## 5 PLANNING APPLICATIONS

To consider the applications listed below for planning permission

- |          |  |         |
|----------|--|---------|
| <b>a</b> | <b>WP/18/00914/FUL - Marchesi House, Poplar Close, Weymouth, DT4 9UN</b> | 15 - 40 |
|----------|--|---------|

Demolition of existing flats & erection of 18 Houses & 13 Flats in two blocks.

- |          |   |         |
|----------|---|---------|
| <b>b</b> | <b>WP/19/00162/PIP - Land Adjacent to Former Gatehouse, West Way, Southwell Business Park, Portland</b> | 41 - 54 |
|----------|---|---------|

Erection of up to 8 dwellings.

- |          |   |         |
|----------|---|---------|
| <b>c</b> | <b>WD/D/18/002368 - Former Mountjoy School, Flood Lane, Bridport, DT6 3QG</b> | 55 - 82 |
|----------|---|---------|

Erection of 38 retirement living apartments with communal facilities, car parking & landscaping.

- d**      **WD/D/16/000378 - Land South of Warmwell Road, Warmwell Road, Crossways**      83 - 186
- Full planning permission for the erection of 99 open market dwellings  
& affordable dwellings, a new doctors surgery, a replacement village hall, a car park, a new village green, new vehicular and pedestrian accesses and works to Warmwell Road. An outline application for the erection of 401 open market and affordable dwellings, the provision of 2.5ha of employment land, new vehicular and pedestrian accesses, roads, footpaths and cycleways, a car park for the proposed Site of Alternative Natural Greenspace (SANG) and 2 pumping stations; and a full application for the change of use of 22.4ha of land to Site of Alternative Natural Greenspace (SANG).
- e**      **WP/19/00445/FUL - Council Offices, North Quay, Weymouth, DT4 8TA**      187 - 202

Demolition of existing building and provision of car park.

## **6 URGENT ITEMS**

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972

The reason for the urgency shall be recorded in the minutes.



## **DORSET COUNCIL - WESTERN AND SOUTHERN AREA PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON THURSDAY 8 AUGUST 2019**

**Present:** Cllrs Simon Christopher (Chairman), David Gray (Vice-Chairman), Pete Barrow, Kelvin Clayton, Susan Cocking, Jean Dunseith, Nick Ireland, Louie O'Leary, David Shortell and Kate Wheller.

**Apologies:** Cllr Sarah Williams

**Officers present (for all or part of the meeting):**

Lara Altree (Legal Services Manager), Anna Lee (Service Manager for Development Management and Enforcement), Ian Madgwick (Transport Development Liaison Engineer), Clare McCarthy (Senior Planning Officer), Debbie Redding (Development Manager) and Denise Hunt (Senior Democratic Services Officer).

**19. Apologies**

An apology for absence was received from Cllr Sarah Williams.

**20. Declarations of Interest**

Cllr Susan Cocking declared an interest in minute 27 as she had previously considered and voted upon the application as a member of Portland Town Council Planning Committee. She did not take part in the debate or vote on this application.

Cllr Nick Ireland declared a non pecuniary interest in minute 28 as he had made the application on behalf of his wife. Cllr Ireland withdrew from the meeting during consideration of the application.

Cllr Simon Christopher declared an interest in minutes 25 and 26 as there were many people in the Loders area that were known to him. Cllr Christopher withdrew from the room for consideration of these applications.

**21. Minutes**

The minutes of the meeting held on 4 July 2019 were confirmed and signed.

**22. Public Participation**

Representations by the public to the Committee on individual planning applications are detailed below. There were no questions, petitions or deputations received on other items on this occasion.

**23. Planning Applications**

Members considered written reports submitted on planning applications as set out below.

**24. WD/D/16/000378 - Land South of Warmwell Road, Crossways**

The Chairman announced that the application would be deferred to the September meeting.

The Development Manager explained that since publication of the agenda there had been discussions with both the agent and the minerals team resulting in potential re-wording of conditions and section 106 agreement. A letter from the Rambler's Association following publication of the agenda relating to the footpath diversion also needed to be addressed more fully. The outstanding matters would be clarified in the application when considered at the meeting on 5 September 2019.

**25. WD/D/18/002737 - The Barn House, Main Street, Loders, Bridport, DT6 3SA**

The Chairman withdrew from the meeting during consideration of this item and the Vice-Chairman was in the Chair.

The Senior Planning Officer presented the application for the demolition of an outbuilding, the conversion and extension to an outbuilding to form a dwelling. The stone barn was listed as a curtilage building to the main listed building on the main street and was outside of the settlement boundary.

Members were shown a site location map and the context of other developments in similar locations in relation to the village and the River Asker; and advised that Local Plan Policy SUS3 allowed the conversion of buildings outside of the settlement boundary.

A previous permission for conversion of both barns into holiday accommodation had been approved. The southern barn was a more modern basic structure whereas the northern barn was used as a stone store and of considerable character. The proposal sought to retain and extend the stone barn into a 4 bedroom property and remove the other more modern southern barn. It was considered that the stone barn was suitable for conversion with appropriate conditions; including details of the stone work, roof materials, doors and windows. There would be a distance of 60m between Barn Lodge and the proposed new dwelling.

Officers highlighted the key planning points including the principle of development, scale, design and impact on character and appearance, impact on amenity, impact on landscape and heritage assets, access and parking. An additional planning condition to demolish the southern barn prior to commencement of conversion works had been included in an update sheet circulated to members. The proposal offered the benefit of bringing an historic outbuilding back into use and maintained in years to come.

Philippa Theophanidis, long term resident of Loders and co-owner of a field to the East of Barn House, addressed the committee in objection of the application. She drew attention to the landscape preserved as a wildlife haven, the scale of the development outside the Defined Development Boundary (DDB), and the increase in volume of the extension that would create a precedent for other developments outside the DDB.

Diane May, a Loders resident, spoke in objection to the proposal, drawing attention to the Loders Neighbourhood Plan; the unsuitability of the location in the flood plain; the impact of pollution on the open backland area; the approval of 4 homes within the DDB; and that the proposal represented a new build that did not provide the type or size of home needed in the village.

Cllr Michelle Warrington addressed the committee on behalf of Loders Parish Council in objection of the application, saying that it was subject to the terms of the Local Plan policy SUS3 in relation to the adaptation and re-use of buildings outside the DDB. The proposal contravened part 1 of this policy as it required that a building would not be substantially rebuilt or extended, whereas this proposal represented a significant increase in floor area that would not be offset by the removal of the other barn.

Cllr Anthony Alford, Dorset Council Ward Member for Eggardon, stated that the proposition for the reconstruction and extension of the barn did not meet the requirement of Local Plan policy SUS3 which concerned the adaptation and re-use of rural buildings. The Loders Neighbourhood Plan was more updated than the Local Plan and was clear on the need for smaller 2-3 bed homes.

Paul Dance, representing David Wren and the applicant, spoke in support of the application.

Referring to the many references to the policies that applied to this proposal, the Development Manager clarified that the application related to a rural building outside the DDB within flood zone 1. The Local Plan and Loders Neighbourhood Plan sought to restrict new build open market housing in this area, however, this proposal was to convert and extend an existing building that took account of the removal of the southern barn as a compensatory factor. Officers therefore considered that there were policies in place to support this proposal.

Members asked for clarification on the line of the DDB and other listed buildings in the area. They had regard to the Local Plan SUS3 policy and agreed that the new dwelling was substantially larger in size. The concept of a conversion was therefore questioned, given that the existing walls may not be strong enough to carry the weight of a first floor extension.

Councillor Nick Ireland proposed that the application was refused as it was contrary to Local Plan Policy SUS3 (part1), that the building would be substantially rebuilt and that the amount of extension was also substantial. This was seconded by Cllr Kate Wheller.

**Decision:- That the application be refused for the reason outlined in the appendix to these minutes.**

**26. WD/D/18/00278 - The Barn House, Main Street, Loders, Bridport, DT6 3SA**

The Chairman withdrew from the meeting during consideration of this item and the Vice-Chairman was in the Chair.

The Committee considered the application for listed building consent for the demolition of an outbuilding and alterations and extension to an outbuilding to facilitate the conversion to a dwelling. In light of the refusal of the planning application, the Development Manager advised that the committee would need to specify why the proposal did not conserve or enhance the listed building, based upon the West Dorset & Weymouth Local Plan (2015) policy ENV4 in relation to heritage assets.

Cllr Louie O'Leary proposed refusal of the application as contrary to West Dorset & Weymouth Local Plan (2015) ENV4 - heritage assets. The size and scale of the extension was not in keeping with the existing listed building. This was seconded by Cllr Susan Cockings.

**Decision:- That the application be refused for the reason outlined in the appendix to these minutes.**

**27. WP/19/00228/FUL - The Joinery, Chiswell, Portland, DT5 1AW**

Cllr Susan Cockings did not take part in the debate or vote on this item.

The Development Manager presented the application for the erection of a first floor balcony. The key planning points were highlighted including neighbourhood amenity, design/visual amenity and impact on the character of the conservation area and on the setting of listed buildings. She drew attention to the concerns of the Conservation Officer, however, it was considered that there was a balance in an area containing a combination of residential and commercial elements.

Judith Frost, whose property was Rantner's Lodge and The Dead House, addressed the Committee in objection of the application due to overlooking and its overbearing nature that was out of keeping with the conservation area. The balcony was immediately above a dark footpath with the risk of falling debris.

Members noted that The Joinery building had previously received a Civic Society Award and that this was a mixed area that was increasingly becoming residential.

Proposed by Cllr Kate Wheller, seconded by Cllr David Shortell.

**Decision:- That the application be approved subject to the conditions outlined in the appendix to these minutes.**



28. **WD/D/19/000707 - St Osmunds Church, Church Lane, Osmington, DT3 6EJ**

Cllr Nick Ireland left the room for consideration of this item.

The Development Manager presented the application to provide a handrail and access ramp to replace the existing steps at the lychgate.

The Highways Officer explained that there were conditions involving construction of works within the public highway to ensure the work was completed in a satisfactory manner.

The Committee recognised the equalities benefit that this would have in improving access to the church.

Proposed by Cllr Louie O'Leary, seconded by Cllr Kate Wheller.

**Decision:- That the application be approved subject to the conditions outlined in the appendix to these minutes.**

**Duration of meeting:** 2.00 - 3.40 pm

**Chairman**

.....

This page is intentionally left blank

**APPLICATION NUMBER: WD/D/18/0002737**

**APPLICATION SITE: The Barn House, Main Street, Loders, Bridport, DT6 3SA**

**PROPOSAL:** Demolition of an outbuilding and the conversion and extension to an outbuilding to form a dwelling together with associated works.

**Decision: Refused for the following reason:-**

The conversion and extension of the existing outbuilding would require substantial rebuilding and extension to provide the dwelling as proposed and as such would be contrary to Policy SUS3 (i) of the West Dorset, Weymouth & Portland Local Plan (2015).

**APPLICATION NUMBER: WD/D/18/0002738**

**APPLICATION SITE: The Barn House, Main Street, Loders, Bridport, DT6 3SA**

**PROPOSAL:** Demolition of an outbuilding and alterations and extension to an outbuilding to facilitate the conversion to a dwelling.

**Decision: Refused for the following reason:-**

The size and scale of the extension is not in keeping with the existing listed building, which would not conserve or enhance the heritage asset and as such would be contrary to Policy ENV4 of the West Dorset, Weymouth & Portland Local Plan (2015).

**APPLICATION NUMBER: WP/19/00228/FUL**

**APPLICATION SITE: The Joinery, Chiswell, Portland, DT5 1AW**

**PROPOSAL:** Erect first floor balcony.

**Decision: Granted subject to the following conditions:-**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Floor Plans - Drawing Number 19/1/01-2 received on 12/03/2019  
Location & Block Plan - Drawing Number 19/1/01-1 received on 12/03/2019  
Elevations - Drawing Number 19/1/01-3B (Amended) received on 09/07/2019  
Proposed Section AA - Drawing Number 19/1/01-4B received on 09/07/2019

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

3. The balcony hereby approved shall not be brought into use unless and until the obscure glazed privacy screen to the East elevation, as detailed on the approved drawings, has been erected. The screen shall be obscured to a minimum of level three obscurity, and shall be permanently retained at a height of 1.7 above the floor level of the balcony.

Reason: In the interest of protecting neighbouring amenity and the privacy of occupiers of adjoining premises.

4. The new doors (to the balcony) hereby approved shall be of timber construction and shall be finished in a colour to match the existing windows of the property.

Reason: To ensure a satisfactory visual appearance of the development and to preserve the character of the conservation area.

5. The balustrading of the balcony hereby approved shall be constructed of smoked glass and stainless steel posts to match the existing balcony on the Western elevation of the property.

Reason: To ensure a satisfactory visual appearance of the development and to preserve the character of the conservation area.

## **Informatives**

### **1. National Planning Policy Framework Statement**

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development. The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case office.

**APPLICATION NUMBER: WD/D/19/000707**

**APPLICATION SITE: St Osmunds Church, Church Lane, Osmington, DT3 6EJ.**

**PROPOSAL: Provision of handrail & access ramp to replace the existing steps at the lychgate.**

**Decision: Granted subject to the following conditions:-**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: This condition is required to be imposed by Section 91 of

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan - Drawing Number HI9064-07-01-Orig received on 04/03/2019

Site Plan - Drawing Number HI9064-06-01-Orig received on 04/03/2019

Site Plan - Drawing Number HI9064-05-01-Orig received on 04/03/2019

General Arrangement - Drawing Number H19064/700/1/Orig A received on 10/05/2019

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

3. Prior to the use of the ramp hereby approved it shall have been constructed in accordance with the details shown on drawing H19064/700/1/Orig A received on 10/05/2019. The ramp shall be maintained, kept free from obstruction and made available for access purposes in perpetuity.

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

## **Informatives**

### **National Planning Policy Framework Statement**

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development. The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applicants/agents of any issues that may arise
- in the processing of their application and where possible suggesting
- solutions.

- In this case:
- The applicant/agent was updated of any issues and provided with the
- opportunity to address issues identified by the case officer.
- The applicant was provided with pre-application advice.

### **Highways**

The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under the Highways Act 1980, the applicant should contact Dorset Council's Development team. They can be reached by telephone at 01305 225401, by email at [dli@dorsetcc.gov.uk](mailto:dli@dorsetcc.gov.uk), or in writing at Development team, Infrastructure Service, Dorset Council, Hall, Dorchester, DT1 1XJ.

**1.0 Application Number:** WP/18/00914/FUL

**Site address:** MARCHESI HOUSE, POPLAR CLOSE, WEYMOUTH, DT4 9UN

**Proposal:** Demolition of existing flats & erection of 18no. Houses & 13no. Flats in two blocks

**Applicant name:** Bournemouth Churches Housing Association Limited

**Case Officer:** Hamish Laird

**Ward Member(s):** Cllr Peter Barrow; Cllr David Gray;

[https://planning.dorset.gov.uk/public-access/applicationDetails.do?activeTab=documents&keyVal=DCAPR\\_29406](https://planning.dorset.gov.uk/public-access/applicationDetails.do?activeTab=documents&keyVal=DCAPR_29406)

The application is on this Planning Committee agenda as a result of representations received from Weymouth Town Council contrary to the Officer recommendation and from a Dorset Councillor in accordance with the constitution and scheme of delegation.

**2.0 Summary of Recommendation:** To grant planning permission subject to:-

- completion of a legal agreement under Section 106 of the Town and Country Planning Act to secure provision and tenure of Affordable Housing in accordance with Planning Policy;
- and planning conditions as detailed in section 16 below.

**3.0 Reason for the recommendation:**

- The location on an existing residential site proposing its re-development with flats and houses is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is no significant harm to neighbours amenity as there is sufficient distance between new dwellings and neighbouring residential properties adjoining or close to the site.
- There are no material considerations which would warrant refusal of this application.

**4.0 Table of key planning issues**

Issue	Conclusion
Principle of development	Proposal is for new build residential development on an existing residential site for flats/sheltered housing which is outdated. The site is within the Defined Development Boundary (DDB). This proposal is acceptable in principle.
Scale, design, impact on character and appearance	The design and character of the development differs but does not

	unacceptably detract from that of adjoining residential properties, or the Local Centre. The site is self-contained and the design of the dwellings and flats is acceptable in the local context.
Impact on amenity	No unacceptably adverse impact on residential neighbours' amenities.
Impact on landscape or heritage assets	The site is set within a mixed residential area adjoining a local centre. The varying height of the site surface, dug-in nature of buildings, new boundary fencing and retained hedges and new hedge planting will assist in screening the site from its surroundings. The development will have not result in a materially adverse visual impact on the character of the area.
Economic benefits	The development is located on an existing residential site. The economic benefits are that the development phase will provide employment and post development there will be financial benefit in the local community.
Access and Parking	Existing access to be used to serve the development. Access from Radipole Lane can be conditioned to be used during the construction phase. The level of on site parking provision is acceptable.
Other issues	The proposed development represents an 'all-affordable' housing scheme. No open market properties are proposed. This will be of benefit to persons in housing need. Tenure will be secured by a S.106 Agreement.

## 5.0 Description of Site and Surrounding Area

5.1 The site comprises a block of flats on 2-stories arranged in a # (hashtag) shape with a western road frontage to Radipole Lane; northern frontage onto Sycamore Road; and, to the east Rowan Close. The site itself is accessed from Rowan Close. To the south of the site is a service road providing rear access to the John Gregory



public house and Fitness World gymnasium along with local shops, a post office, and a hot food takeaway at Southill's local service centre. It also leads to an area of public open space linking Rowan Close to the north, the shops and dwellings to the south in Grays and Faversham. The surroundings are predominantly residential with a mix of single, 1 ½ and 2-storey detached and semi-detached dwellings in a mix of construction styles and building materials.

5.2 The flats on site sit in a dip at a level that reflects the sloping nature of Radipole Lane. They are set at a lower level than the Sycamore Road dwellings to the north. They are set at a higher level than the Public House and Gym to the south, and slightly lower than the Rowan Close housing to the east. A mature hedge marks the sites southern boundary, whilst there is wooden post and rail fencing to the other site boundaries. There are a number of semi-mature trees dotted around the site within the grassed grounds. Changes in levels across the site, particularly from north to south, are significant.

### **Proposed development**

5.3 This full application seeks planning permission for the demolition of the existing block of flats and for the erection of 18 no. houses and 13 no. flats in two blocks. Amended details were received on 21 May, 2019, these involved:

- Reduction in the mass of the two blocks of flats.
- Amendments to the landscaping to rationalise the development including closing up the pedestrian access at the southern boundary and providing for bin collection within the site for the houses fronting Radipole Lane. This allows the bin stores to be omitted and the scheme to be more useable.
- Palette of materials revised to provide a more attractive overall development.

5.4 In addition, 3D visualisations of the development to illustrate how it will actually appear and be experienced, and to show the development within its context, were submitted.

**6.0 Relevant Planning History** - None. However, it is noted that Marchesi House is presently used to provide social housing in the form of flats for the elderly.

### **7.0 List of Constraints**

Inside Defined Development Boundary (DDB)

Outside any Conservation Area

### **8.0 Consultations**

**8.1 Weymouth Town Council:** 'Objects to the application advising:

Whilst the Council welcomes development it objects to these proposals on the following grounds:

- Highways impact and traffic generation

- Visual appearance. The design is not in keeping with the surroundings.
- Overshadowing and loss of outlook
- Loss of Privacy
- Layout and design
- Density

**8.2 Dorset Council – Transport Development:** ‘No objection subject to the following conditions and informatives:

The Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety and refers to revised plan(s) and considers these have overcome its previous concerns subject to the following conditions:

**Estate Road Construction (adopted or private)**

Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number **1730 02D** must be constructed, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

**INFORMATIVE NOTE: Privately managed estate roads**

As the new road layout does not meet with the County Highway Authority’s road adoption standards or is not offered for public adoption under Section 38 of the Highways Act 1980, it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.

**INFORMATIVE NOTE: Fire safety**

To fight fires effectively the Fire and Rescue Service needs to be able to manoeuvre its equipment and appliances to suitable positions adjacent to any premises. Therefore, the applicant is advised that they should consult with Building Control and Dorset Fire and Rescue Service to ensure that **Fire Safety - Approved Document B Volume 1 Dwelling houses B5 of The Building Regulations 2006** can be fully complied with

**8.3 Dorset Council – Flood Risk Team:** The Council as Lead Local Flood Authority (LLFA) has withdrawn its holding objection following the receipt of further details relating to:

- The culverted watercourse to the south of the site;
- Ground water levels across the site;

- Infiltration testing;
- The application of greenfield run-off rates for the site;
- Current sewer capacity;
- Drainage Strategy Plan and proposed attenuation.

The LLFA raises no objection subject to the imposition of conditions and informatives to any permission that may be granted.

#### **CONDITION(1)**

No development shall take place until a detailed and finalised surface water management scheme for the site, based on hydrological and hydrogeological context of the development, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the submitted details before the development is completed.

#### **REASON**

To prevent the increased risk of flooding, to improve and to protect water quality.

#### **CONDITION(2)**

No development shall take place until details of maintenance and management of the surface water drainage scheme 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.

**8.4 Natural England:** Raises no objection: It notes and welcomes the submission of a Dorset Council – Natural Environment Team approved Biodiversity Mitigation Plan (BMP).

**8.5 Dorset Council – Technical Services** – advises that the site is located in EA flood Zone 1 - low probability of fluvial flooding. The EA's surface water flood maps indicate that there is currently some surface water flood risk at this location although we are unaware of any previous flood incidents. Due to the size of the development, the FRM team at DCC in their role as LLFA have provided a comment regards the management of surface water which should be referred to.

#### **8.6 Dorset Council – Urban Design Officer:**

This is a full application for the demolition of existing flats and the erection of 18 houses and 13 flats. Pre-application engagement, as mentioned in the Design and Access Statement, has been beneficial in the design evolution of the scheme. The proposed site layout is well designed and addresses a number of constraints that the site possesses.

A key constraint of the site is the number of streets the proposed development is required to address through frontages. The proposed development would provide active frontage to Radipole Lane, Sycamore Road and Rowan Close. The flats provide dual aspect which offers positive frontages on multiple elevations, a key design feature of the development. The presence of close board fencing onto Sycamore Road is mitigated by planting. The scale and massing proposed responds well to the challenging topography of the site. The palette of materials has also been enhanced through the revised plans. This has been achieved through the introduction of Purbeck stone to nine of the houses and to both of the flats in part.

The parking is well distributed across the site and although rear parking for units 1-7 would be less convenient than frontage parking, rear parking prevents parking from dominating the street scene and compromising the sense of arrival into the development. The original submission showed street planting dispersed at regular intervals in order to break up the hard surfacing. The revised plans show a reduction in this street planting. The removal of the street tree immediately south of parking space 31 would be a significant loss to the development. This street tree would have an important role in relieving 13 parking spaces (spaces 25-37).

I make the following recommendations for minor amendments to the development. For the purpose of light and ventilation a Velux window should be incorporated in the bathroom of all the 2B units (4-6, 9-13 and 15-18). It would be desirable to shift parking spaces 25-31 north to allow for the re-introduction of the street tree south of parking space 31. It would be preferable to see walled plot boundaries (in brick 1) where boundaries are visible in the street scene for the rear of plots 8-14, and to a lesser extent the rear of plots 1-7."

#### **8.7 Dorset Council – Housing Enabling Team: Support.**

Comments that there are over 1650 households on the Weymouth and Portland Housing register. There is a high level of housing need in the Weymouth and Portland area. The greatest demand is for smaller homes.

The proposals from BHCA is for a 100% affordable development of 31 dwellings comprising 13 x 1 bedroom flats in two blocks; and, 12 x 2-bedroom; and, 6 x 3 Bedroom houses. The scheme will be a mix of affordable rent and shared ownership which will meet the identified local need. This complies with the relevant affordable housing policies in the Local Plan.

This scheme will assist in meeting the high level of housing need in the Weymouth and Portland area.

#### **8.8 Dorset Council – Planning Obligations Manager - comments as follows:**

On the basis that this development results in a net increase of only 6 affordable (25 to 31) units over the existing - albeit with more bed-spaces overall, the development would appear to have no demonstrable additional impact and therefore no additional

site specific infrastructure prerequisites are identified.

With respect to a s106 agreement, however, there will need to be an appropriate agreement to ensure that the units are, and remain affordable.

**8.9 Dorset Council – Natural Environment Team** - comments that the ecological survey recommends phase 2 emergence surveys to inform the mitigation due to moderate bat roost potential. NET recommends that these are undertaken at the appropriate time and the BMEP is amended and submitted to NET for approval. For this application there would need to be some amendments to the existing BMEP for NET to approve a worst case scenario BMEP.

**All consultee responses can be viewed in full on the Council's website.**

### **Representations received**

208 third party representations have been received.

There is one letter of support which is from the Chair of 'residents of Marchesi House' Tenants Association, who (in summary) writes:

- *The plans have been the subject of three years of consultation and discussion;*
- *Marchesi House is completely unfit for the purpose of housing elderly occupants currently residing there;*
- *The flats cannot accommodate wheelchairs or mobility scooters;*
- *Refurbishment is not an option;*
- *Discussions with planners and 'pre-application' engagement has been beneficial in the design evolution of the scheme;*
- *The palette of materials has been enhanced through the revised plans;*
- *The proposal is not overdevelopment – there will only be 6 units more than at present;*
- *The scale and massing of the proposals responds well to the challenging topography;*
- *The height of the propose development will be lower than the bungalows in Sycamore Road opposite the site;*
- *The only building that is overlooked is the blank side wall of the shopping centre;*
- *Building styles in the area are wide and varied. The development reflects changes in style and variety in character which is in keeping with the area;*
- *The Highway Authority considers that the proposal does not present a material harm to the highway network or transport safety;*
- *This long, drawn out procedure has left many elderly residents very stressed and unsure of their future;*
- *Some of the housing units for shared ownership will require the prospective occupiers to be able to afford a 25% share rather than the usual 40%, making them eminently more affordable;*

All others raise objection to the proposed development. A number of the objectors re-iterate comments made following the first round of consultations. The objections are summarised as:

- *Over development of such a small area - too great a density for the site Development is totally out of character and not in keeping with area;*
- *Poor design – houses are out of keeping with those in the area*
- *The 3-storey, flats in particular will be completely out of character with the rest of the area, the design of the properties will stand out rather than blend in with the existing character of the area;*
- *Overbearing, badly designed, town cramming;*
- *The architecture and choice of materials is somewhat undesirable for the envelope of the buildings, when choosing aluminum picture windows, slate type roofs etc.*
- *The revised drawings; street scenes; sectional views and ‘artists impressions’ do not reflect the reality the of the impact the development will have on the area;*
- *No need for further houses in the area - 500 houses in Littlemoor & the 350+ houses due to be developed on land over the other side of Southill, are enough;*
- *Access road from Rowan close is way too small for the amount of traffic to the development.*
- *Increased on-street parking of cars from residents and their visitors - residents already find it hard to find parking outside their homes.*
- *It will provide more traffic and disruption throughout development and thereafter.*
- *The building of the development alone will cause huge disruption with trucks/lorry's etc.*
- *BCHA have not taken in to account any of the comments made by the local residents and have made few, if any, changes;*
- *Child safety is concern on a Primary School with a playground next door to “vulnerable people”;*
- *1 bed flats will house single people that will have additional support needs like drug and alcohol dependency or ex convictions that need to be on the housing register, with a school & public house nearby this could create for Anti-Social Behaviour in an area that has very, very low rates.*
- *Southill is a community of mostly families and elderly residents;*
- *The new properties will bring additional requirements on the community which are not addressed – no bus service, no doctors surgery and the school is oversubscribed;*
- *The people who live in Marchesi house and other elderly people will lose their homes and will need to be re-housed;*
- *Value of existing properties in the area will drop dramatically;*
- *Noise, dust and fumes during the construction stage will affect the health of local people, particularly asthma sufferers;*

- Increased danger to pedestrians and cyclists in the vicinity of the site from traffic generation;
- No consideration has been taken to leave some of the trees already located in the space
- The plans show a dramatic reduction in green space for this site;
- Loss of habitat to wildlife;
- Ice in the area during winter months which sees Sycamore grind to a halt - cars on the site will be stuck!

**Cllr Peter Barrow – Ward Member** – raises the following concerns:

*The safety of children and other members of the community during and after construction*

*I note that construction might last for circa 18 months. Given the scale of the development and the time scales this is clearly going to have a major impact on the community*

*I am concerned about access to and from the site during construction. The greatest concern being the movement of heavy goods vehicles to and from the site via Sycamore Rd and Rowan Close. I am of the view that this presents a very high risk to children on their way to and from school as well as to other members of the community as they move around the area, alternative access off Radipole Lane is required. I note that the County Highway Authority raised this issue in their initial consultation response, but have not mentioned it in their more recent response. I am also concerned that contractors will seek to park as close to the site as possible and will cause considerable congestion, again leading to risks to children on their way to and from Scholl as well as to other members of the community as they move around the estate*

*Construction sites often present a range of risks that might have an impact outside of the site boundary, for example dust, noise, water run-off, hazardous substances, storage of materials etc... There is also the issue of security of the site and the need to keep inquisitive young people out of it. I note the intention to control such risks through signing up to the Considerate Constructors Scheme, I am seeking assurances about what this means in practice and how the contractor will ensure that all contractors abide by its requirements.*

*I am concerned about vehicle movements post construction, with some fifty parking spaces on site there will be many additional vehicle movements. The road is already busy during the school-run and the additional vehicle movements will make it even busier. I am concerned that the additional traffic will have a detrimental effect on local residents as it will increase noise and congestion. I believe that there should be permanent access to the site from Radipole Lane behind the John Gregory. This would reduce the need for residents to access the site via Sycamore Rd and Rowan Close.*

### *Neighbours*

*Southill is a quiet residential area and the community generally does what it can to be good neighbours. Therefore, I am seeking assurances that BCHA will ensure that any new tenants will understand their responsibilities to integrate into the local community and for want of a better description be “Good neighbours”. I am also seeking assurances from BCHA about the action they would take in the event of unacceptable behaviour from tenants.*

### *Flooding*

*There have been several instances of flood water affecting properties in Southill in the past. I am seeking assurances that these instances have been properly investigated to determine what caused them and that nothing in the proposed scheme will cause the risk of flooding in Southill to increase. I note that Dorset Council’s Flood Risk Management Team have applied a holding reservation to the proposal.*

### *Scale*

*Southill is a residential area with a predominance of low density, low height residential development with very few examples over two storeys in height. I have significant concerns about the bulk, form, height and design of the proposal, parts of which I feel are out of character with the area. I feel the most significant aspect is the introduction of two blocks of flats that would introduce a significant bulk where none exists at present and which would be an over-bearing presence on the street scene as a whole.*

### *Bus*

*The lack of a bus service in Southill is an issue of great concern to local residents and I think it needs to be raised in the context of this development. The lack of a bus service is going to be a real issue for any residents who do not have access to a car. I have not seen anything in the proposals to date that acknowledges this issue or makes any recommendations as to how it might be overcome.*

**Cllr Peter Barrow – Ward Member** – re-iterated his previous concerns in a further email dated 21 August, 2019, including:

*I write as one of the ward councillors and as Chair of Governors at Southill School.*

*The application has caused considerable concern in the local community with over 200 objections being submitted.*



*I think it is worth noting that most of the residents I have had contact with are not arguing for the development to be stopped altogether. They understand the need for more affordable housing and appreciate that it might even be members of their own families who benefit. The chief objections centre on the risk created by traffic to and from the site; the loss of amenity due to the noise generated by the density of the site and the restricted access; the intrusive and dominating nature of the two blocks of flats.*

## **9.0 Relevant Policies**

### **National Planning Policy Framework – July 2018 (as amended)**

The NPPF was updated with a revised version published on 23 July, 2018, and a further update in February, 2019, made minor amendments. As far as this application is concerned the following section(s) of the NPPF are considered to be relevant:

Section 2 ‘Achieving sustainable development’ advises at Paragraphs 8 and 9:

“8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.”

At paragraph 11, it advises of the 'Presumption in favour of sustainable development'.

Section 5 'delivering a sufficient supply of homes' outlines the Government's objective in respect of housing land supply.

Section 6 'Building a strong, competitive economy' advises generally on the requirement for planning policies and decisions to help create the conditions in which businesses can invest, expand and adapt. Taking into account both local business needs and wider opportunities for development.

Section 7 'Ensuring the vitality of town centres'

Section 8 'Promoting safe and healthy communities'

Section 9 'Promoting sustainable transport'

Section 10 'Supporting high quality communications'

Section 11 'Making effective use of land'

Section 12 'Achieving well designed places' indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 124 – 131 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Further advice contained in the following sections of the NPPF is of relevance:

Section 14 – Climate change – and where applicable – flooding and coastal change.

Section 15 – Natural Environment

Section 16 – Historic Environment

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

## **Technical Guidance to the Planning Policy Framework**

### **Planning Practise Guidance**

On 6 March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This includes the following statement:

This guidance is intended to assist practitioners. Ultimately the interpretation of legislation is for the Courts but this guidance is an indication of the Secretary of State's views. The department seeks to ensure that the guidance is in plain English and easily understandable. Consequently it may sometimes be oversimplified and, as the law changes quickly, although we do our best, it may not always be up to date.

### **Adopted West Dorset and Weymouth & Portland Local Plan (2015)**

As far as this application is concerned the following policies are considered to be relevant.

- INT1 Presumption in Favour of Sustainable Development.
- ENV1 Landscape, Seascape and Sites of Geological Interest.
- ENV2 Wildlife and Habitats
- ENV5 Flood Risk
- ENV9 Pollution and Contaminated Land
- ENV10 The Landscape and Townscape Setting
- ENV11 The Pattern of Streets and Spaces
- ENV12 The Design and Positioning of Buildings
- ENV15 Efficient and Appropriate Use of Land
- ENV16 Amenity
- SUS2 Distribution of Development
- HOUS1 Affordable Housing
- HOUS4 Development of Flats, Hostels and Houses in Multiple Occupation
- COM7 Creating a Safe and Efficient Transport Network.
- COM9 Parking Standards In New Development
- COM10 The Provision of Utilities Service Infrastructure

### **Other material considerations**

**Supplementary Planning Guidance 3 – Urban Design**

**Supplementary Planning Guidance 4 – Local Needs Housing**

## **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**

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

11.2 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.

11.3 In this case, the proposal is for residential development for flats and housing. Level access to the dwellings is shown as being provided, and car parking involves the provision of visitor spaces of sufficient width to accommodate disabled persons vehicles. As such it caters for disabled and ambulant disabled occupants and visitors. It is considered that the requirements of the PSED are met by this proposal.

## **12.0 Financial benefits**

### Material considerations

- Contributions to employment opportunities in the form of short term construction work.
- Whilst no additional jobs are likely to be created as a result the development, the dwellings will be occupied by persons working in the locality, and who are likely to frequent the adjoining shops and facilities in the local centre, with pupils attending local schools.

### Non-material considerations

- Council tax receipts from occupants of the new dwellings.
- New Homes Bonus

## **13.0 Planning Assessment**

The main planning issues relevant to this development are:

- Principle of development
- Scale, design, Impact on the character and appearance of the site and surroundings
- Amenity of neighbours
- Highway safety
- Affordable Housing
- Biodiversity and protected species
- Local Financial Considerations - CIL
- Section 106 issues
- Other matters

### **13.1 Principle of development**

13.1.1 The site lies within the Defined Development Boundary for Weymouth at Southill. It is presently occupied by Marchesi House providing residential development in the form of flats. The proposal is to demolish Marchesi House and erect 18 no. houses & 13 no. flats in two blocks. As the new development is residential in nature, the principle of development for residential purposes is accepted. This accords with the provisions of Policies INT1 and SUS2 in the West Dorset and Weymouth & Portland Local Plan (Adopted October, 2015).

### **13.2 Scale, design, Impact on the character and appearance of the site and surroundings**

In respect of the density of development, the site area amounts to approximately 0.4 of a hectare (ha). Marchesi House provides 25 flats, which represents a density of 62.5 dwellings/ha. The proposed development provides a total of 31 units of accommodation, which represents a density of 77.5 dwellings/ha. It is acknowledged that the site coverage in terms of the built form of the flats and houses, parking areas and walkways is greater than the present Marchesi House building.

Policy ENV12 - The Design and Positioning of Buildings - requires that the general design of buildings should be in harmony with adjoining buildings and the area as a whole as well as – amongst other things – advising that the scale and mass should reflect the purpose to which the buildings are to be used; and, that materials are sympathetic to the natural and built surroundings. It is noted that there is no distinct character to the surrounding area. It is characterised by a mix of dwelling styles and designs using a mix of materials and finishes. This is reflective of different periods of building with dwellings fronting Radipole Lane on its east side facing the site being predominantly detached, single or 1 ½ storey units; those to the north fronting Sycamore Road being link-detached 1 ½ storey units faced with stone; and, those to the west in Rowan Close and further to the north-west along Sycamore Road being 2-storey units which are either semi-detached, or in terraces in red brick. To the south of the site, the nature of development is again different in that it is occupied by

commercial land uses within the Local Centre which contains shops, a Post Office, public house, Gymnasium and Hot Food Takeaway with flats above the shop units.

13.2.2 The present Marchesi House building is outdated and is now no longer viable as accommodation for the Elderly given the lack of lifts internally and restricted widths of corridors and passageways; and, given its outdated structure, fixtures and fittings. It does not lend itself to wheelchair or mobility scooter access. It also represents an under-use of the site area and would fail to comply with the provisions of Adopted Local Plan Policy ENV15 - Efficient and Appropriate Use of Land if permission for it were sought now. It is a functional building of little architectural merit, and as such, its retention on site cannot be justified.

13.2.3 The proposal is considered to be acceptable in terms of its scale, design and location. The amended drawings indicate that the 2 No. blocks of flats which are sited close to the north-east and north-west corners of the site, as well as the terrace of three dwellings set between them, will be built at a lower level than the carriageway level of Sycamore Road. Whilst these are the tallest buildings in the new development, they will be set down at a much lower level than Sycamore Road. The elevations that face the street will appear as two-storey in height and scale, whilst owing to the varying nature of the levels across the site, the flats will be three storey where they face inwards into the site in respect of their south and east facing elevations. The dwellings proposed at Plots 15 – 18 are to be of 2-stories, located between the two blocks of flats and have their rear aspects and gardens facing out towards Sycamore Road. It is considered that their height and scale are acceptable, and whilst both blocks of flats and the houses set between them are located in prominent positions on the site, they will not be unduly intrusive, visually dominant, or overbearing in relation to the other new houses on the development; and, existing adjoining residential properties directly opposite in Sycamore Road, or to those nearby in Radipole Lane, and Rowan Close.

13.2.4 All the buildings have a vertical emphasis to their design, and feature gables facing end on to the Sycamore Road and Radipole Lane road frontages so that the dwellings address the street and provide a clear identity and character to the site and development. The elevations that face the street are two-storey in height and scale, whilst owing to the varying nature of the levels across the site, are three storey in the case of the flats, where they face inwards into the site. The houses facing Radipole Lane at plots 8-10 and 11-14 are separated into these two terraces of 3 and 4 units respectively, with a pedestrian walkway provided between them to assist in breaking up their built form. This is further assisted by the stepped back nature of each unit (except units 13 and 14) in relation to its attached neighbour, which will assist in their visual presentation to and impact on the Radipole Lane, street scene.

13.2.5 The houses that are proposed to be sited within the depth of the site at plots 1-3 and 4-7, like those fronting Radipole Lane, are separated into two terraces of 3 and 4 units respectively, with a pedestrian walkway provided between them to assist in breaking up their built form. The units are also stepped in relation to each other to

break up their built façade and reduce their bulk and scale. These dwellings have south facing rear gardens and allow for observation of the accessway and parking court to the rear. They are of the same style, design, height and scale as the other dwelling units proposed at Plots 8-14 and 15-18 and complement these outward facing elements of the proposed development. These dwellings are effectively set on the lowest part of the site, and will be screened from the Sycamore Road and Radipole Lane street frontage by the other dwellings and flats on the site as discussed above.

13.2.6 The Council's Urban Design Officer comments: "The proposed development would provide active frontage to Radipole Lane, Sycamore Road and Rowan Close. The flats provide dual aspect which offers positive frontages on multiple elevations, a key design feature of the development. The presence of close board fencing onto Sycamore Road is mitigated by planting. The scale and massing proposed responds well to the challenging topography of the site. The palette of materials has also been enhanced through the revised plans. This has been achieved through the introduction of Purbeck stone to nine of the houses and to both of the flats in part."

13.2.7 Overall, Officers consider, in respect of their siting, design, height, bulk, scale, proposed use of materials (which can be conditioned) and their relationship with adjoining dwellings and commercial uses, that the proposed development is acceptable and accords with the provisions of Adopted Local Plan Policies ENV10 - The Landscape and Townscape Setting; ENV11 – The Pattern of Streets and Spaces; ENV12 – The Design and Positioning of Buildings; and, ENV15 - Efficient and Appropriate Use of Land; and, the advice contained in the NPPF – 2019 (as amended).

### **13.3 Impact on the amenity of neighbours**

13.3.1 Policy ENV16 – Amenity – of the Adopted Local Plan permits development provided that it has no significant adverse impact on neighbours amenity through loss of privacy; loss of light or excessive overshadowing; or through a level of activity or noise that would detract from the quiet enjoyment of residential properties. In this regard the scheme is considered to be acceptable.

13.3.2 The site is located in a predominantly residential area, with its southern boundary adjoining the Local Centre. The rear aspects of the Plots 1-3 and 4-7 dwellings set in the depth of the site face out towards the blank wall of the gymnasium, and to a lesser extent the John Gregory public house. There no issues of overlooking or loss of privacy in regard to these units arising from this relationship.

13.3.3 There are neighbouring residential properties on 3 sides of the site. All are located on the opposite sides of roads running around the site. The main relationship of the proposed development with occupants of neighbouring dwellings is derived from the two blocks of flats and dwellings proposed at Plots 15 – 18, which are located between the blocks of flats and which have their rear aspects facing out towards Sycamore Road. The dwellings and flats are proposed to be set lower on

site than road level which reduces the scale, visual impact and appearance of the development in relation to these neighbouring properties. In respect of distances between dwellings the relationship is acceptable, and any issues of window to window views are considered to be acceptable as these already occur between the dwellings at 1 and 3 Sycamore Road, and Marchesi House.

13.3.4 There are also windows facing the dwellings in Radipole Lane from the Marchesi House building. Again in respect of distances between dwellings the relationship of the proposed dwellings and existing properties is considered to be acceptable. Overall, it is considered that there will not be an unacceptably significant increase in overlooking or loss of privacy to occupants of existing dwellings arising from the development.

13.3.5 Any views of the neighbouring dwellings in Rowan Close are of the side elevations from the plot 1 dwelling; and, those from the flats (building 1) are approximately 20 metres distance from those serving the front elevation of the dwellings at 2 – 8 Rowan Close. Any views of the rear aspects of the pair of semi-detached dwellings at 14 and 16 Rowan Close from the Rear of the Plot 1 dwelling will be angled and largely oblique. It is considered that these residential neighbours that would not be unduly affected by the proposal in respect of amenity and privacy.

13.3.6 Overall, the proposals are considered to be acceptable and accord with the provisions of Adopted Local Plan policy ENV16 – Amenity and the advice contained in the NPPF – 2018 (as amended).

#### **13.4 Highways & Parking**

13.4.1 The comments in respect of traffic generation, highway and pedestrian safety, additional on road parking, and construction traffic movements, raised by neighbours and the Ward Member, are all noted. Of particular note are the concerns regarding traffic movements, especially at the construction stage and children's safety for children walking to Southill Primary School further along Sycamore Road to the north, via footpaths that run around the site. Once developed, vehicular access to the site is proposed to be derived from Rowan Close/Poplar Close using the existing access. There are no highway objections from the Council's Transport Development Team.

13.4.2 With regard to construction traffic, from discussions, the applicants have advised that they are agreeable to a condition requiring construction vehicles to access the site directly from Radipole Lane, and to construct the dwellings on site in an east-west direction starting closest to Rowan Close. A condition requiring the development to be carried out in accordance with a Construction Traffic Management Plan can stipulate this requirement and be applied to any permission granted. This would provide certainty regarding access and hours of operation etc. in respect of the routing and movements of construction vehicles and hours of operation in respect of deliveries to and from the site. These can be required to take account of school start and finish times.



13.4.3 The development proposes 38 on site car parking spaces to serve the 31 dwellings. It is noted that these are shown on plan as un-allocated. This is not considered to be an issue as the provision is made, and it is clear that occupants of the dwellings and visitors to the site will be able to use the spaces. The number of car parking spaces provided is acceptable and accords with the requirements of the Bournemouth, Poole and Dorset Residential Car Parking Study 2010 and the Manual for Streets, March 2007. In addition, cycle parking provision is made with dedicated cycle stores forming part of the built structure of each block of flats. This provides secure cycle storage for an alternative to the private motor car for residents.

13.4.4 In respect of traffic generation, highway and pedestrian safety, on site parking, additional on road parking, cycle parking provision and construction traffic management, the proposed development is considered to be acceptable. Adopted Local Plan Policies COM7 and COM9 are considered to be complied with.

### **13.5 Affordable Housing**

13.5.1 Adopted Local Plan Policy HOUS1 advises of the requirements for the provisions of Affordable Housing as part of new residential development at a rate of 35% provision in Weymouth with any affordable housing provisions requiring a tenure split of 70% social/affordable rent and a maximum of 30% intermediate affordable housing. These proposals from Bournemouth Churches Housing Association (BHCA) provide for a 100% affordable development of 31 dwellings comprising 13 x 1 bedroom flats in two blocks; and, 12 x 2-bedroom; and, 6 x 3 Bedroom houses.

13.5.1 The Council's Housing Enabling Team is supportive of the proposal given there are more than 1,650 households in the District on the Housing Register. The scheme will be a mix of affordable rent and shared ownership which will meet the identified local need. The Planning Obligations Manager has advised that the tenure of the properties should be secured via a Section106 Agreement to ensure that the units are, and remain affordable. The applicants are agreeable to enter into such an Agreement and as such Local Plan Policy HOUS1 is considered to be complied with.

### **13.6 Biodiversity and protected species**

13.6.1 The comments received from neighbours in respect of the removal of trees on site to facilitate the development are noted. None of the trees proposed to be removed are high quality specimens, nor are any subject to a Tree Preservation Order. Therefore, an objection to their removal would be unreasonable and cannot be sustained.

13.6.2 The applicant has submitted a Biodiversity Mitigation Plan (BMP). The BMP indicates that landscape planting should aim for a 70:30 ratio in favour of native over non-native and ornamental species, with planting including Rowan, Hazel, Ash, Alder, Small-leaved lime, Holly and Willow. In response to the comments received from the NET, a minimum of 6 integrated bat boxes will be placed as close to the

eaves as possible in the gable ends of each of the 13 new houses to enhance the sites suitability for roosting bats. Whilst no Dorset Council – NET approval certificate has been received, the applicant has revised the BMP to cover the worst case scenario. The BMP has been prepared by a qualified Ecologist.

13.6.3 Natural England has raised no objections. In respect of the impact of the development on the natural environment, the proposals contained in the BMP are considered to be acceptable and accord with the provisions of Adopted Local Plan Policy ENV2; and, the advice contained in Section 15 'Conserving and enhancing the natural environment' in the NPPF.

### **13.7 Local Financial Considerations**

13.7.1 Having regard to S70 (2) of the Town and Country Planning Act the proposal has implications in respect of finance considerations, namely, the Community Infrastructure Levy.

#### **Community Infrastructure Levy (CIL)**

13.7.2 The adopted charging schedule only applies a levy on proposals that create a dwelling and/or a dwelling with restricted holiday use. All other development types are set at a £0 per square metre CIL rate.

13.7.3 The development proposed is CIL liable. The rate of CIL for dwellings in Weymouth and Portland is £93 per sq. metre plus indexation of 20%. The Council's CIL Officer has advised the applicant of the requirements of the Community Infrastructure Levy which would be payable on commencement of development.

### **13.8 Section 106 issues**

13.8.1 The Planning Obligations Manager has advised that the tenure of the properties should be secured via a S.106 Agreement to ensure that the units are, and remain affordable. This is considered to be acceptable and as advised, the applicants are agreeable to this.

### **13.9 Other matters**

13.9.1 The concerns raised by neighbours in respect of impact on property values; occupation of the dwellings; and, the lack of a bus service area all noted. Any impact on property values lies outside the scope of the planning system as the question here is one of land use, not land value. This is not a material consideration in the determination of the application.

13.9.2 The question of occupancy has been raised. The proposal is to erect 31 housing units, all of which are to be affordable housing units. The residential use of the land is acceptable in principle, as there will be no change from the existing use. The occupants will be persons in housing need on the Council's waiting list. The suitability of occupants is a matter for the Housing Association as landlord and not a planning matter.

13.9.3 Concerns raised regarding the lack of a bus service are noted. There are bus stops on Radipole Lane outside and opposite the Local Centre which indicate that Radipole Lane is on a bus route, although a study of local Bus Route Maps does not confirm this. The site is currently in residential use and the proposed development proposes the same use. Cycle parking facilities form part of the development with cycle stores proposed as part of each of the blocks of flats. There is a bus route located nearby on Dorchester Road. Officers maintain that despite this, given that the site is previously developed, is within the context of residential development and close to the facilities in the Southill local centre, it is in a sustainable location. Alternative provision to the use of private motor cars is made and accessibility to the Public Transport network is considered to be acceptable. As such the proposed development complies with the provisions of Adopted Local Plan Policies COM7 and COM9.

### **13.10 Environmental Impact Assessment**

13.10.1 This development does not fall within the scope of the Town & Country Planning (Environmental Impact Assessment) (England) Regulations 2017 (EIA Regulations) and so Environmental Impact Assessment is not required.

### **14.0 Climate Implications**

14.1 Use of powered machinery releasing CO<sub>2</sub> and carbon monoxide during both demolition and construction phases. Loss of embodied energy in the building materials etc. Potential increased emissions from more vehicles making use of car park area serving the new dwellings and from additional vehicle movements to and from the site.

### **15. Conclusion**

15.1.1 The location, size and scale of the proposed 18 no. houses and 13 no. flats in two blocks is an acceptable form of land use in this location. The number of units, density, height scale, and use of materials proposed will not result in an unduly adverse visual impact on the character of the site and surroundings. The development respects the varying levels across the site and utilises them to minimise its visual impact and to project a character of its own in an area which is represented by a mix of construction styles and building materials. The proposed development is considered to be sustainable and acceptable in its design and general visual impact. There is no unacceptable impact on the residential amenities of occupants of adjoining and nearby residential properties.

15.1.2 The proposed development will contribute 31 dwellings – all affordable – to the local housing supply and add to the Council's 5-year housing land supply target, which is currently standing at a shortfall of 4.93 years. There are no material considerations which warrant refusal of this application.

15.1.3 The proposed development is acceptable and accords with the revised 2015 Local Plan. The site specific considerations are also acceptable. The proposal is in

accordance with the provisions of policies INT1, ENV1, ENV 5, ENV 9, ENV2, ENV10, ENV 11, ENV12, ENV 15, ENV16, SUS2, HOUS1, HOUS4, COM7, COM9 and COM10 of the West Dorset, Weymouth and Portland Local Plan (Adopted – October, 2015); and, the relevant advice contained in Sections 2, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15 and 16 of the NPPF – July 2018 (as amended).

**16.0 RECOMMENDATION** : Delegate authority to the Head of Planning to grant planning permission subject to:-

- clarification of the requirements of Dorset Council - Flood Risk Team in its role as Lead Local Flood Authority;
- completion of a legal agreement under Section 106 of the Town and Country Planning Act to secure provision and tenure of Affordable Housing in accordance with Planning Policy;
- and the following planning conditions.

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan & Block Plan - Drawing Number 1730-01A (Amended) received on 21/5/2019

Site Plan - Drawing Number 1730 02D (Amended) received on 21/5/2019

Houses 1 - 3 - Proposed Floor Plans - Drawing Number 1730 03 received on 9/11/2018

Houses 1 - 3 - Proposed Roof Plan - Drawing Number 1730 04 received on 9/11/2018

Houses 1 - 3 - Proposed Front & Side Elevations - Drawing Number 1730 05B (Amended) received on 21/5/2019

Houses 1 - 3 - Proposed Side & Rear Elevations - Drawing Number 1730 06B (Amended) received on 21/5/2019

Houses 4 - 7 - Proposed Floor Plans - Drawing Number 1730 07 received on 9/11/2018

Houses 4 - 7 - Proposed Roof Plan - Drawing Number 1730 08 received on 9/11/2018

Houses 4 - 7 - Proposed Front & Side Elevations - Drawing Number 1730 09B (Amended) received on 21/5/2019

Houses 4 - 7 - Proposed Rear & Side Elevations - Drawing Number 1730 10B (Amended) received on 21/5/2019

Houses 8 - 10 - Proposed Floor Plans - Drawing Number 1730 11 received on 9/11/2018

Houses 8 - 10 - Proposed Roof Plan - Drawing Number 1730 12 received on 9/11/2018  
Houses 8 - 10 - Proposed Front & Side Elevations - Drawing Number 1730 13A (Amended) received on 21/5/2019  
Houses 8 - 10 - Proposed Rear & Side Elevations - Drawing Number 1730 14B (Amended) received on 21/5/2019  
Houses 11 - 14 - Proposed Floor Plans - Drawing Number 1730 15 received on 9/11/2018  
Houses 11 - 14 - Proposed Roof Plan - Drawing Number 1730 16 received on 9/11/2018  
Houses 11 - 14 - Proposed Front & Side Elevations - Drawing Number 1730 17B (Amended) received on 21/5/2019  
Houses 11 - 15 - Proposed Rear & Side Elevations - Drawing Number 1730 18B (Amended) received on 21/5/2019  
Houses 15 - 18 - Proposed Floor Plans - Drawing Number 1730 19 received on 9/11/2018  
Houses 15 - 18 - Proposed Roof Plan - Drawing Number 1730 20 received on 9/11/2018  
Houses 15 - 18 - Proposed Front & Side Elevations - Drawing Number 1730 21A (Amended) received on 21/5/2019  
Houses 15 - 18 - Proposed Rear & Side Elevations - Drawing Number 1730 22A (Amended) received on 21/5/2019  
Flats (Building 1) - Proposed Ground & First Floor Plan - Drawing Number 1730 23A (Amended) received on 21/5/2019  
Flats (Building 1) - Proposed Second Floor Plan & Roof Plan - Drawing Number 1730 24B (Amended) received on 21/5/2019  
Flats (Building 1) - Proposed Front & Side Elevations - Drawing Number 1730 25C (Amended) received on 21/5/2019  
Flats (Building 1) - Proposed Rear & Side Elevations - Drawing Number 1730 26C (Amended) received on 21/5/2019  
Flats (Building 2) - Proposed Lower Ground & Ground Floor Plans - Drawing Number 1730 27B (Amended) received on 21/5/2019  
Flats (Building 2) - Proposed First Floor Plan & Roof Plan - Drawing Number 1730 28D (Amended) received on 21/5/2019  
Flats (Building 2) - Proposed Front & Side Elevations - Drawing Number 1730 29D (Amended) received on 21/5/2019  
Flats (Building 2) - Proposed Rear & Side Elevations - Drawing Number 1730 30C (Amended) received on 21/5/2019  
Bin Store - Proposed Floor plans and Elevations - Drawing Number 1730 32A (Amended) received on 21/5/2019  
Proposed Street Scene - Drawing Number 1730 33E (Amended) received on 21/5/2019  
Proposed Street Scene - Drawing Number 1730 34C (Amended) received on 21/5/2019  
Site Plan (Section Lines) - Drawing Number 1730 50 received on 21/5/2019  
Site Sections A-A & B-B - Drawing Number 1730 51 received on 21/5/2019

View 1 received on 21/5/2019

View 2 received on 21/5/2019

View 3 received on 21/5/2019

View 4 received on 21/5/2019

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

3. The development hereby permitted shall be undertaken using the building materials listed on the application forms, and approved Drawings referred to in condition 2 of this planning permission.

Reason: To safeguard the character and appearance of the development having regard to its surroundings.

4. The development shall be carried out in accordance with the approved Biodiversity Mitigation Plan prepared by Adam Jessop of Ecosupport Ltd for Ken Parke Planning Ltd dated 24 October 2018, and this shall not be altered without the prior written approval of the Local Planning Authority.

REASON: In order to safeguard and enhance the ecological value of the site.

5. The development hereby approved shall not proceed above finished floor level until hard and soft landscaping and tree planting schemes shall have been submitted to, and approved in writing, by the Local Planning Authority. The soft landscaping and tree planting schemes shall be implemented during the planting season November - March inclusive, immediately following commencement of the development, or as may be agreed otherwise in writing by the Local Planning Authority. The schemes shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years from their first being planted. The hard landscaping shall be completed prior to occupation of the dwellings.

REASON: In the interest of visual amenity.

6. No development above finished floor level of the new build dwellings shall take place until details of the boundary treatments to that property have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be installed in their entirety prior to the first occupation of the dwelling concerned and shall thereafter be retained.

REASON: In the interests of the character and appearance of the area.

7. Prior to the commencement of development, including works related to the demolition of the existing Marchesi House building, a Construction Traffic Management Plan, shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include provision for

construction traffic to access the site from Radipole Lane, only. The development shall be carried out in accordance with the approved Construction Management Plan and shall not be altered without the prior written approval of the Local Planning Authority.

REASON: In the interests of the living conditions of nearby occupiers and highway safety.

8. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shall be completed as shown on Drawing Number 1730 02D. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified

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

9. No development shall take place until a detailed and finalised surface water management scheme for the site, based on hydrological and hydrogeological context of the development, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the submitted details before the development is completed.

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

10. No development shall take place until details of maintenance and management of the surface water sustainable drainage scheme 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.

## **Informatives**

### **National Planning Policy Framework Statement**

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development. The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
- The application was acceptable as submitted and no further assistance was required.

### **S.106 Agreement**

This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated xxxxxxx

### **INFORMATIVE NOTE: Privately managed estate roads**

As the new road layout does not meet with the County Highway Authority's road adoption standards or is not offered for public adoption under Section 38 of the Highways Act 1980, it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.

### **INFORMATIVE NOTE: Fire safety**

To fight fires effectively the Fire and Rescue Service needs to be able to manoeuvre its equipment and appliances to suitable positions adjacent to any premises.

Therefore, the applicant is advised that they should consult with Building Control and Dorset Fire and Rescue Service to ensure that **Fire Safety - Approved Document B Volume 1 Dwelling houses B5 of The Building Regulations 2006** can be fully complied with

**Notes to LPA/Applicant;** as previously highlighted, detailed proposals including finalised calculations will need to be supplied and approved in respect of subsequent submissions and discharge of the requested surface water planning conditions listed above, prior to commencement. Whilst we acknowledge the discussion contained within the above supporting documents with regard to an acceptable discharge rate, relevant design criteria and perceived betterment over the existing drainage arrangements (i.e. 4.2l/s, 100yr plus 40% CC & a 30% betterment) we emphasise that these figures are regraded as preliminary only at this stage and will require further substantiation within the necessary detailed design. Any subsequent alteration or amendment of the preliminary layout should not compromise the agreed conceptual drainage strategy.

Please note that DC/FRM accept no responsibility or liability for any (preliminary) calculations submitted in support of these proposals. We provided an overview of the scheme ad compliance with best practise and current guidance only.



**APPLICATION NUMBER:** WP/19/00162/PIP

**APPLICATION SITE:** LAND ADJACENT TO FORMER GATEHOUSE, WEST WAY, SOUTHWELL BUSINESS PARK, PORTLAND

**PROPOSAL:** Erection of up to 8 no. dwellings

**APPLICANT:** Compass Point Estates

**CASE OFFICER:** Hamish Laird

**WARD MEMBER(S):** Portland – Cllr. Paul Kimber; Cllr. Rob Hughes; Cllr. Susan Cocking.

**RECOMMENDATION SUMMARY:** Grant Permission in Principle subject to Conditions as advised in the Town and Country Planning (Permission in Principle) Order 2017 (as amended).

[https://planning.dorset.gov.uk/public-access/applicationDetails.do?activeTab=documents&keyVal=DCAPR\\_35105](https://planning.dorset.gov.uk/public-access/applicationDetails.do?activeTab=documents&keyVal=DCAPR_35105)

---

## **1. DESCRIPTION OF SITE:**

1.1 The application site forms part of the car parking area serving Southwell Business Park on the Isle of Portland. It is located in the eastern corner of the site to the rear of the on-site Children's Day Nursery which is housed in a flat-roofed, single storey, former gatehouse building located immediately to the south-west, close to the main entrance to the Academy site. The site is bounded to the south-east by dwellings at 44, 46 and 50 Sweethill Road, and to the north-east it is bounded by the dwelling at 19 Underhedge Gardens and a playing field. The western site boundary is unmarked and opens out onto the larger part of the car parking area serving the Business Park complex.

The site lies outside the defined development boundary for Southwell and within the Portland Peninsula Landscape Character Area. To the south west of the site land is designated as Portland Coastline and is of Local Landscape Importance.

The site has been earmarked as a developable site in the 2018 West Dorset, Weymouth and Portland Strategic Housing and Economic Land Availability Assessment (reference WP/TOPW/031). This advises that the developable site area is 0.277 ha with a potential for a housing yield of 8 units at a density of 28 dph.

## 2. DESCRIPTION OF DEVELOPMENT:

2.1 This scheme seeks permission in principle for the erection of up to 8 dwellings within part of the car parking area serving the Atlantic Academy at Southwell Business Park. Only a red line site plan is provided at this stage. It is made as an application for 'Permission in Principle'. This consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.

A decision on whether to grant permission in principle to a site following a valid application, or by entering it on Part 2 of a brownfield land register, must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise

The scope of permission in principle is limited to **location, land use** and **amount** of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission. The ability for applicants to apply for 'permission in principle' for minor residential developments came in to force on 1st June 2018 in accordance with The Town and Country Planning (Permission in Principle) (Amendment) Order 2017.

## 3. RELEVANT PLANNING HISTORY:

Application No.	Application Description	Decision	Date of decision
WP/13/00101/FUL	Alterations and extensions to existing buildings and construction of new sports hall in association with change of use from employment and leisure to educational use (Use Class D1). Provide sports fields. Reorganise internal road system and parking, and	Refused Appeal allowed	4/7/13 11/4/14

	modify main site access from Sweet Hill Road. Provide new shared footway/cycleway link to Sweet Hill Lane. Upgrade existing footpath to Reap Lane, and provide new link to south of 73 – 78 Reap Lane, to provide shared footway/cycleway		
WP/17/00127/SCH	Change of Use form Offices (B1) to registered Nursery (D1)	PANR – Prior approval not required	24 March 2017
12/00454/FUL	Temporary siting and use of 140 portacabins for accommodation purposes associated with the Policing of the Olympics and associated works concerning drainage and services (retrospective)	Refused	1 August 2012
12/00248/FUL	Relocation of spa health club facilities and associated change of use together with contraction of number of hotel rooms to accommodate new offices (Business Centre) (Enterprise House)	Granted	1 June 2012
11/0595/106R	Relaxation/removal of the clauses in the 106 Agreements made on 13th June 2001 and 9th September 2004	Withdrawn	10 September 2011

	that restrict occupancy of the flats approved under reference 00/00439 and 02/00804, to persons involved in the management of a business within the park or visiting a business, or a student working at a business or a person undergoing security or dog handling training.		
10/00382/COU	Change of use to independent restaurant (Class A3) and associated assembly and leisure spaces (Class D2) (retrospective) (Enterprise House)	Granted	9 August 2010
10/00121/COU	Change of use from hotel to independent spa facility (use class D2) (Enterprise House)	Granted	30 April 2010
07/00537/FULMAJ	Extension and conversion to form hotel to include extension to Compass Terrace (Portland House)	Granted	4 October, 2007
02/00804/FUL	Conversion of existing store room and toilets to 2 residential units (Maritime House)	Granted	29 September, 2004
00/00349/FUL	Conversion of surplus offices on second and third floors to 16 studio	Granted	13 June 2001

	flats (Maritime House)		
00/00196/FUL	Form landscaped bund along north east boundary inside chainlink fence to screen proposed housing development	Granted	2 August 2000
97/00257/COU	Change of use of part of site to Class B2 (General Industrial) use	Granted	22 April 1998
97/00262/CLOPUD	Use as Class B1 (Main Building, Southwell Business Park)	Granted	18 June, 1997

3.1 The above application Ref: WP/13/00101/FUL which was allowed on Appeal, related to 6.97 hectares of the business park and essentially involved a change of use to form a school – a new home for the Isle of Portland Aldridge Community Academy (IPACA). The ground and first floors of Maritime House provided the main school buildings, and existing open areas of grassland to the south and east will be used for sports pitches, serviced by new changing rooms proposed in No. 1 Compass Terrace. The school is bounded by the existing hotel to the south west and by the remaining business units to the North West. The second and third floors of Maritime House remain in residential use.

3.2 The S.106 Agreement, dated 5 March, 2014, attached to the WP/13/00101/FUL appeal permission advises in respect of the Car Park Management Plan that: “ a scheme for the management of car parking at the Property in accordance with the framework car park management plan prepared by Hydrock and dated 11 April, 2013, submitted with the Planning Application is required.”

3.3 Section 2 of the S.106 relates to the Travel Plan and Car Park Management Plan.

- Clause 2.1 (a) requires the Travel Plan and Car Park Management Plan to be submitted for approval within 6 months of Occupation of the Development

- Clause 2.1 (b) Requires compliance with the Travel Plan and Car Park Management Plan throughout the time the property is under occupation for the purposes of the Academy;

3.4 The Agreement requires the Travel Plan to be reviewed every 12 months based on pupil census data through the Schools Annual Census.

3.5 The Travel Plan is to be used to encourage and develop both sustainable travel and healthier lifestyles by staff students and parents. It encourages walking cycling, and the use of public transport to and from the school site to minimise reliance on the private motor car for such trips.

3.6 Condition 5 of the appeal permission states:

*“Within one year of the commencement of the use hereby permitted, a Full Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority (LPA). The Travel Plan shall include travel survey data for all modes of transport and set out measures and targets to reduce car trips to the school. The school must also complete the School Travel Health Check annually to monitor the success of the plan. If subsequent annual School Travel Health Checks do not meet the targets set in the approved Travel Plan then a revised Travel Plan which amends the measures and specifies the timescales required to meet the targets shall be submitted to the LPA for approval.”*

#### **4. RELEVANT PLANNING POLICIES:**

##### **4.1 National Planning Policy Framework**

As far as this application is concerned the following section(s) of the NPPF are considered to be relevant:

Paragraph 11 of the NPPF advises of the ‘Presumption in favour of sustainable development’.

Section 5 ‘delivering a sufficient supply of homes’ outlines the governments objective in respect of land supply. A sub-section ‘Rural housing’ at paragraphs 75 -77 reflects the requirement for development in rural areas.

Paragraphs 83 and 84 ‘Supporting a prosperous rural economy’ promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.

Section 11 ‘Making effective use of land’

Section 15 ‘Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be

compatible with the surroundings. In particular, and amongst other things, Paragraphs 124 – 132 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Further advice contained in the following sections of the NPPF is of relevance:

Section 6 - Building a strong, competitive economy

Section 14 – Climate change – and where applicable – flooding and coastal change.

Section 15– Natural Environment

Section 16 – Historic Environment

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

#### **4.2 Adopted West Dorset and Weymouth & Portland Local Plan (2015)**

- INT1 Presumption in Favour of Sustainable Development
- ENV1 Landscape, Seascape and Sites of Geological Interest
- ENV15 Efficient and Appropriate Use of Land
- ENV16 Amenity
- SUS1 The Level of Economic and Housing Growth
- SUS2 Distribution of Development
- HOUS3 Open Market Housing Mix
- ECON2 Protection of Key Employment Sites
- HOUS1 Affordable Housing
- COM1 Making Sure New Development Makes Suitable Provision for Community Infrastructure
- COM7 Creating a Safe and Efficient Transport Network.
- COM9 Parking Standards in New Development

## **5. OTHER MATERIAL PLANNING CONSIDERATIONS:**

### **5.1 West Dorset Landscape Character Assessment 2009**

Background Papers:

The Housing and Planning Act 2016.

The Town and Country Planning (Brownfield Land Register) Regulations 2017

The Town and Country Planning (Permission in Principle) Order 2017

Guidance on the implementation of the above regulations contained in the Government's Planning Practice Guidance.

2018 West Dorset, Weymouth and Portland Strategic Housing and Economic Land Availability Assessment (reference WP/TOPW/032)

## **6. HUMAN RIGHTS:**

6.1 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.

## **7. PUBLIC SECTOR EQUALITIES DUTY:**

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

## **8. CONSULTATIONS:**

8.1 DCC Highways - No comments received.

8.2 Portland Town Council: Objects on the grounds that the proposal contradicts a S.106 Agreement dated 5 March, 2014, which defined this area as a school site, and which cannot be changed to a residential site without change of the original 106 documents. In addition, the planning application will remove a large part of the car park and will exacerbate nearby highway issues and impact on the whole of the local area.



## **9. REPRESENTATIONS:**

9.1 Three letters of representation have been received. All raise objections to the application. Concerns raised are summarised as:

*Busy, but poorly designed car park. There have been many near misses between cars, parents and children.*

*Unaffordable housing at the expense of child safety.*

*This development will impinge on the safety of pupils, parents and visitors to the school and the industrial estate.*

*There are far too many new builds on the isle, not enough green space*

*Portland does not have the amenities for more dwellings, this places too much strain on the poor and inadequate infrastructure.*

*There would be an adverse impact on biodiversity.*

9.2 A representation has been received from the Facilities Manager at the Atlantic Academy objecting to the proposals as follows:

*“A planning application (as below) has been brought to my attention, I have to say this is very concerning to say the least, not only will these dwellings cause huge disruption to the school traffic during the construction phase but once completed, access to and from the properties will ultimately coincide with drop off and collection times. The Academy have implemented many methods to manage arrival and departures of staff and students as of course safety is paramount. The introduction of these dwellings will not help matters. The entrance to the site is already a traffic hot spot for congestion therefore I would be interested to learn to what measures will be introduced as a result.”*

## **10. PLANNING ISSUES:**

- Location
- Land use
- Amount of development

## **11. PLANNING ASSESSMENT:**

### **11.1 Location:**

Policy SUS2 of the Adopted Local Plan aims to focus residential, employment and other development to meet the needs of the local area within defined

development boundaries (DDBs) taking place at appropriate scales to the size of each settlement.

The Council currently has a housing land supply shortfall which renders the Adopted Local Plan housing supply policies silent and out of date and, therefore, each scheme goes back to be considered against the first principles of sustainable development.

The Annual Monitoring Report (2017 - 2018) states *'For the period 2018 to 2023, the councils do not have sufficient supply to meet the five-year supply requirement as required by national policy. The councils can only demonstrate a supply of deliverable sites equivalent to 4.88 years.'*

The site is not in an isolated location, being close to residential properties, a school and a business park. It should also be noted that there have been changes of use from offices within the business park to residential granted under prior approvals as set out in Part O, of the Town and Country Planning (General Permitted Development) (England) Order 2015.

It is acknowledged that the site's location outside but adjoining the DDB for Southwell boundary and its location on previously developed land (where Policy SUS2 is presently rendered silent, within the adopted local plan) makes the site 'sustainable'. It is noted that the site is within the Southwell Business Park, an allocated employment site within the adopted Local Plan (2016) and also has to be considered against the provisions of Local Plan Policy ECON2. This policy is not rendered out of date. In this respect the site does not form part of any of the employment allocation given it acts as part of the car park serving the Academy. Therefore, the provisions of Policy ECON2 which seeks to protect key employment sites is not an issue in the consideration of this proposal.

To consider the planning balance, weight is given to the fact that both historic applications for the re-development of the site involving the re-use of some of the existing buildings for residential purposes, at Maritime House and Enterprise House, and the fact that the site is laid out as part of a much larger car parking area, but has not been utilised for such purposes, and is in part, presently used for informal storage purposes. This, and the close proximity of the site to adjoining residential properties, would indicate that on balance, the proposed residential use of this site would be acceptable.

Consideration is also given to the comments from the Portland Town Council about the Section 106 Agreement for the school which forms part of the WP/13/00101/FUL planning permission. This is not noted as a constraint for this site in the planning history and it is evident on site that the entrance to the school is clearly beyond this part of the car park forming the application site. The requirements of the S.106 Agreement are clear in relation to the provisions of Travel Plan and Car Park Management Plan. The Section 106 Agreement is in

place and unless modified, its clauses are binding. Should this application for Permission in Principle be granted, then the applicant would have to at a later date apply to vary or remove relevant specific clauses within that agreement.

The site forms part of the main school car park but appears to be unused as parking for the school. The Town Council have concerns about loss of this parking area. These concerns are also reflected in the comments received from the Atlantic Academy relating to construction traffic vehicle movements, potential congestion and safety for site users and visitors given the sites proximity to the vehicular access to the Academy site. It was noted at the time of the officer site visit that there were no cars parked in the approaching road and the whole area was very quiet. It is recognised that there may be peaks and troughs of car movements at school opening and closing times. There are no objections from Highways Officers. The concerns of the Atlantic Academy are noted, however, the details that will be required to be submitted following the grant of any approval will need to address these concerns. This is a matter for separate consideration. On balance, the traffic movement from potentially 8 households is considered to be acceptable.

It is considered that it would not prejudice the established car parking arrangements for the existing Southwell Business Park land uses, including the Atlantic Academy as highlighted by condition 9 of the appeal permission, and subject to modification, the relevant Clauses in the S.106 Agreement affecting the site. Therefore, the change of use from a car park to residential is considered to be acceptable in principle in this case.

Overall, the sustainable location, proximity to existing residential development, shortfall in housing land supply and established site history for part residential use all combine to tip the balance in favour of the scheme.

## **11.2 Land use**

As a residential land use on parts of the wider site has previously been established, any objection to developing the land further with residential development, where such development does not conflict with existing lawful land uses, is considered difficult to sustain given the recognised shortfall in housing land supply.

The types of business use within Southwell Business Park are considered compatible with residential uses given that they are placed next to each other already. Furthermore, the site lies adjacent to existing residential properties in Sweethill Road, and Underhedge Gardens. Therefore, it is considered that there is no overriding conflict of interest in terms of land uses. Overall, it is considered that the loss of the present parking spaces is acceptable as the application site area is under-used/not used for car parking.

### **11.3 Amount of development**

The amount of development put forward is not known at this stage, other than the application form which suggests up to 8 residential dwellings. The SHLAA has suggested that 8 dwellings would meet density potential. Whether the number of dwellings to be built on the site would result in overdevelopment would depend on the built form to amenity space ratio which would be controlled at the technical stage. However, it is considered appropriate to set a limit of 8 dwellings as the appropriate level.

The remaining amount of allocated parking area is considered acceptable to the Highways Officer.

### **11.4 Other issues**

11.5 The proposal would be CIL liable but this would be calculated at Technical Matters stage once the number and floor space of dwellings is known.

11.6 This is a location where wildlife may be present and an ecological survey and biodiversity mitigation plan would need to be carried out prior to any development. This may also dictate where housing should be located within the site.

11.7 With regard to precedent, this site is considered acceptable given its allocation within the SHLAA. This is not to indicate that further schemes for housing in this location close to the Portland Coastline would be considered to be acceptable.

## **12.0 Climate Implications**

12.1 Use of powered machinery releasing CO<sub>2</sub> and carbon monoxide during construction phase. Potential increased emissions from more vehicles serving 8 dwellings.

## **13. CONCLUSION/SUMMARY:**

13.1 The erection of a block of up to 8 No. dwellings with associated access & parking is considered acceptable in principle in relation to location, land use and amount of development. It is in accordance with policies INT1, SUS1, SUS2, ENV3 and HOUS4 of the West Dorset, Weymouth & Portland Local Plan (2015).

**RECOMMENDATION:** APPROVE subject to conditions as advised in the Town and Country Planning (Permission in Principle) Order 2017 (as amended).

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: This condition is required to be imposed by the Town and Country Planning (Permission in Principle) (Amendment) Order 2017.

2. The development hereby permitted shall be carried out in accordance with the following approved plans.

Location Plan **LPC2252 PR01**

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

3. The maximum number of residential dwellings permitted by this permission in principle is eight.

REASON: The Town and Country Planning (Permission in Principle) (Amendment) Order 2017 and having regard to the allocation within the SHLAA.

4. Technical detail consent shall be applied for and approved within the three year time limit of this permission in principle consent.

REASON: As directed by the Town and Country Planning (Permission in Principle) (Amendment) Order 2017.

.

This page is intentionally left blank

[WD/D/18/002368](#)

**Former Mountjoy School, Flood Lane, Bridport DT6 3QG**

**Erection of 38 retirement living apartments with communal facilities, car parking & landscaping**

**Applicant name** – McCarthy & Stone Retirement Lifestyles Ltd & Public Sector PLC

**Case Officer** – Emma Telford

**Ward Member(s)** – Cllr S Williams, Cllr K Clayton & Cllr D Bolwell

This application is brought to committee at the request of the Head of Planning due to the Council involvement with Public Sector PLC.

**1.0 Summary of Recommendation:** Delegate authority to the Head of Planning to GRANT, subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure 35% affordable housing in the form of a financial contribution, planning conditions and subject to the holding objection being withdrawn by the Flood Risk Management Team and any amendments to surface water drainage conditions requested by the Flood Risk Management Team.

**2.0 Reason for the recommendation:**

- Absence of 5 year land supply
- Para 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 design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- The proposal is not considered to adversely affect the setting of the surrounding listed buildings.
- There are no material considerations which would warrant refusal of this application.

**3.0 Key planning issues**

Issue	Conclusion
Principle of Development	Presumption in favour of sustainable development. Within the defined development boundary for Bridport.
Flood Risk and the Sequential Test	Passed the sequential test Environment Agency raise no objections .

Contamination	WPA raised no objections subject to conditions.
Design and Heritage Assets	Design considered appropriate for the site Amended plans considered to overcome the concerns raised.
Amenity	Not considered to result in a significant adverse effect on living conditions of either neighbouring properties or future occupiers of the proposed development .
Area of Outstanding Natural Beauty	Previously developed site and would be viewed in relation to neighbouring built form.
Highway Safety	Highways raise no objections.
Drainage	Further information and conditions required.
Biodiversity	Biodiversity Mitigation Plan considered acceptable.
Affordable Housing	Financial contribution required.
Community Infrastructure Levy (CIL)	CIL liable.

## 4.0 Description of Site

4.1 The site is located within the defined development boundary for Bridport. The site has a dual frontage on both West Bay Road to the west of the site and Flood Lane to the north. On the site is the former Mountjoy School building, the school has relocated. The site currently comprises of a series of interconnected flat roofed single storey buildings surrounded by a large area of hardstanding.

4.2 Immediately to the west of the site are grade II listed villas, they are two storeys in height, have a square footprint and have short front gardens to the road. To the south of the site, closer to the roundabout is a care home which is three storeys in height but set well back into the site with landscape trees and shrubs. To the west and north west of the development site are open fields. On the northern side of Flood Lane, opposite the application site is a training centre and to the east of the site are residential properties.

## 5.0 Description of Proposal

5.1 The proposed development is for the erection of 38 retirement living apartments with communal facilities, car parking and landscaping. The proposed building would be set back from both Flood Lane and West Bay Road. The access to the site would be off Flood Lane and would be located down the east boundary of the site with the proposed car parking to the rear of the building when viewed from Flood Lane. The proposal would be built of brick, painted



brick, render and Struck Ashlar render finish for the walls and reconstituted slate for the roof.

## **6.0 Relevant Planning History**

No relevant planning history.

## **7.0 Relevant Constraints**

Within settlement limit for Bridport

Area of Outstanding Natural Beauty (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)

Flood Risk Zone 2

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

Setting of Grade II listed buildings (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)

Contaminated Land Buffer

## **8.0 Consultations**

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

**Natural England** – *The plan should include the biodiversity mitigation and enhancement measures that will be incorporated into the development. The DCC NET approved BMP should be received prior to determination, with any permission subject to a condition for implementation in full. Please note that provided the application is supported by a NET approved BMP then no further consultation with Natural England is required.*

**Wessex Water** –

*Existing Foul Rising Main Crossing Site*  
*Our records indicate that the site is crossed by a 300mm asbestos cement foul rising main. We understand that trial pit investigation has been undertaken to establish the route of the main through this site.*

*For a pressurised foul main of this size and type there must be no building within 6m either side of the rising main. Wessex Water requires unrestricted access to repair and maintain the rising main along its route and the easement must be free from obstructions and tree planting. We anticipate that the footprint of the proposed building will conflict with the statutory easement on the south west corner. In this particular instance we will accept a reduced offset at the 'pinch point', with 3 metres absolute minimum at that point. The developer must agree a scheme of protection works with our Regional Development engineer for construction in close proximity of the rising main. The rising main and easement width must be clearly marked on site and on construction plans.*

#### *Foul Drainage*

- The site must be served by separate systems of drainage.*
- A connection to the 150mm foul sewer in Flood Lane would be acceptable for the foul flows from this development. This would be subject to a S106 application, with satisfactory drainage proposals constructed to current standards.*
- Existing connections to the combined sewer in West Bay Road can also be utilised for foul flows, subject to satisfactory condition and capacity. An indirect connection will require agreement with Wessex Water and building regulation approval.*
- Redundant drains and laterals should be sealed at the point of connection to the public sewer.*

#### *Surface Water Drainage*

- Surface water discharge must be disposed of in accordance with Building Regulations Hierarchy and NPPF Guidelines.*
- The surface water strategy proposes discharge to an existing private surface water drain to the south of the site. The strategy states that the final point of discharge is not confirmed but assumed to run through Sidney Gale care home site, then discharge to a ditch close to the A35 and ultimately the River Brit. The point of discharge should be investigated and confirmed. A connection to a private drain and outfall to watercourse will be subject to building control and land drainage approval. If it is proven that the private drain discharges to a public sewer then Wessex Water must be re-consulted on an agreed maximum discharge rate from the site.*
- If there are any existing surface water connections to the existing foul water system these should be redirected upon re-development. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system.*

**Highways England** - *We note that the proposals are now for a lower quantum of development with a reduction in the number of apartments from 42 to 38. We are therefore satisfied that our previous no objections response dated 22 October 2018 remains appropriate.*

**WPA Consultants** - WPA will not object to the grant of planning permission providing that contaminated land conditions are applied. This is to ensure that potential contaminated land risks are properly investigated, assessed and managed in accordance with current guidance, and the site is redeveloped in a safe manner and it is suitable for the intended end use in accordance with the National Planning Policy Framework.

**Environment Agency** - The amended plans appear to show a revised building footprint, although the revisions appear very minor. Assuming this is the only material change to the original submitted scheme then we have **no objection** on grounds of flood risk to the amended scheme.

We note that the plan showing the proposed elevations indicates finished floor levels set at 5.95 metres AOD - above the minimum level (5.66 metres AOD) as set out in the FRA, which we support.

**Highways** – Following the submission of revised drawings Highways can confirm that there are no objections subject to conditions.

**Flood Risk Management Team –**

- The applicant has provided a good deal of information in respect of how the site currently drains and has identified a 150mm private SW sewer which appears to discharge to the south.
- Unfortunately, the invert (bottom) of this sewer sits less than 1m below ground level, as a result the upstream attenuation required is positioned below this level.
- A pump is therefore required to discharge flows into the aforementioned SW sewer.
- The applicant has offered to reduce runoff rates to greenfield, which we consider an improvement and support.
- Calcinotto has considered the potential use of infiltration at this site, however, its proximity to the Main Rivers south and west suggest that Ground Water (GW) levels will be unacceptably high. In addition, British Geological Survey (BGS) mapping and historic borehole logs suggest that the site will sit on clay, which is typically impermeable and will not support infiltration.
- We agree that no other WW owned system appears available and the rivers mentioned are some distance away.

However, insufficient information has been provided with respect to where the 150mm sewer discharges to. The existing drainage drawing attached, shows the 150mm (which becomes a 300mm sewer downstream) ending abruptly in the green area to the south. Correct functioning of this SW sewer is critical to the

*applicant's drainage strategy and as such this information needs to be provided at this stage in the planning process.*

**We therefore recommend a Holding Objection until this further information is supplied.**

*I have contacted Calcinotto and Wessex Water in respect of their proposals. WW have confirmed that, if the existing SW is found to:*

- a. Not function,*
- b. Be untraceable or lost or;*
- c. Connect to their combined sewer further downstream*

*Then they will permit a limited discharge to the combined sewer running down West Bay Road – this main sewer is larger and deeper than the SW sewer proposed and, hence would likely do away with the need for a pump.*

*To aid the applicant in their endeavours, I have approached planning colleagues to see if Dorset Council have any records of drainage in this area from historic planning records. This will not, however, negate the need for further survey work, as the applicant must still ascertain the viability of the SW sewer and its point of discharge.*

**Planning Obligations Manager** – *I am now content that the widened footway can be secured, and dedicated under the highway condition.*

**Natural Environment Team** – *NET have reviewed the ecological report and Biodiversity Mitigation Plan (BMP) submitted for this application and issued a Certificate of Approval for a BMP dated 14<sup>th</sup> August on the 17<sup>th</sup> August. We have no further comments to make.*

**Dorset Waste Partnership** - *In reference to this application DWP have no issues.*

**Crime Prevention Design Advisor** – *I have reviewed the plans for the above proposed development and wish to make the following comment:*

*I have concerns in relation to the location of the mobility scooter store. It is not overlooked by any flats and is situated near to the entrance. Although, theft of mobility scooters is rare, the location of the store could make them a target.*

**Environmental Health** - *It is noted by this authority that the applicant has submitted a sound assessment satisfying BS8233 (24<sup>th</sup> October, 2018). This assesses the effect of the transient traffic noise from the nearby A35 – Sea Road South and West Bay Road, in addition to the nearby Bradford's Building Supplies. Whilst this authority is satisfied with the findings and recommendations*

*put forward in the report with regards to sound deadening for the occupants of the proposed development, the assessment does not satisfy this authority's recommendation of a site specific impact report with regards to BS4142 as per Environmental Protection's previous memo (dated 17<sup>th</sup> October 2018).*

**Technical Services** – *Refer to the Environment Agency's consultation and communications with the Lead Local Flood Authority.*

**Housing Enabling Team Leader** – *On this site I would not object to a financial contribution due to the difficulties of mixed tenure scheme on a site of this size and the high number of existing affordable sheltered housing schemes in Bridport area. The amount of £295,111 would be a policy compliant contribution.*

**Conservation Officer** - *I have looked at the revised drawings recently submitted for this scheme. The drawings are now sufficiently altered to overcome my original concerns for the development.*

*Any further conditions:*

- *Materials*
- *Hard and Soft Landscaping*

**Landscape Officer** - *I have no objection to the Landscape Proposals as shown on drawing no. MCS601/Drg 04 rev C. If you are minded to approve this application, I recommend the following condition:*

*Within 3 months of the date of this permission a revised landscaping scheme shall be submitted to the local planning authority for approval. The revised scheme should include tree and plant information in accordance with the National Plant Specification and as a minimum should include:*

- *Tree and plant names (Latin and common); and*
- *Tree and plant numbers; and*
- *Tree and plant sizes; and*
- *A landscape maintenance plan.*

*That approved scheme shall be implemented in accordance with the approved details.*

*Reason: To ensure the satisfactory appearance of the development.*

**Urban Design Officer** - *The revised plans show significant enhancement to the proposals, with particular improvement to the proposed relationship to existing dwellings on West Bay Road as the built form has been reduced to two storeys at the west of the site.*

*The combined effect of the repetition of recon stone surrounds throughout the west elevation and the increased brickwork has provided more of a visual break to this elevation which is another positive feature.*

*The revisions also show a more prominent entrance on the north elevation (fire exit and shoppers entrance), improving the north elevation as a result.*

**Trees Officer** – No comments received at the time of report preparation.

**Bridport Town Council** – *Objection, Bridport Town Council reaffirms its previous comment on this application as shown below. In considering the proposals again following the latest amendments, and having received representatives of the applicant at its meeting on 29 July 2019, the Council now has the following additional comments:*

- The pressing strategic need for genuinely affordable housing, of the type set out in the Bridport Area Neighbourhood Plan Housing Needs Assessment (March 2019), must be prioritised on this brownfield site. Recent evidence of child poverty in Bridport ("Local indicators of child poverty 2017/18", End Child Poverty report May 2019) and a shortage of key worker accommodation affecting NHS recruitment/retention further demonstrate the extent of the affordable housing crisis. The standard calculation of a £295,000 contribution in lieu of any affordable element to this development is insufficient to have any meaningful impact on local need.*
- No weight appears to have been given to policy H1 of the Bridport Area Neighbourhood Plan Submission Draft regarding affordable housing. Whilst not a made plan, due regard must be given to its status as a submitted plan.*
- The proposals fail to satisfy the exceptional circumstances test, and should favour affordable housing need over commercial provision.*
- Although the applicant is not the landowner, we call on Dorset Council as landowner to use this public land to take the opportunity to be creative in developing a Council-led initiative to address the identified housing need in Bridport.*
- The proposed use is not cited in the adopted Local Plan, Local Plan review work carried out to date, or in the Bridport Area Neighbourhood Plan Submission Draft. Granting of permission therefore has the potential to set an undesirable precedent for future speculative development proposals.*
- Insufficient weight has been given to the climate emergency recently declared by both Dorset Council and Bridport Town Council. The applicant should show how the development will be carbon neutral and include for example the supply of energy from renewable sources only. The Town Council recommends that the planning authority adopts such an approach for all new builds.*
- The Town Council is concerned to note that the detailed wording of consent conditions is under discussion (Planning Obligations Manager Further Response, dated 9 July 2019). There is a particular need for Dorset Council as planning authority to demonstrate that it has not predetermined the outcome of this*

*application, given its status as landowner. Given the extent of community concern, and a separate request for a holding objection from Dorset Council's Flood Risk Management Infrastructure Service, pressing on with detailed work on conditions is wholly inappropriate and may give the impression of a conflict of interest.*

*If the planning authority is minded to approve the application, then the Town Council requests (in addition to the requests in our previous comment) that when flooding is considered, the capacity of the sewer network is properly investigated, and the required capacity catered for.*

*The Town Council's previous comment, which stands alongside the above comments, was:*

*"The Town Council remains deeply concerned that no affordable element is included in the proposed development. The equivalent contribution calculated by the developer is not sufficient to compensate for the affordable accommodation that could be incorporated into the proposed development.*

*"The Council remains concerned that the need for this development has not been properly demonstrated, given that other existing similar developments are not yet fully occupied. We are also concerned that the proposed development will not meet the needs of local residents.*

*"The proposals are over-development of the site, and despite modifications the building remains too high at three storeys, and is out-of-keeping with the surrounding area. The result will be an overbearing development, with an unacceptable adverse impact on (i) the Area of Outstanding Natural Beauty of which the site is a part, and views of the AONB, (ii) the setting of nearby listed buildings, and (iii) neighbouring properties.*

*"If the planning authority is minded to approve the application, then the Town Council requests that contributions be sought for public transport and access links to/from the development."*

## **9.0 Representations**

9.1 Twenty-four third party comments have been received in response to the application, three of which are considered comments and raised both points in support and concerns. Eleven responses were received in objection to the proposed development, a summary of the points raised is below:

- Inadequate parking for both residents and visitors so increased parking on Flood Lane
- Concerns over increased traffic emerging from Flood Lane will be managed

- Volume of additional traffic that a development of the size will generate
- Hazard to pedestrians trying to cross the Flood Lane
- Charging points for electric cars should be considered
- No indication of cycle or mobility scooter access towards the town
- Three stories of bland architectural merit will create a massive block near West Bay Road
- Out of keeping with neighbouring properties
- Impact on the character of the area
- Would dominate the landscape
- Too high, too wide and too far from town centre facilities
- Demand for open-market retirement homes is not sufficient to warrant the development
- Need for affordable homes in Bridport first not for additional residences for older people
- Already traffic issues in the area
- One lift not sufficient to serve all the flats
- Poor amenity for the flats to the north of the development due to lack of sunlight
- No on-site affordable housing provision
- Site should be used for social housing for those local people on the housing register and for key workers
- Landscaping is strictly confined to a narrow strip round the perimeter
- Pedestrian route to town is not easy
- Not evident how this development will help address the housing shortage in the area
- Medical care and hospital are the opposite end of town so residents will need a car to attend appointments
- Overlooking from proposed flats to neighbouring properties
- Disruption during construction

9.2 Ten responses were received in support of the application, the reasons of which are summarised below:

- Need more accommodation for the elderly wanting to down-size
- Free up family homes for local people and to go back into the local housing stock
- Gives older people the option to continue to live in Bridport independently
- Good use of vacated grounds which has become unsightly/eye sore
- Use of brownfield site
- Good use of the site
- Centrally placed for the town centre, shops, buses etc.
- Attractive entrance to Bridport from the south
- Good parking and charging points for mobility scooters
- On level ground
- No higher than Morrison's or the Sidney Gale property



9.3 Comments were also received in relation to future development of the wider site and impacts of that however this application is just for the 38 apartments and these comments are not considered to be material planning considerations.

## **10.0 Relevant Policies**

### West Dorset, Weymouth and Portland Local Plan

INT1 – Presumption in Favour of Sustainable Development  
ENV1 – Landscape, Seascape and Sites of Geological Interest  
ENV4 – Heritage Assets  
ENV9 – Pollution and Contaminated Land  
ENV10 – The Landscape and Townscape Setting  
ENV11 – The Pattern of Streets and Spaces  
ENV12 – The Design and Positioning of Buildings  
ENV15 – Efficient and Appropriate Use of Land  
ENV16 – Amenity  
SUS1 – The Level of Economic and Housing Growth  
SUS2 – Distribution of Development  
HOUS1 – Affordable Housing  
HOUS3 – Open Market Housing Mix  
HOUS4 – Development of Flats, Hostels and Houses in Multiple Occupation  
COM 3 – The Retention of Local Community Buildings and Structures  
COM7 – Creating a Safe and Efficient Transport Network  
COM9 – Parking Standards in New Development  
COM10 – The Provision of Utilities Service Infrastructure

### National Planning Policy Framework

2. Achieving sustainable development  
5. Delivering a sufficient supply of homes  
11. Making effective use of land  
12. Achieving well-designed places  
14. Meeting the challenge of climate change, flooding and coastal change  
15. Conserving and enhancing the natural environment  
16. Conserving and enhancing the historic environment

### Other material considerations

- Dorset AONB Management Plan 2019-24
- Bridport Conservation Area Appraisal
- Design and Sustainable Development Planning Guidelines (adopted 2009)
- West Dorset Landscape Character Assessment 2009
- DCC Parking standards guidance

## **11.0 Human rights (standard text)**

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.

## **12.0 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.

In the context of the above PSED duties the scheme includes some parking spaces in close proximity to the units to provide easier access, the proposal involves units on the ground floor all at one level and the provision of a lift and mobility scooter storage.

## **13.0 Financial benefits**

Material benefits of the proposed development	
Affordable Housing	£295,111
CIL Contributions	Estimate £288,200 plus index linking

Non-material benefits of the proposed development	
Council Tax	Not known
New Homes Bonus	Not known

## **14.0 Climate Implications**

14.1 The development is considered to be in a sustainable location, inside the defined development boundary for Bridport with the facilities and public transport of the town centre and in close proximity to a supermarket and garden centre.

14.2 Energy would be used as a result of the production of the building materials and during the construction process. However that is inevitable when building houses and a balance has to be struck between providing housing to meet needs versus conserving natural resources and minimising energy use.

14.3 The development would be built to current building regulation standards at the time of construction.

## 15.0 Planning Assessment

### Principle of development

15.1 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.

15.2 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.

15.3 This Council's Policies in the adopted Local Plan follow the approach of the presumption in favour of sustainable development. The Council can only demonstrate 4.88 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, d) which states, *where there are no 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 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.*

15.4 The site is within the defined development boundary of Bridport where the principle of residential development is acceptable subject to compliance with other policies in the Local Plan.

15.5 The former use of the site for Mountjoy School means that policy COM 3, The Retention of Local Community Buildings and Structures applies. The school catered for children with additional needs and closed in Bridport in 2012. The supporting text to the application sets out that the decision to close the building was influenced by the condition of the buildings which were no longer fit for the school's intended purpose and the constraints of the site including limited space for outdoor classroom facilities. There was not considered to be a suitable alternative site in Bridport so a replacement school was constructed in Beaminster. The replacement facility in Beaminster also meant that a closer relationship could be formed with the secondary level education which co-locates on the Beaminster site with the benefits of wider shared facilities.

15.6 Given the above the proposal is considered to comply with policy COM 3 as the need for the facility has been met by the replacement school site in Beaminster.

15.7 The Bridport Area Neighbourhood Plan is at the examination stage and therefore holds some weight although very little at this stage. Bridport Town Council raises concerns that policy H1 of the Bridport Area Neighbourhood Plan which relates to affordable housing has not been given any weight this will be addressed in the relevant affordable housing section of this report. The other relevant policies of the Bridport Area Neighbourhood Plan are as follows: Policies CC2, CC3, CC5, AM1, AM2, AM6, H1, H6, HT1, L2, D1, D6, D8, D9 and D13.

#### Flood Risk and the Sequential Test

15.8 A Flood Risk Assessment prepared by Calcinotto (issue 3, dated September 2018) was prepared for the site which proposed finished floor levels to be set at 5.95 metres AOD. The Environment Agency has no objection to the scheme provided there are no sequentially preferable sites that are available.

15.9 The applicant submitted a sequential test and concluded that there are no alternative available sites for the development. A development proposal would only fail to pass the sequential test if alternative sites are identified within the search area that are at lower risk of flooding, would be appropriate for the proposed development and are 'reasonably available' for development. A site is only considered to be reasonably available if it is both 'deliverable' and 'developable'.

15.10 The area of search used for the test was Bridport, given the specialist type of the accommodation being proposed this was considered acceptable. Originally nine alternative sites were tested and subsequently the Local Planning Authority identified an additional four sites which were tested. All sites were rejected on the grounds of deliverability or suitability. Having reviewed the information supplied the LPA is satisfied that there are no other sequentially preferable sites outside flood zone 2 for the specialist type of development proposed.

15.11 The application site is located within flood zone 2 and the proposed development is defined as a 'more vulnerable use' and therefore the Exception Test would not need to be applied. However the Flood Risk Management Team in their consultation response to the application set out that the Former West Dorset's SFRA sets out that the impact of climate change means *for fluvial sources, where no detailed modelling outputs are available, the current extent of Flood Zone 2 has been assumed to be the future Flood Zone 3 extent*. Therefore the Exception Test should be applied as it would be a more vulnerable use in flood zone 3.

15.12 The applicant has set out in the Sequential Test document that the development would provide wider sustainability benefits to the community that outweigh flood risk. In particular the benefits would include the restoration of the site, the improvement to the townscape, meeting a specific housing need as well as a contribution towards CIL.

15.13 It also needs to be shown that the development would be safe for its lifetime. A Flood Risk Assessment (FRA) has been submitted as part of the application. The FRA proposed minimum finished floor levels and a flood compensatory area within the site. The Environment Agency have been consulted on this and provided a statement of 'no objection' subject to the development being carried out in accordance with the submitted FRA. Having reviewed the information supplied the LPA is satisfied that the Exceptions Test has been passed.

15.14 Given the above it is considered that the scheme complies with policy ENV5 Flood Risk and NPPF.

#### Contamination

15.15 The application site is located within a contaminated land buffer and within the buffer of historic land fill sites. As part of the application a Desk Study Report prepared by ACS was submitted. The Council's Environmental Consultants have reviewed the information supplied and consider that although a significant body of information has been provided, there is still some detail needed. They are content that this can be dealt with by the application of appropriate planning conditions. Conditions should be applied requiring further site investigation, and the implementation of a remediation scheme including verification, and one to deal with any contamination not previously identified.

#### Design and Heritage Assets

15.16 The design has been amended since the application was first submitted and several rounds of consultation have been undertaken on the application. The site is considered to form the southern gateway into the historic town of Bridport.

The site is not within the Bridport Conservation Area at its closest point the application site is approximately 111m from the Conservation Area boundary. However the site is separated from the conservation area by the A35 and adjoining residential properties. In addition the part of the Conservation Area the site is in close proximity to is narrow in nature and does not include any properties but just Hollow Way and the adjoining land to the road. Therefore the proposed development is not considered to impact on the setting of the Bridport Conservation Area. However the application site is within the setting of a number of listed buildings. These listed buildings include a group of important Georgian villas located on the opposite side of West Bay Road from the application site.

15.17 It was considered that the scale, specifically height of the west elevation would appear imposing in relation to the existing dwellings. The design and close proximity of the development to West Bay Road would be detrimental and harmful to the special character and setting of the listed villas. The loss of the green buffer to West bay Road was also considered to not make a positive contribution to the local character and distinctiveness of the area and would be harmful to the streetscene compromising this important gateway to Bridport. The Conservation Officer was consulted on the application and considered that the development should retain a larger landscaped buffer around the site and in particular along the boundary with West Bay Road to soften the impact on the street scene and the listed villas.

15.18 In response to the concerns raised an amended scheme was submitted. The main alterations included a reduction in size of the building with the loss of four units. The proposal has been brought back away from West Bay Road providing a landscaped buffer and the built form closest to the road being reduced to two storeys. The amendments also included alterations to the materials and a more prominent entrance on the north elevation.

15.19 The revised plans were considered to result in a significant enhancement to the proposals in particular improving the proposed relationship to the existing dwellings on West Bay Road. The Conservation Officer was also re-consulted and considered that the revised drawings overcome the original concerns for the development.

15.20 Given all of the above it is considered that the proposal will not adversely affect the setting of the surrounding listed buildings. This conclusion has been reached having regard to: (1) section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the setting of Listed Buildings; and (2) Local Plan policy.

### Amenity

15.21 Concerns have been raised in representations about the loss of amenity through overlooking and the loss of privacy. The proposed development would replace the existing buildings on the site and there is considered to be sufficient separation between the proposal and neighbouring residential properties so that it would not result in a significant adverse effect on their living conditions. In relation to the properties on the opposite side of West Bay Road, they are separated by the road and the proposal is then further set back from the road. The units in Sidney Gale House to the south would be separated from the proposal by the proposed car parking area and the buildings do not line up to provide any direct overlooking. The neighbouring property Rose Bank located to the east of the site adjacent to the proposed access would be separated from the proposed building by the access and the existing vegetation along the boundary of the site would be retained which provides further screening.

15.22 The amenity of future occupiers of the proposed development also needs to be considered. The proposed units are considered to comply with the space standards for one and two bed units. Policy HOUS 4 sets out that 20% of the site area is required for amenity space in schemes for new build flats. The proposed scheme is considered to provide over the required 20% and there is also the provision of a communal space inside overlooking the garden area.

15.23 Environmental Health were also consulted on the application and considered the submitted sound assessment which assesses the effect of the transient traffic noise from the nearby A35 – Sea Road South and West Bay Road, in addition to the nearby Bradford's Building Supplies. Environmental Health were satisfied with the findings and recommendations put forward in the report with regards to sound deadening for the occupants of the proposed development, the assessment does not satisfy this authority's recommendation of a site specific impact report. Therefore a condition would be placed on any approval for a written noise report of BS4142 or equivalent on the cumulative impact of any fixed plant at the proposed development against the background levels when in operation. This shall be agreed in writing by the planning authority. Third party concerns were also raised regarding disruption during the construction process. If the application were to be approved a condition for a Construction Traffic Management Plan and programme of works to be submitted would be added due to the relationship of the site with neighbouring uses and the nature of the access road Flood Lane which is a dead end for vehicular traffic.

### Area of Outstanding Natural Beauty

15.24 The application site is located within the Dorset Area of Outstanding Natural Beauty. It is considered that the proposal will not harm the character, special qualities or natural beauty of the Dorset Area of Outstanding Natural Beauty. The proposed development would replace the existing buildings on the

site and would be viewed in relation to the existing surrounding development. The Landscape Officer was consulted on the application and held no objection subject to a condition for a revised landscaping scheme which would include additional information not provided as part of the application which would be included on any approval granted.

### Highway Safety

15.25 The site would be accessed off Flood Lane which is off West Bay Road (B3157). Highway safety concerns have been raised by third parties due to the volume of additional traffic that would be generated by the development and emerging from Flood Lane. Initial comments were made by Highways requiring the proposed access arrangement to be redesigned. Amended plans were submitted in response to which Highways held no objections subject to a condition for the footway improvement to Flood Lane, the new access road, geometric highway layout, parking and turning areas to be provided prior to occupation of the development.

15.26 Third parties also raised concerns regarding the number of parking spaces provided in relation to the size of the development and the knock on impact this could have on surrounding streets if the proposal were to be approved. Parking for the proposed development has been provided in accordance with McCarthy & Stone's independent research, a total of 28 parking space would be provided which includes 2 disabled parking spaces which has been considered by Highways and considered acceptable.

### Drainage

15.27 A Drainage Strategy was submitted as part of the application, the Flood Risk Management Team were consulted on the application. Comments on the drainage strategy were not provided until the Local Planning Authority had confirmed a sequential test position. The Flood Risk Management Team have placed a holding objection on the application due to insufficient information with response to where the 150mm sewer discharges to. However they have also confirmed that Wessex Water would if the existing SW is found to not function, be untraceable or connect to their combined sewer further downstream that they would permit a limited discharge to the combined sewer running down West Bay Road. In response to the comments made an Addendum Drainage Strategy Statement was submitted and the Flood Risk Management Team re-consulted. An approval granted would be subject to this matter being resolved and the holding objection being withdrawn by the Flood Risk Management Team.

15.28 Wessex Water were consulted on the application and commented that the site is crossed by 300m asbestos cement foul rising man. For a pressurised foul main of this size and type there must be no building within 6m either side of the rising main. Wessex Water requires unrestricted access to repair and maintain it



and the easement must be free from obstructions and tree planting. Wessex Water anticipate that the footprint of the proposed building will conflict with the statutory easement on the south west corner and will accept an reduced offset of 3 metres absolute minimum at this point. The proposed development is considered to adhere to the required easement zones. The plans do show proposed trees within the easement zone. A revised landscaping scheme would be conditioned on any approval so the proposed positions of the trees can be amended as part of that scheme.

#### Biodiversity

15.29 The application was accompanied by an Ecological Survey and Biodiversity Mitigation Plan (BMP). The Natural Environment Team have issued a Certificate of Approval for the BMP and have no further comments to make. Therefore the proposal is not considered to have an adverse impact on biodiversity interests and a condition would be added to any approval for the development to be carried out in accordance with the BMP.

#### Affordable Housing

15.30 Para 63 of the NPPF states that *Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 unit or fewer)*. Major development for housing is defined in the NPPF as *development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more*. The proposed development exceeds this threshold and therefore local plan policy HOUS 1, requires 35% of the development to be for affordable housing.

15.31 An off-site contribution of has been offered by the applicant. This amount is policy compliant, using the Council's on-line calculator for affordable housing financial contributions. The Local Plan policy HOUS 1 states that in most cases affordable housing should be provided on-site. Policy H1 of the Bridport Area Neighbourhood Plan, which can be given little weight, also has a minimum requirement for 35% affordable homes. However in this case the Senior Housing Enabling Officer considers an off-site contribution to be acceptable. This is because of the difficulties of a mixed tenure scheme on a site of this size and the high number of existing affordable sheltered housing schemes in the Bridport area. In addition, the site is not large enough to allow general needs housing, for which there is a large need, to be developed alongside the older persons' accommodation. Therefore a financial contribution will help fund some general needs affordable housing on another site within the area.

15.32 To determine appropriate off-site financial contributions to affordable housing a 'gap funding' approach is used. This seeks to get the landowner/developer to plug the gap or shortfall between the cost of construction

of an affordable housing unit and the capital sum which can be raised by the Registered Provider (RP). This takes into account that when affordable homes are built on open market sites they are not gifted to RPs but are sold. The RP borrows money based on the future rental income of the home to fund the purchase, although this would still be at a price lower than the open market value.

15.33 Local data has been used to establish monetary figures for the 'gap funding' and 'land value' elements of the financial contribution that should be sought and developed into an on-line calculator based on a per square metre contribution.

15.34 If the application were to be approved this financial contribution would be secured by a S106.

#### Community Infrastructure Levy (CIL)

15.35 The adopted charging schedule only applies a levy on proposals that create a dwelling and/or a dwelling with restricted holiday use. All other development types are therefore set a £0 per square metre CIL rate.

15.36 The development proposal is CIL liable.

15.37 The rate at which CIL is charged is £100 per sqm. The CIL charge is approximately £288,200. Confirmation of the final CIL charge will be included in a CIL liability notice issued prior to the commencement of the development Index linking as required by the CIL Regulations - (Reg. 40) is applied to all liability notices issued, using the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors. CIL payments are index linked from the year that CIL was implemented (2016) to the year that planning permission is granted.

## **16.0 Conclusion**

16.1 This proposal would utilise a formally developed site within the defined development boundary for Bridport. It would offer regeneration and townscape benefits for the locality. It is considered to be a sustainable location which makes it particularly suitable for the specialist retirement housing proposed. This type of accommodation offers a number of benefits to individuals and the town. These include; residents of private sheltered housing being healthier, living longer and having less call on the state than those who remain in ordinary housing, residents shopping locally and by downsizing elderly people free up a substantial amount of housing stock within the surrounding areas, which can then be used by families, young couples and first time buyers seeking to enter the housing market.

16.2 A policy compliant affordable housing financial contribution has been offered which will contribute to the provision of affordable family accommodation elsewhere. On-site issues of contamination, flood risk, access and parking have been resolved to the satisfaction of consultees and the design is considered acceptable and will enhance the streetscene of West Bay Road and Flood Lane with no adverse impact on heritage assets, including the neighbouring grade II listed buildings. Nor would the proposal have a significant adverse effect on the living conditions of future or existing occupiers.

16.3 The 38 homes proposed would help address the shortfall in the 5 year housing land supply and the planning balance is tilted in favour of boosting housing delivery. The site is within the defined development boundary of Bridport, in a sustainable location and complies with relevant policies of the development plan. Therefore in accordance with the presumption in favour of sustainable development in the absence of any detriment to areas or assets of acknowledged importance or any adverse impacts that would significantly and demonstrably outweigh the benefits the application should be approved.

## **17.0 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:**

An Affordable Housing Contribution of £295,111 index-linked using RPI from the date of this committee report together with the following conditions (and their reasons):

1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan - Drawing Number 01 Rev A received on 10/10/2018

Proposed Mobility Scooter Store - Drawing Number 046 received on 10/10/2018

Proposed Site Plan - Roof Level - Drawing Number SO-2499-03-AC-025 Rev K received on 03/06/2019

Proposed Site Plan - Ground Level - Drawing Number SO-2499-03-AC-026 Rev S received on 03/06/2019

Proposed Ground Floor Plan - Drawing Number SO-2499-03-AC-028 Rev U received on 03/06/2019

Proposed First Floor Plan - Drawing Number SO-2499-03-AC-029 Rev S received on 03/06/2019  
Proposed Second Floor Plan - Drawing Number SO-2499-03-AC-030 Rev S received on 03/06/2019  
Proposed Elevations 01 (B&W) - Drawing Number SO-2499-02-AC-35 Rev R received on 03/06/2019  
Proposed Elevations 02 (B&W) - Drawing Number SO-2499-03-AC-036 Rev P received on 03/06/2019  
Proposed Elevations 01 - Drawing Number SO-2499-02-AC-37 Rev D received on 03/06/2019  
Proposed Elevations 02 - Drawing Number SO-2499-03-AC-038 Rev D received on 03/06/2019  
Proposed Elevations 01 (Colour) - Drawing Number SO-2499-03-AC-41 Rev B received on 03/06/2019  
Proposed Elevations 02 (Colour) - Drawing Number SO-2499-03-AC-042 Rev B received on 03/06/2019  
Proposed Street Elevations - Drawing Number SO-2499-03-AC-045 Rev B received on 03/06/2019

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

3) The development hereby permitted shall be occupied only by persons 60 years of age and over.

Reason: To ensure there is sufficient parking provision.

4) The development hereby approved shall be carried out in accordance with the external facing materials on the Materials Schedule titled Proposed External Materials, drawing number SO-2499-03-AC-051-B. Thereafter, the development shall proceed in strict accordance with such materials as have been agreed.

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

5) Notwithstanding the approved plans no development above Damp Proof Course (DPC) level shall be commenced until a landscaping and tree planting scheme have been submitted to, and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented during the planting season November-March inclusive, immediately following commencement of the development. The scheme shall include tree and plant names, numbers, sizes and provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years.

REASON: In the interest of visual amenity.

6) Before the development is occupied the Footway improvement to Flood Lane the new access road, geometric highway layout, parking and turning areas shown on Drawing Number 061 Rev A must be constructed. Thereafter, these

must be maintained, kept free from obstruction and available for the purposes specified.

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

7) Prior to the commencement of the development hereby approved the following information shall be submitted to and agreed in writing by the Local Planning Authority:

1. a 'desk study' report documenting the site history.
2. a site investigation report documenting the ground conditions of the site, a 'conceptual model' of all potential pollutant linkages, detailing the identified sources, pathways and receptors and basis of risk assessment.
3. a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed.

Before the development hereby permitted first comes into use or is occupied, a Verification/Validation report to demonstrate that remediation works have been incorporated in the development in compliance with the agreed requirements shall be submitted and agreed in writing by the Local Planning Authority.

REASON: To ensure potential land contamination is addressed.

8) In the event that previously unidentified contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). Should any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved by the Local Planning Authority. On completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

REASON: To ensure risks from contamination are minimised.

9) The development permitted by this planning permission shall only be carried out in accordance with the Flood Risk Assessment (Calcinotto, Rev. 3, dated 27 September 2018) and the following mitigation measures detailed therein:-

1. Provision of compensatory flood storage (Appendix E of Flood Risk Assessment).
2. Finished floor levels set no lower than 5.6 metres above Ordnance Datum (AOD).

REASON: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to reduce the risk of flooding to the proposed development and future occupants.

10) Before the development hereby approved is occupied or utilised a Flood Warning and Evacuation Plan shall be submitted and agreed in writing by the Local Planning Authority. The approved Flood Warning and Evacuation Plan must be displayed in locations on the site agreed in writing by the Local Planning Authority before any part of the development hereby permitted is occupied or is brought into use. Thereafter, the Flood Warning and Evacuation Plan must be permanently displayed and available for the purpose specified.

REASON: To minimise the impact of future occupiers to the risk of flooding.

11) Prior to first occupation of the development a Noise Report of BS4142 or equivalent on the cumulative impact of any fixed plant at the proposed development against the background levels when in operation shall be submitted to and agreed in writing by the Local Planning Authority. The report shall also address any need for mitigation should the background levels be exceeded and if mitigation is required the mitigation measures will be carried out in accordance with the report prior to first occupation of the development. Thereafter the development should be carried out and maintained in accordance with the agreed report.

REASON: In the interests of residential amenity.

12) 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, 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.

13) No development shall take place until details of maintenance & management of the surface water sustainable drainage scheme 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.

14) The development shall not be commenced until a foul water drainage strategy is submitted and agreed in writing by the Local Planning Authority. The scheme shall include appropriate arrangements for the agreed points of connection. The drainage scheme shall be completed in accordance with the approved details prior to first occupation of the development.

REASON: To ensure that proper provision is made for sewage of the site.

15) The development hereby approved shall be carried out and maintained in accordance with the approved Biodiversity Mitigation Plan signed by John Broomfield and dated 14/08/2018 and agreed by Natural Environment Team on 17/08/2018, unless a subsequent variation is agreed in writing with the Council.

REASON: In the interests of biodiversity mitigation and enhancement.

16) Prior to the commencement of the development, a Construction Traffic Management Plan and programme of works shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include construction vehicle details (number, size, type and frequency of movement), vehicular routes, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities), and details of working hours. The development shall be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of road safety and neighbouring amenity.

## **Informatives**

### **Highways:**

The applicant is advised that the works required to construct the footway improvement in Flood Lane must be completed under a suitable agreement and form part of the Public Highway in order to pursue this the applicant should contact Dorset County Council's Development Team. They can be reached by telephone at 01305 225401, by email at [DLI@dorsetcouncil.gov.uk](mailto:DLI@dorsetcouncil.gov.uk) or in writing at Highway Development Team, Environment and the Economy, County Hall, Colliton Park, Dorchester DT1 1XJ.

### **Land Contamination:**

Based on information reviewed to date AND providing that the Consultant provides further information regarding an above ground tank indicated at the site in the initial CSM, the Phase 1 Desk Study Report could be considered to comply with Part (a) of the recommended contaminated land planning condition. For the site investigation works, WPA recommends that a detailed investigation strategy is submitted to the LPA prior to undertaking the intrusive site works, in

order to avoid disagreements over methodology at a later stage. WPA stresses that all site investigation works should comply with current guidance including BS 5930:2015BS, 10175:2011+A2:2017 and BS 8576:2013, BS 8485:2015 and CIRIA C665 for ground gas.

#### Flood Risk:

In view of the potential flood risks in this locality, we would advise that any developer of this site gives consideration to the use of flood resilient construction practices and materials in the design and build phase. Choice of materials and simple design modifications can make the development more resistant to flooding in the first place, or limit the damage and reduce rehabilitation time in the event of future inundation.

Guidance is available within the Department for Communities and Local Government publication 'Improving the Flood Performance of New Buildings – Flood Resilient Construction, May 2007' available at:-

<https://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings>

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at:

<https://www.gov.uk/guidance/pollution-prevention-for-businesses>

Sustainable design and construction should be implemented across the proposed development. This is important in limiting the effects of and adapting to climate change. Running costs for occupants can also be significantly reduced. Water efficiency measures should be incorporated into this scheme. This conserves water for the natural environment and allows cost savings for future occupants. The development should include water efficient systems and fittings such as: dual-flush toilets; water-saving taps; water butts; showers and baths. Greywater recycling and rainwater harvesting should also be considered.

In accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction. If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website

<https://www.gov.uk/how-to-classify-different-types-of-waste>



Foul Drainage:

The developer must agree a scheme of protection works with the Wessex Water Regional Development engineer for construction in close proximity of the rising main. The rising main and easement width must be clearly marked on site and on construction plans.

**A) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE AGREEMENT IS NOT COMPLETED BY SIX MONTHS FROM THE DATE OF COMMITTEE OR SUCH EXTENDED TIME AS AGREED BY THE HEAD OF PLANNING**

1) The development by reason of the lack of a suitably worded S106 agreement to secure the 35% affordable housing provision as a financial contribution is considered to be contrary to policy HOUS1 of the West Dorset, Weymouth & Portland Local Plan (2015) and Section 5 of the National Planning Policy Framework (2019).

This page is intentionally left blank

## **1.0 Application Number: WD/D/16/000378**

**Application Site:** Land south of Warmwell Road, Warmwell Road, Crossways

**Proposal:** Full planning permission for the erection of 99 open market dwellings & affordable dwellings, a new doctors surgery, a replacement village hall, a car park, a new village green, new vehicular and pedestrian accesses and works to Warmwell Road. An outline application for the erection of 401 open market and affordable dwellings, the provision of 2.5ha of employment land, new vehicular and pedestrian accesses, roads, footpaths and cycleways, a car park for the proposed Site of Alternative Natural Greenspace (SANG) and 2 pumping stations; and a full application for the change of use of 22.4ha of land to Site of Alternative Natural Greenspace (SANG).

**Applicant:** C & G Properties Ltd

**Case Officer:** Ann Collins

**Ward Member(s):** Cllr N Ireland

This application is on this Planning Committee agenda as the application has been the subject of a committee resolution in November 2017, but the decision has not yet been issued and amendments are now being sought to that resolution.

## **2.0 Summary of Recommendation:**

**2.1 Recommendation A:** Delegate authority to the Head of Planning to grant planning permission subject to planning conditions as detailed in section 16 of this report and 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 Head of Planning to secure the following:

- 35% of the units as affordable housing with 50/50 tenure split between rented and shared ownership/low-cost affordable housing
- A clause to revisit the viability of the scheme and the affordable housing provision at 100, 200, 300 & 400 units
- Education contribution of £5,444 per dwelling with 2 or more bedrooms index linked using RPI from the date of this committee report
- Provision of a minimum of 22.4ha of suitable alternative natural greenspace (SANG) with a maintenance contribution of £960,000 and supporting funding provisions of £241 per dwelling (SANG) index linked using RPI from the date of this committee report
- Financial contribution of £149,089 towards mitigation for the impacts of the development on nitrogen levels in Poole Harbour index linked using RPI from the date of this committee report
- Highway contributions of £560,000 towards off-site highway works to include works to Warmwell Road and a Cycle Route Scheme index linked using RPI from the date of this committee report

- Provision of a minimum of three no. Locally Equipped Areas for Play, approval of maintenance and management arrangements and financial contributions towards maintenance of the proposed LEAPs of £58,540 index linked using RPI from the date of this committee report if they are transferred to the Parish Council to manage and maintain

**Recommendation B:** Refuse permission for the reasons set out below if the S106 agreement is not completed within 6 months of the date of the committee resolution or such extended time as agreed by the Head of Planning.

1. Policy HOUS1 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 requires a minimum on-site provision of 35% of the units as affordable housing. In the absence of a planning obligation to secure these affordable units the scheme would fail to meet the substantial unmet need for affordable housing in the district and the proposal would therefore be contrary to Policy HOUS1 of the adopted Local Plan.
2. Policy COM1 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 sets out that where new development will generate the need for new or improved community infrastructure and this need is not being met through the Community Infrastructure Levy, suitable provision should be made on site. Policy CRS1 of the Local Plan sets out the expected infrastructure for this site and its development. In the absence of a planning obligation to secure the required community infrastructure the scheme would fail to mitigate the increase in demand for the necessary infrastructure to support the development and to avoid and mitigate for the adverse effects upon internationally designated heathlands and additional nutrient loading upon the Poole Harbour internationally designated sites. It would namely fail to provide for:

Education;

Recreation spaces in the form of Sites of Alternative Natural Greenspace and the supporting maintenance and funding mechanisms required for the future;

Mitigation of the impacts upon the Poole Harbour internationally designated sites;

Highway improvements;

Children's play provision.

In the absence of a planning obligation the proposals therefore fail to meet the provisions of Policies COM1, CRS1, INT1, ENV2 and COM7 of the West Dorset, Weymouth and Portland Local Plan (2015) and the National Planning Policy Framework (2019).

2.2 This is very similar to the recommendation made to the planning committee on 16<sup>th</sup> November 2017 when the planning committee resolved to delegate authority to the Head of Planning in accordance with the officer's recommendation to them. The difference to the recommendation now is in respect of the proposed conditions, the elements to be included in the S106 agreement and part B of the recommendation in respect of what could happen if the S106 agreement is not completed within 6 months of the date of the committee resolution.

### **AMENDMENTS/ADDITIONS TO PREVIOUSLY RECOMMENDED CONDITIONS**

2.3 It is proposed that the wording of condition no. 6 be amended to read as follows:

1. Prior to the commencement of the development a Phasing Plan for the entirety of the development shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall make provision for:
  - a) Extraction of the mineral interest in accordance with a scheme to be first approved in writing by the Local Planning Authority from the area outlined in red on the Site Location Plan Drwg no. 1701 P01 Rev A prior to the commencement of any development the subject of this outline planning permission within that same area.
  - b) Delivery of the Village Green as part of Phase 1. No further dwellings in later phases to be constructed until it is complete.
  - c) Delivery of serviced employment land as part of the development of the adjacent residential phase.
  - d) Provision of allotments as part of the development of the adjacent residential phase.
  - e) Provision of Locally Equipped Areas for Play as part of the development of the adjacent residential phase.
  - f) The proposed village hall and adjacent parking spaces being constructed and ready for first use prior to the demolition of the existing village hall or the commencement of construction of the final phase of the development, whichever is soonest, and the submission of a scheme for the interim landscaping of the proposed village hall site until such time as the village hall is constructed. The interim landscaping scheme for the village hall site is to include details of the planting and its maintenance and shall be implemented and completed in full as part of Phase 1 and shall be maintained and retained thereafter until such time as the village hall is constructed on the site.
  - g) Provision of the doctor's surgery.

Thereafter the development shall be carried out in accordance with the phasing plan and any subsequent changes to the agreed phasing plan must also be agreed in writing by the Local Planning Authority.

REASON: In the interests of achieving the objectives of the Local Plan and the site specific policy.

2.4 It is also proposed to reflect the National Planning Policy Framework (2019) to include a condition regarding the design of the development to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. Paragraph 110 of the NPPF requires applications for development to make such provisions in respect of design.

2.5 It is therefore recommended that an additional condition is included as follows:

No development above damp proof course of any dwelling in the phase 1 full application area shall be carried out until a scheme showing how the charging of plug-in and other ultra-low emission vehicles is to be provided in safe, accessible and convenient locations has been submitted to and approved in writing by the Local Planning Authority. Furthermore as part of any reserved matters application relating to design, details shall be provided to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development. Thereafter the development shall be carried out in accordance with such details as have been approved by the Local Planning Authority.

REASON: To ensure that adequate provision is made to enable occupiers of and visitors to the development to be able to charge their plug-in and ultra-low emission vehicles.

2.6 It is proposed to amend the condition, no. 23, regarding the submission and implementation of biodiversity mitigation plans. This is to ensure that as the development is proposed to be phased a mitigation plan is submitted for each phase prior to the commencement of development on that particular phase and is based on up-to-date ecological survey work so that the impacts, mitigation and enhancement of biodiversity is fully addressed.

2.7 It is proposed to simplify the wording of condition no. 11 to avoid repetition. It is proposed to omit the reference to Wessex Water from condition no. 16 as its inclusion is not considered necessary. The wording of condition no. 17 is proposed to be amended to add “prior to the commencement of development” at the beginning of the first sentence. The wording of condition no. 18 is proposed to be amended to reflect the outcome of condition no. 17. In respect of condition no. 19 it is proposed to amend the wording to allow for remediation to potentially be carried out in phases should it be considered appropriate and safe to do so

and for the remediation scheme to be varied if necessary. In respect of condition no. 29 it is proposed to introduce the need to have a timetable for the implementation of the landscaping for phase 1 to be approved.

2.8 Some very minor amendments are also proposed to the conditions in respect of typographical errors and reference to an outdated local plan.

## **AMENDMENTS TO PREVIOUSLY RECOMMENDED S106 AGREEMENT**

2.9 The previous committee resolution (as it stands) states that the following should be included within the S106 agreement in accordance with the officer recommendation at that time:

“Highway improvements at Max Gate payable not later than the occupation of 100 units and provision of a scheme for the extraction of mineral interest from the site and the restoration of the land concerned prior to its development.”

“Provision of a scheme for the extraction of mineral interest from the site and the restoration of the land concerned prior to its development.”

2.10 It is now proposed to omit those elements from the proposed S106 agreement as it is considered that they could be adequately covered by planning conditions. Condition no. 6 is amended in respect of the mineral extraction requirements.

2.11 The committee resolution in respect of the education contribution refers to a sum of £2,722,212 which is the correct figure if all houses were qualifying dwellings i.e. had 2 bedrooms or more. However as 1 bedroom properties would not be required to contribute it is proposed to break the contribution down into a per dwelling figure of £5,444 which would be required for all 2 or more bedroom properties.

2.12 The committee resolution refers to supporting funding provisions (SAMM) for the suitable alternative natural greenspaces (SANGs) but a figure was not stated. This figure has been calculated in consultation with Natural England to be £241 per dwelling and it is now proposed that this is stated in respect of the S106 requirements.

2.13 The committee resolution refers to financial contributions towards the maintenance of the proposed LEAPs. They would be required if the LEAPs management and maintenance were transferred to the Parish Council after completion of them and for clarity it is proposed to state that and include the maintenance figure which would be £58,540.

2.14 The committee resolution doesn't specifically refer to the financial contributions being index linked although this would have been written into the

S106 agreement. However in line with current practice for Dorset Council it is proposed to specifically state this in the wording of the recommendation.

### **ADDITION TO PREVIOUS RECOMMENDATION**

2.15 The final amendment is in respect of the inclusion of recommendation B and that the application be refused if the S106 agreement is not completed within 6 months of the date of the committee resolution or such other extended time period as agreed by the Head of Planning.

2.16 A copy of the officer's committee report from 2017 is appended for information.

### **3.0 Reason for Recommendation:**

3.1 To allow the village hall to be constructed outside of phase 1 of the development but to ensure it is constructed and ready for first use prior to the demolition of the existing village hall. The amendment to the wording of the condition in the committee resolution would also ensure that the proposed village hall site is landscaped in the interim and has a suitable visual appearance until such time as it is developed. As such it is considered that the amendment to the phasing should aid the viability of the scheme in its initial stages but would ensure that the provision of the village hall in a later phase is not jeopardised and the site remains visually acceptable in the meantime given its location adjacent to the road.

3.2 The additional condition regarding the design of the development to allow for the plugging in of vehicles in safe, accessible and convenient locations accords with the NPPF as updated in 2019.

3.3 Amending the condition regarding the submission of biodiversity mitigation plans will ensure they are based on up-to-date ecological survey work and as such fully address the impacts, mitigation and enhancement of biodiversity.

3.4 Amending the wording of other conditions will provide clarity and address issues regarding compliance with them.

3.5 It is considered that the highway works at Max Gate and mineral extraction from the site can be addressed by conditions and should not therefore be duplicated in the S106 agreement.

3.6 It is considered that the additional wording in respect of the index linking of the financial contributions and breaking the education contribution down per dwelling and including a figure for the supporting funding provisions provides clarity.



3.7 The inclusion of the provision of the doctor's surgery within the phasing condition will ensure that it is provided as the development progresses and as demand on the existing surgery increases as a result of the additional population.

3.8 The additional recommendation B is to ensure the completion of the S106 agreement occurs in a timely manner in order that a permission exists for the development of this allocated site.

#### 4.0 Table of Key Planning Issues

Issue	Conclusion
Impact on the provision of community facilities	There would be no reduction in the provision of community facilities as the existing hall will not be demolished until the proposed village hall is constructed and ready for first use. Including the doctor's surgery in the phasing plan will ensure that it is provided as the development progresses.
Impact on visual amenity	The requirement for the site of the proposed village hall to be landscaped until such time as the hall is constructed will ensure that the visual amenity of the area is not adversely affected.
Sustainable development and transport	Designing the development to enable charging of plug-in and other ultra-low emission vehicles would aid sustainable development and transport options for residents of the development in accordance with the NPPF (2019).
Impact on setting of heritage assets and SSSIs	Regard has been had to the changes to the NPPF since 2017, however being largely an outline application and with the planning conditions and S106 mitigation as indicated, it is considered that the NPPF assessment of importance for the setting of heritage assets/Sites of Special Scientific Interest has been undertaken and proper regard to their importance acknowledged and appropriately mitigated.
Impact on biodiversity	It is considered that the amendments to the condition wording for the submission of biodiversity mitigation plans would ensure that the impacts, mitigation and enhancements are based on up-to-date ecological survey work.

## **5.0 Description of Site:**

5.1 The site is located to the south of Warmwell Road and incorporates a large area of currently undeveloped land as well as Summer Farm and the existing village hall. It wraps around 3 sides of Hybris Business Park and is adjacent to Heathfield Park and a number of other residential properties. To the south west of the site is Warmwell Country Touring Park.

5.2 The land is allocated in the adopted Local Plan for a mixed-use development under Policy CRS1 and the defined development boundary for Crossways was extended to accommodate this allocation as part of the Local Plan. The application follows the boundaries of the allocated site in the local plan.

5.3 The site lies in a Minerals Safeguarding Area identified in the adopted Bournemouth, Dorset and Poole Minerals Strategy (2014).

5.4. Within the western side of the wider outline application is sited a Scheduled Ancient Monument (SAM) described as a “prehistoric earthwork in Bowley’s Plantation”. There is no Conservation Area for Crossways. The nearest listed buildings to the site are the Frampton Arms pub and its outbuildings at the level crossing at Moreton station. There is a further SAM approximately 350m south-east of the corner of the proposed SANG. This is Tinkers Barrow, a Bronze Age bowl barrow set within a woodland.

5.5 The site lies within the Crossways Gravel Plateau Landscape Character Area in the Council’s adopted Landscape Character Assessment SPD. The site is outside of the AONB. The application site is within 5km of both the Warmwell and Winfrith heathland SSSIs.

## **6.0 Description of Development:**

6.1 The application is a hybrid proposal for full planning permission, change of use and outline planning permission for this strategic site allocation in the adopted local plan. The site area covers the entire allocation set out in Local Plan Policy CRS1 which includes an allocation for mixed-use development and an indicative area for suitable alternative natural greenspace (SANG) as mitigation for the impacts of this residential development on the protected heathlands which are within 5km of the site. The overall site area is 44.21 hectares.

6.2 The outline application seeks permission for 401 dwellings in addition to the detailed consent element for 99 dwellings. The 401 dwellings would be on land to the east of the Hybris Business Park and south of Summer Farm, extending down from the B3390. The residential elements also extend around to the current village hall site to the west of the Hybris and the residential areas extend south

wrapping around the lower part of Scotton Way to link back into the application area to the east of the business park.

6.3 Within the residential elements of the scheme are indicated areas of open space with three LEAPS (play areas) shown. There are also areas of open space including around the site of the Bowley's Plantation Scheduled Ancient Monument. There are also open areas around retained tree copses within the land. A series of allotments is indicated immediately adjoining the southern boundary of the recycling centre. A separate car park west of the public bridleway along the western boundary is located to serve the proposed SANG in this area.

6.4 At the eastern corner of the site at the junction of Warmwell Road and Moreton Road, an area of 2.5 hectares of employment land is indicated. This will be served by a separate access from the B road opposite 16 Warmwell Road. This road is then shown linking into the remainder of the development to the south. Overall there are three vehicular accesses indicated with a main central access forming part of the full permission element below. The third access is at the far western end of the site on the position of the current village hall access road.

6.5 The application includes a full permission element for an initial 99 dwellings to form the first phase of the development. 35% of these units are to be provided as affordable housing with a tenure split of 50/50 between rented and shared ownership/low-cost provision. In addition to the residential proposals, the full permission element also provides for the erection of a new village hall and doctors surgery at the entrance to the site from Warmwell Road with a new car park to serve these facilities. The detailed scheme element in addition proposes a new village green behind the village hall. New vehicular and pedestrian accesses and works to Warmwell Road also form part of the detailed proposals.

6.6 Village Hall – The village hall is a single-storey but double height building located to the east of the main access onto Warmwell Road. It is intended to be a key focal point for the development whilst also serving as a hub for the wider village. The building includes a main hall sufficient to accommodate a badminton court, stage area/ancillary committee room, small hall, store rooms, playgroup facilities including an outdoor play space, foyer/entrance area, kitchen, office, toilets and changing facilities. The village hall fronts west onto the new access road into the site but also includes large glazed areas on the east elevation. This will face out onto the proposed village green running alongside the main road. 9 parking spaces are shown immediately adjacent to the new hall with the majority of the parking demand to be met by the car park behind the new surgery (see below).

6.7 Doctors Surgery – The new doctor's surgery is proposed to the west of the new junction to the B3390. This has a smaller footprint than the new village hall

but instead is 2 storey. It includes three GP rooms, a nurse's treatment room, three multi-function rooms, a private consultation room, two offices, a reception and waiting area, toilets and a staff room. A pharmacist is shown as incorporated into the surgery on the ground floor with external public access and an internal connection to the surgery's waiting room. A total of 53 car parking spaces are shown along with motorcycle spaces, designed to be shared between the community facilities. Cycle parking for both the village hall and new surgery are shown to the front.

6.8 Change of use to SANG – 22.4ha of land within the site – a little over half – is proposed to be provided as suitable alternative natural greenspace. The application seeks permission for a change of use of this land from a nil/agricultural use to be used as open space as mitigation for the impacts of the increased residential development on the site on the nearby heathland Sites of Special Scientific Interest (SSSI) at Warmwell Heath and Winfrith Heath.

6.9 The proposed SANG includes areas of grassland, woodland and heath. The SANG is shown divided into four "units" with the open grassland areas immediately surrounding the proposed residential areas. On the eastern side these adjoin the woodland at Moigne Coombe Wood. The proposals for the SANG involve limited physical intervention to these areas. The main changes are to provide new links to these areas to bring these into the public domain, creating interest for informal walking routes to be used for dog walking and informal recreation.

## 7.0 Relevant Planning History:

Application. No	Application Description	Decision	Date of Decision
WD/D/16/000652	Gravel extraction of up to 131,000 tonnes of sand and gravel; new vehicular access onto B3390 Warmwell Road	Not yet determined	

## 8.0 List of Constraints:

- In defined development boundary
- Allocated site in Local Plan – CRS1
- Landscape character area - Crossways Gravel Plateau
- Within 5km of both the Warmwell and Winfrith heathland SSSIs
- In a minerals safeguarding area
- Scheduled ancient monuments

## **9.0 Consultations:**

9.1 Full consultations took place on the application prior to its consideration by the Planning Committee in November 2017. All comments and representations can be viewed on the Council's website and were considered in the committee report from November 2017 as appended.

9.2 This report is recommending changes to the in respect of the conditions and 106 requirements within the previous committee resolution. As such there has been no re-consultation on the application at this time regarding the proposed amended conditions or any of the other amendments within this report.

9.3 Since the application was considered by the Planning Committee in November 2017 three further pieces of correspondence have been received. The first is from the Dorset Clinical Commissioning Group and is dated 19<sup>th</sup> September 2018. The letter can be summarised as follows:

- From recent premises visits and discussion with the practice, Dorset CCG can confirm that the current GP surgery building is reasonably fit for purpose to deliver primary care services to the location population. It's ideally located for the catchment population and provides good access with parking close by.
- The surgery clinical accommodation is fully utilised although there is some scope for extension at the site, subject to planning approval.
- Having taken into account the cost and revenue implications of a possible new build surgery as opposed to the option of extension Dorset CCG can confirm, with agreements from the practice that the preferred option would be to extend the existing building.
- For local primary care services, the estimated cost of creating an additional clinical room (plus increased ancillary space i.e. corridors, amending waiting areas etc.) is in the region of £60,000. Based on these costs the CCG are seeking a contribution of £40,000 from the development.

9.4 In response to the CCG letter of September 2018 the Parish Council wrote a letter to the CCG, copying in the local planning authority. The letter can be summarised as follows:

- The Parish Council consider that an extension to the surgery will only provide a sticking plaster for a few years before another major extension is required to cater for the increasing population of Crossways.
- Seeing sick patients while major building works are carried out is potentially dangerous, noisy, dusty and provides poor working conditions.
- The Parish Council's preferred option is for a new medical centre. This would provide a modern building with low maintenance and improved

insulation suitable for the expanding needs of the local population for now and many years in the future.

- It has been the vision that the new medical centre will not just be a doctor's surgery but also house other complimentary services for the Crossways area such as dentistry, chiropractic, opticians etc. which would pay toward the running costs and provide an inclusive health service for clients.

9.5 A letter has also been received from the Ramblers, Dorset Area. The letter can be summarised as follows:

- Attention is drawn to Chapter 8 of the NPPF and paragraph 98 – decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.
- Public rights of way have not been included in the recommendations for this application.
- The illustrative masterplan, whilst illustrative, does not show any rights of way either existing or new and it would be helpful to have included them, if nothing more than to remind all concerned that they do exist, and are part of the “highway” network.
- Future plans should remedy this and that any recommendations include funding for rights of way and that anticipated diversions of public rights of way will be undertaken using the appropriate legal procedures, and with full consultation with user groups.

## **10. Relevant Policies:**

### **Adopted West Dorset and Weymouth & Portland Local Plan (2015)**

CRS1 – Land at Crossways

INT1 – Presumption in favour of sustainable development

SUS1 – The level of economic and housing growth

SUS2 – Distribution of Development

ENV1 – Landscape, seascape and sites of geological interest

ENV2 – Wildlife & Habitats

ENV4 – Heritage Assets

ENV5 – Flood Risk

ENV9 – Pollution & Contaminated Land

ENV10 – The landscape and townscape setting

ENV11 – The patterns of streets and spaces

ENV12 – The design and positioning of buildings

ENV15 – Efficient & appropriate use of land

ENV16 – Amenity

ECON1 – Provision of employment

ECON2 – Protection of key employment sites

HOUS1 – Affordable housing  
HOUS3 – Open market housing mix  
HOUS6 – Other residential development outside defined development boundaries  
COM1 – Making sure new development makes suitable provision for community infrastructure  
COM7 – Creating a safe and efficient transport network  
COM9 – Parking standards in new development  
COM10 – The provision of utilities service infrastructure

### **National Planning Policy Framework**

As far as this application is concerned the following section(s) of the NPPF are considered to be relevant;

- 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
- 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
- 17. Facilitating the sustainable use of minerals

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

### **11. Human Rights:**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

## 12. Public Sector Equalities Duty:

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

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

12.3 It is noted that the scheme will provide a new doctors’ surgery. This will expand provision and improve access to healthcare for residents, also meeting increased demand created by the development. A modern purpose-built facility is also likely to provide improved provision and a pharmacy will also benefit residents providing access to this type of healthcare advice and provision locally. All new buildings in the development will be required to comply with building regulations which have their own requirements in respect of access.

12.4 In addition the development would provide additional open space and access to the countryside through the provision of SANGs, allotments and LEAPs. The provision of open space provides greater opportunities for recreation, exercise and spending time outside, all of which have health benefits.

## 13. Financial Benefits:

Material benefits of the proposed development	
Housing Nos.	Up to 500 dwellings
Affordable housing Nos	35% of 500 = 175 dwellings
Employment land	2.5ha
Site of Alternative Natural Greenspace	22.4 ha
Replacement Village hall	
Doctors Surgery	
Village Green	
Allotments	



3 x LEAPs (play areas)	
<b>Financial contributions to be secured via S.106 agreement</b>	
Education contribution	£25,444 per dwelling
SANG maintenance contribution	£960,000
Strategic Access Management and Monitoring (SAMM) provisions	£241 x 500 dwellings = £120,500
Contribution towards mitigation for the impacts of the development on nitrogen levels in Poole Harbour	£149,089
Highway contributions towards off-site highway works including works to Warmwell Road and a cycle route scheme	£560,000
Highway improvements at Max Gate	Financial amount not known at this time – will be based on the physical works required by Highways England to be carried out.
<b>Non-material benefits of the proposed development</b>	
Business Rates	Unknown – outline application only
Council Tax	Unknown – part of the site is outline only
New Homes Bonus	Unknown – part of the site is outline only

#### 14. Climate Implications:

14.1 The development is considered to be in a sustainable location with facilities such as a shop, village hall, library, first school and doctor's surgery all within the vicinity of the site such that a resident would not be reliant on a car to access such day to day services. SANGs and LEAPs are proposed as part of the development providing recreational opportunities on site rather than travelling further afield. The village is served by buses and it is intended that a bus would come into the site to pick up and drop off. There is a railway station at Moreton.

14.2 It is proposed to condition the provision of points for charging plug-in and other ultra -low emission vehicles.

14.3 It is proposed that the minerals would be extracted from the site prior to the development of that part of the site and thereby avoiding the sterilisation of the resource.

14.4. Energy would be used as a result of the production of the building materials and during the construction process. However that is inevitable when building houses and a balance has to be struck between providing housing to meet needs

(both open market and affordable) versus conserving natural resources and minimising energy use.

14.5 The dwellings would be built to current building regulation standards at the time of construction.

## **15. Planning Assessment:**

### **Provision of the village hall:**

15.1 As explained above the application was considered by the now decommissioned West Dorset District Council Planning Committee in November 2017. The committee resolved to approve the application subject to a number of conditions and the completion of a S106 agreement.

15.2 During 2019 there has been correspondence and meetings with the agent and officers of the Council with regards to the application and the lack of progress made in respect of the S106 agreement. The applicant has now agreed that they will proceed with the drafting of the S106 agreement. In the meantime the applicant is seeking an amendment to the committee resolution and specifically condition no. 6.

15.3 Condition no. 6 of the committee resolution currently reads:

Prior to the commencement of the development a Phasing Plan for the entirety of the development shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall make provision for:

- a) Extraction of the mineral interest
- b) Delivery of Village Hall and Village Green as part of Phase 1. No further dwellings in later phases to be constructed in later residential phases until these are complete.
- c) Delivery of serviced employment land as part of the development of the adjacent residential phase.
- d) Provision of allotments as part of the development of the adjacent residential phase.
- e) Provision of Locally Equipped Areas for Play as part of the development of the adjacent residential phase.

Any subsequent changes to the agreed phasing plan must also be agreed in writing by the Local Planning Authority.

REASON: In the interests of achieving the objectives of the Local Plan and in accordance with Policy CRS1 of the

15.4 The applicant has asked that the change in the village hall delivery date be reconsidered (as detailed in condition 6) as they consider that the village hall and related car parking does not need to be delivered in phase 1 but rather it would need to be delivered either prior to the demolition of the existing village hall or before the commencement of phase 4 whichever is the sooner.

15.5 Although the applicant refers to the village hall potentially being constructed in phase 4, the phasing of the development has not yet been agreed as that is the first part of the requirements of condition no. 6. As such officers are therefore recommending that for the avoidance of doubt the new village hall be constructed and ready for first use prior to the demolition of the existing village, as until the existing is demolished there is essentially not the need for a new hall, although it is recognised that the new hall not only replaces the existing but provides upgraded facilities. However, it could be built into the condition that the hall be constructed and be ready for first use prior to the construction of the final phase of development being commenced. This would ensure that the new hall is provided prior to the construction of the final phase of development to ensure the developer provides the facility.

15.6 Not providing the village hall until the existing hall is programmed for demolition or prior to the final phase of development commencing, whichever is the sooner, is considered not to jeopardise the provision of community facilities within the village, as at all times one or other of the halls would exist.

15.7 Policy CRS1 of the adopted Local Plan requires a comprehensive mixed-use development to include new homes, local community facilities and employment land. The proposed village hall is a new community facility, along with the doctor's surgery, although the policy is not specific about what those community facilities should be or when during the development they should be provided. As such it is considered that the proposed new phasing of the village hall provision would not conflict with Policy CRS1.

15.8 There is the issue of what would happen in respect of the site of the proposed hall until such time as it is constructed as it is within the area of the site the subject of the full application for planning permission. However to address that it is proposed to require an interim soft landscaping scheme as part of the condition for the site of the proposed village hall which would be required to be implemented in full and maintained until such time as construction on the site for the new village hall commenced. The condition would require the interim planting to be carried out in phase 1 of the development. This would protect the visual amenity of the area having regard to the site being at the gateway to the development. The area adjacent to the site of the proposed hall is to be a village green and landscaping of the hall site would mean that it would visually assimilate with the green until such time as the hall was constructed.

### **Charging of plug-in and other ultra-low emission vehicles:**

15.9 Since the consideration of the application in 2017 by the committee a new version of the NPPF has been published the latest version being February 2019 (updated June 2019). At paragraph 110 of the NPPF it states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. This is a material consideration and as such it is considered that the provision of such plug-in points should be conditioned. The design of phase 1 is already detailed in the full application but a scheme could still be required prior to development above damp proof course. The majority of the dwellings (401) are subject to the outline application only and therefore the matter can be addressed and designed into the scheme at reserved matters stage.

### **Heritage and Landscape Assets:**

15.10 The new NPPF also increased the importance of heritage assets and landscape assets and the impact of development upon them. Due regard has been had to the amendments in the NPPF and being largely an outline application and with the planning conditions and S106 mitigation as indicated, it is considered that the NPPF assessment of importance for the setting of heritage assets/Sites of Special Scientific Interest has been undertaken and proper regard to their importance acknowledged and appropriately mitigated.

### **Biodiversity:**

15.11 Amending the wording of the condition regarding the submission of Biodiversity Mitigation Plans (BMP) would ensure that each BMP was based on up-to-date ecological survey work and that should there be substantial delays between the implementation of each phase of the development such that the ecological context could have changed this would be addressed by the BMP through a review mechanism. Doing so would ensure that the development would have an acceptable impact on biodiversity.

### **Other Amendments to Conditions:**

15.12 In reviewing the planning conditions the subject of the resolution some typographical errors have been corrected. Also it is suggested that amendments are made to condition no. 11 regarding the construction traffic management plan to simplify the wording and avoid repetition. The changes do not in anyway change the meaning or requirements of the condition.

15.13 In respect of the foul drainage condition (no. 16) whilst officers would liaise with Wessex Water over the submitted information it is not necessary or relevant to state this in the condition and therefore reference to Wessex Water is omitted.

15.14 Condition no. 17 requiring the submission of an investigation and risk assessment in respect of contamination requires a trigger for the submission of that information and therefore the words “Prior to the commencement of development” are added at the start of the condition.

15.15 Condition no. 18 concerns the submission and approval of a remediation scheme for land contamination. Whether such a scheme is required will depend on the outcomes of condition no. 17 and the investigation and risk assessment. As such the wording of the condition has been amended to reflect that.

15.16 Condition no. 19 deals with the implementation of an approved remediation scheme should it be required in respect of contaminated land matters. It is proposed to amend the wording to potentially allow for the submission and approval of a remediation phasing scheme if it transpires that it's appropriate for the approved remediation scheme to be carried out in a phased manner and also for amendments to be made to the remediation scheme should they transpire to be necessary during the course of the remediation process.

15.17 Whilst previously it was stated that the planning permission would be the subject of a plans list condition the plans themselves were not listed. The condition has now been included in full with the plans listed (condition no. 1).

15.18 It is proposed to include within condition no. 29 the requirement to submit a timetable for the implementation of the landscaping for phase 1 and that subsequently the landscaping be carried out in accordance with the agreed timetable.

### **Doctor's Surgery:**

15.19 The proposals within the application for the Doctor's surgery remain as they were when the application was considered by the Planning Committee in 2017. There has since been the correspondence from the CCG and the Parish Council's response to it, however that has not impacted on the application at this time. Officers are aware of, but not party to, ongoing discussions between the CCG and the applicant as to whether a new doctor's surgery should be provided on the site or alternatively a contribution made to extend the existing surgery building. Those discussions and the research associated with them are unlikely to be completed for some time.

15.20 The previous committee resolution (as it currently stands) does not include a trigger for the provision of the doctor's surgery. Therefore whilst it is included within the full planning application and indicated as being within phase 1 there would be no requirement to actually provide the building in phase 1 or later in the development. However, consideration should be given to secure provision of the surgery within condition no. 6 which is the phasing condition. The doctor's

surgery would not necessarily have to be provided as part of phase 1 as the population increase may be met by the existing surgery provision within Crossways. However as the development proceeded and more houses were occupied pressure on the existing surgery would increase and so the doctor's surgery would be required.

### **Public Rights of Way:**

15.21 The matter of public rights of way were considered in the committee report in 2017, however, a further representation has now been received from the Ramblers. Their concern is that public rights of way must be considered in the development and that it is Rambler's policy to resist footpath diversions onto Estate Roads.

15.22 Figure 32 in the Design and Access Statement submitted with the application suggests that Footpath S49/2 which crosses the site may be proposed to be diverted at least in part along the estate road within phase 1 of the development. This would be contrary to the Rambler's policy and they are concerned that a length of the rural path would be lost.

15.23 The illustrative masterplan doesn't indicate what may be proposed for any necessary diversion of the public right of way, but of course the plan is only illustrative. Furthermore the granting of planning permission, be it full or outline, does not override the fact that in order to build on the line of an existing right of way an application to divert the right of way must first be submitted and development should not proceed unless it is approved. The granting of a planning permission does not in anyway indicate that the approval of a subsequent public right of way diversion application would be forthcoming. Nor does an application for planning permission have to show how an applicant proposes to divert a right of way should permission be subsequently forthcoming. As such it is considered that the matter of how the right of way is dealt with within the development is for a future application to divert the right of way which would be subject to consultation in accordance with the relevant legislation at that time.

### **S106 Agreement:**

15.24 The committee resolution from November 2017, in accordance with the officer recommendation, included within the S106 agreement a scheme for mineral extraction and highway improvements at Max Gate. These matters were also, at least in part, also covered by planning conditions.

15.23 In reviewing the application and committee resolution and discussing with solicitors the details of the S106 agreement, these matters and whether they need to be included within the S106 agreement have been reviewed.

15.24 In respect of the highway improvements required by Highways England at Max Gate on the A35, these were to be the subject of a condition (no. 10 previously). It is considered that the condition adequately covers the requirement that the works be carried out and the junction be open for use prior to the occupation of the 101th dwelling. As such to also include this requirement within the S106 agreement would have been unnecessary duplication.

15.25 It was also proposed that the mineral extraction be included within the S106 agreement. The proposed mineral extraction is the subject of a separate application being dealt with by the minerals and waste planning team. The application has not yet been determined but it proposes the extraction of gravel from part of the site in accordance with the minerals safeguarding policy. The scheme for minerals extraction will be considered and controlled via that separate application and if subsequently granted would be subject to conditions. The matter to be considered as part of the application before you today is the timing of any such extraction in the interests of safeguarding the mineral and residential amenity. This matter has been discussed with the minerals planning officer who does not consider it necessary to carry out the extraction prior to the occupation of any dwelling on the site. The officer's view is that it should be carried out prior to the development of the land the subject of the minerals extraction to ensure the resource is not sterilised and that doing so would not unacceptably impact on residential amenity as the workings would apparently be shallow and not that different to ground works for a residential development. Any permission for minerals extraction given as a result of the separate application can have conditions attached to in respect of hours of working etc. if considered necessary to protect residential amenity. As such amended wording in respect of the minerals extraction is proposed in condition no. 6.

15.26 Other amendments are proposed in respect of the recommendations for the S106 agreements. It is considered that the education contribution should be broken down into a per dwelling contribution to reflect that only dwellings with 2 or more bedrooms would pay the contribution. The total contribution for supporting funding mechanisms for the SANGs (SAMM) is also now included and calculated on a per dwelling basis. A figure has been included for maintenance of the 3 LEAPs and it is clarified that this is required if they are transferred to the Parish Council upon completion.

15.27 It is now included within the recommendation that all financial contributions are index linked.

15.28 It is now proposed that for applications which require a S106 agreement to be completed that the agreement should be completed within 6 months of the committee resolution or such other time period as agreed with the Head of Planning. This should ensure that agreements are completed in a timely manner enabling the planning permission to be issued and providing greater certainty in respect of the development of the site and housing delivery.

## **16. Conclusion:**

16.1 It is considered that the provision of the new village hall prior to the demolition of the existing hall or the commencement of the construction of the final phase of the development, whichever is sooner, would not adversely impact on the provision of community facilities within Crossways as a village hall would always be provided on site.

16.2 The provision of a new hall, albeit not within phase 1 of the development would accord with Policy CRS1 of the adopted Local Plan. As would the inclusion of the provision of the doctor's surgery within the phasing condition.

16.3 The requirement for the approval and implementation of an interim soft landscaping scheme for the site of the proposed village hall and its retention and maintenance until such time as works commences on the construction of the village hall would ensure that visual amenities were protected and that this gateway site to the development was not left in an unacceptable condition.

16.4 It is considered reasonable having regard to the NPPF (2019), which is a change in material considerations since the committee resolution in 2017, to attach a condition regarding the design of the development enabling the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

16.5 It is considered that given the planning conditions and S106 agreement mitigation (as now amended) the development would have an acceptable impact on the setting of heritage assets, Sites of Special Scientific Interest and biodiversity.

## **16. Recommendation:**

### **16.1 Recommendation**

**A:** Delegate authority to the Head of Planning to grant planning permission subject to planning conditions and 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 Head of Planning to secure the following:

- 35% of the units as affordable housing with 50/50 tenure split between rented and shared ownership/low-cost affordable housing
- A clause to revisit the viability of the scheme and the affordable housing provision at 100, 200, 300 & 400 units
- Education contribution of £5,444 per dwelling with 2 or more bedrooms, index linked using RPI from the date of this committee report
- Provision of a minimum of 22.4ha of suitable alternative natural greenspace (SANG) with a maintenance contribution of £960,000 and



- supporting funding provisions of £241 per dwelling (SMM), index linked using RPI from the date of this committee report
- Financial contribution of £149,089 towards mitigation for the impacts of the development on nitrogen levels in Poole Harbour, index linked using RPI from the date of this committee report
- Highway contributions of £560,000 towards off-site highway works to include works to Warmwell Road and a Cycle Route Scheme, index linked using RPI from the date of this committee report,
- Provision of a minimum of three no. Locally Equipped Areas for Play, approval of maintenance and management arrangements and financial contributions towards maintenance of the proposed LEAPs of £58,540 index linked using RPI from the date of this committee report if they are transferred to the Parish Council to manage and maintain

### **Planning Conditions:**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan - Drawing Number 1677 P 01 received on 12/02/2016  
Terrace - Type D - Proposed Floor Plans & Roof Plan - Drawing Number P-D-01 received on 12/02/2016  
Terrace - Type D - Proposed Elevations - Drawing Number P-D-02 received on 12/02/2016  
Mews - Type F - Proposed Floor Plans & Roof Plan - Drawing Number P-F-01 received on 12/02/2016  
Mews - Type F - Proposed Elevations - Drawing Number P-F-02 received on 12/02/2016  
Townhouse G - Type G - Proposed Floor Plans & Roof Plan - Drawing Number P-G-01 received on 12/02/2016  
Townhouse G - Type G - Proposed Elevations - Drawing Number P-G-02 received on 12/02/2016  
Manor - Type I - Proposed Floor Plans - Drawing Number P-I-01 received on 12/02/2016  
Manor - Type I - Proposed Roof Plan - Drawing Number P-I-02 received on 12/02/2016  
Manor - Type I - Proposed Elevations - Drawing Number P-I-03 received on 12/02/2016  
Townhouse K - Type K Proposed Floor Plans & Roof Plan - Drawing Number P-K-01 received on 12/02/2016  
Townhouse K - Type K - Proposed Elevations - Drawing Number P-K-02 received on 12/02/2016  
Single Garage - Floor plans and Elevations - Drawing Number P-GAR-01 received on 12/02/2016  
Double Garage - Floor plans and Elevations - Drawing Number P-GAR-02 received on 12/02/2016

Refuse & Cycle Store - Floor Plans & Elevations - Drawing Number 1677 P-REF-01 received on 12/02/2016  
 Garden Store - Floor plans and Elevations - Drawing Number 1677 P-SHE-01 received on 12/02/2016  
 Surgery - Proposed Elevations - Drawing Number 1677 P SU 03 received on 12/02/2016  
 Surgery - Perspective - Drawing Number 1677 P SU 05 received on 12/02/2016  
 Village Hall - Floor Plan - Drawing Number 1677 P VH 01 received on 12/02/2016  
 Village Hall - West Elevation - Drawing Number 1677 P VH 02 received on 12/02/2016  
 Village Hall - East Elevation - Drawing Number 1677 P VH 03 received on 12/02/2016  
 Village Hall - North & South Elevations - Drawing Number 1677 P VH 04 received on 12/02/2016  
 Proposed Roof Plan - Drawing Number 1677 P VH 05 received on 12/02/2016  
 Surgery - Proposed Elevations - Drawing Number 1677 P SU 04 Rev. A received on 18/09/2016  
 Site plan: Drwg. No. 1677 P 02 REV E (Amended) received on 18/09/2016  
 Block plan: Sheet 2 of 5 Drwg. No. 1677 P 03-2 REV A (AMENDED) received on 18/09/2016  
 Block plan: Sheet 1 of 5 Drwg. No. 1677 P 03-1 REV A (AMENDED) received on 18/09/2016  
 Block plan: Sheet 3 of 5 Drwg. No. 1677 P 03-3 REV B (AMENDED) received on 18/09/2016  
 Block plan: Sheet 4 of 5 Drwg. No. 1677 P 03-4 REV A (AMENDED) received on 18/09/2016  
 Block plan: Sheet 5 of 5 Drwg. No. 1677 P 03-5 REV A (AMENDED) received on 18/09/2016  
 Materials Sheet 2 - Drawing Number 1677 P10-2 Rev. A (AMENDED) received on 18/09/2016  
 Materials Sheet 1 - Drawing Number 1677 P10-1 Rev. A (AMENDED) received on 18/09/2016  
 Proposed Streetscene A-A - Drawing Number 1677/P07 REV A (AMENDED) received on 18/09/2016  
 Proposed Streetscene B-B - Drawing Number 1677/P08 REV A (AMENDED) received on 18/09/2016  
 Cottage - Drwg. No. P-P-02 TYPE P ELEVATIONS received on 18/09/2016  
 Cottage - Floor Plans Drawing Number P-P-01 TYPE P PLANS received on 18/09/2016  
 Dovecote Elevations - Drawing Number P-N-02 TYPE N received on 18/09/2016

Dovecote Floor Plan - Drawing Number P-N-01 TYPE N received on 18/09/2016  
 Lodge Elevations - Drawing Number P-M-02 TYPE M received on 18/09/2016  
 Lodge Floor Plan - Drawing Number P-M-01 TYPE M received on 18/09/2016  
 Grange - Elevations: Drawing Number P-J-02 REV A TYPE J (AMENDED) received on 18/09/2016  
 Grange - Floor Plan: Drawing Number P-J-01 REV A TYPE J (AMENDED) received on 18/09/2016  
 Townhouse H - Elevations: Drawing Number P-H-02 REV A TYPE H (AMENDED) received on 18/09/2016  
 Townhouse H - Floor Plan: Drawing Number P-H-01 REV A TYPE H (AMENDED) received on 18/09/2016  
 Townhouse G (Gable Front) - Elevations: Drawing Number P-G-04 REV A TYPE G (AMENDED) received on 18/09/2016  
 Townhouse G (Gable Front) - Floor Plan: Drawing Number P-G-03 REV A TYPE G (AMENDED) received on 18/09/2016  
 Farmhouse - Elevations: Drawing Number P-E-02 REV B TYPE E (AMENDED) received on 18/09/2016  
 Farmhouse - Floor Plan: Drawing Number P-E-01 REV B TYPE E (AMENDED) received on 18/09/2016  
 Wide Front - Elevations: Drawing Number P-C-02 REV A TYPE C (AMENDED) received on 18/09/2016  
 Wide Front - Floor Plan: Drawing Number P-C-01 REV A TYPE C (AMENDED) received on 18/09/2016  
 Townhouse B - Elevations: Drawing Number P-B-02 REV B TYPE B (AMENDED) received on 18/09/2016  
 Townhouse B - Floor Plan: Drawing Number P-B-01 REV C TYPE B (AMENDED) received on 18/09/2016  
 Apartment - Elevations (front & side): Drawing Number P-A-05 REV A TYPE A (AMENDED) received on 18/09/2016  
 Apartment - Elevations (rear & side): Drawing Number P-A-06 REV A TYPE A (AMENDED) received on 18/09/2016  
 Apartment - Roof Plan: Drawing Number P-A-04 REV A TYPE A (AMENDED) received on 18/09/2016  
 Apartment - Ground Floor Plan: Drawing Number P-A-01 REV A APARTMENTS PLOTS 2-7 (AMENDED) received on 18/09/2016  
 Apartment - 1st Floor Plan: Drawing Number P-A-02 REV A APARTMENTS PLOTS 2-7 (AMENDED) received on 18/09/2016  
 Apartment - 2nd Floor Plan: Drawing Number P-A-03 REV A APARTMENTS PLOTS 2-7 (AMENDED) received on 18/09/2016  
 Landscaping scheme - Drawing Number: TD742\_05 PLANTING PLANNING SHEET 1 (AMENDED) received on 18/09/2016  
 Landscaping scheme - Drawing Number: TD742\_06 PLANTING PLAN SHEET 2 (AMENDED) received on 18/09/2016

Landscaping scheme - Drawing Number: TD742\_07 PLANTING PLAN SHEET 3 (AMENDED) received on 18/09/2016  
 Landscaping scheme - Drawing Number: TD742\_08 PLANTING PLAN SHEET 4 (AMENDED) received on 18/09/2016  
 Landscaping scheme - Drawing Number: TD742\_04B WARMWELL RD PLANTING PLAN SHEET 2 (AMENDED) received on 18/09/2016  
 Surgery - Ground Floor plans: Drawing Number 1677 P SU 01 REV A (AMENDED) received on 18/09/2016  
 Surgery - 1st Floor & Roof Plan: Drawing Number 1677 P SU 02 REV A (AMENDED) received on 18/09/2016  
 Affordable Housing Plan - Drawing Number 1677 P 09 Rev. D received on 07/08/2017  
 Village Hall and Doctors Surgery Materials - Drawing Number 1677 P11 received on 19/10/2017  
 Proposed Streetscene B-B Drwg no. 1677/P08 Rev A received on 16/09/2016  
 Materials Sheet 2 Drwg no. 1677 P10-2 Rev A received on 16/09/2016  
 Refuse & Cycle Store - Floor Plan and Elevations Drwg no. 1677 P-REF-01 received on 20/08/2019

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

### **Outline Consent**

2. Approval of the details of the access, layout, scale and appearance of the development and the landscaping of the site (hereinafter called the Reserved Matters) for the remainder of the site outside of the full permission granted for Phase1 of this hybrid permission shall be obtained from the Local Planning Authority in writing before any development is commenced on these other phases of the development.

REASON: To ensure the satisfactory development of the site.

3. Application for approval of any “reserved matter” under Condition 2 must be made not later than the expiration of ten 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.

4. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

5. Not more than 401 dwellings in total shall be constructed under this outline permission.

REASON: The assessment of the impacts of the scheme are based on a maximum of 500 dwellings across the whole site and additional dwellings would require further assessments of impacts to heathland SSSIs.

### **Phasing**

6. Prior to the commencement of the development a Phasing Plan for the entirety of the development shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall make provision for:
  - a) Extraction of the mineral interest in accordance with a scheme to be first approved in writing by the Local Planning Authority from the area outlined in red on the Site Location Plan Drwg no. 1701 P01 Rev A prior to the commencement of any development the subject of this outline planning permission within that same area.
  - b) Delivery of the Village Green as part of Phase 1. No further dwellings in later phases to be constructed until it is complete.
  - c) Delivery of serviced employment land as part of the development of the adjacent residential phase.
  - d) Provision of allotments as part of the development of the adjacent residential phase.
  - e) Provision of Locally Equipped Areas for Play as part of the development of the adjacent residential phase.
  - f) The proposed village hall and adjacent parking spaces being constructed and ready for first use prior to the demolition of the existing village hall or the commencement of construction of the final phase of the development, whichever is soonest, and the submission of a scheme for the interim landscaping of the proposed village hall site until such time as the village hall is constructed. The interim landscaping scheme for the village hall site is to include details of the planting and its maintenance and shall be implemented and completed in full as part of Phase 1 and shall be maintained and retained thereafter until such time as the village hall is constructed on the site.
  - g) Provision of the doctor's surgery.

Thereafter the development shall be carried out in accordance with the phasing plan and any subsequent changes to the agreed

phasing plan must also be agreed in writing by the Local Planning Authority.

REASON: In the interests of achieving the objectives of the Local Plan and the site specific policy.

### **Masterplan**

7. The development of the later phases of the Outline permission shall substantially accord with the layout and details of the Illustrative Masterplan Drwg No. 1677/P04 Rev C.

REASON: In the interests of achieving the objectives of the Local Plan.

### **Highways**

8. The highway improvements to the Warmwell Road on the site frontage shall be constructed substantially in accordance with the submitted details shown on the application drawings before the development is first occupied.

REASON: In the interests of road safety.

9. The Phase 1 full application hereby permitted shall not be occupied or utilised until the access, geometric highway layout, parking and turning areas shown on the application drawings have been constructed, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, these shall be maintained, kept free from obstruction and available for the purposes specified.

REASON: In the interests of road safety.

10. No more than 100 residential units (to include 35% affordable housing) shall be occupied until the A35 Max Gate junction arrangement, as shown in the WYG Transport drawing "SK09" dated 21 October 2015 is completed and open to traffic, unless any variation in the design of the proposals is otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the safe and efficient operation of the Strategic Road Network (A35).

11. No development shall be commenced until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority.

The plan shall include construction vehicle movements, operation hours, vehicular routes to and from the site, delivery hours, expected number of vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Practice and a scheme to encourage the use of public transport amongst contractors. The plan shall include contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities). The plan shall also include a scheme of signing of the heavy vehicle route to the site agreed with advice/warning signs at appropriate points.

The CTMP shall thereafter be implemented in accordance with the approved details upon the commencement of the construction phase of the development and be adhered to for the complete duration of the construction programme, unless a variation to the CTMP is otherwise first agreed in writing by the Local Planning Authority.

REASON: To ensure the safety of traffic on the Strategic Road Network.

### **Travel Plans**

12. Before the development hereby approved is first occupied or utilised the Travel Plan and Strategy included in the submissions shall be implemented and operational.

REASON: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site.

13. Prior to the submission of any reserved matters under Condition 2 above for the approved employment allocation, a Travel Plan suitable to deal with the travel impacts of the whole 2.5ha employment allocation shall be submitted to and approved in writing by the Local Planning Authority. The employment Travel Plan shall be implemented in accordance with its agreed details prior to the first occupation of any approved employment building on the site.

REASON: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site.

### **Drainage**

14. No development shall take place until a detailed and finalised surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, has been submitted to, and

approved in writing by the Local Planning Authority. The surface water scheme shall be implemented in accordance with the submitted details before the development is completed.

REASON: To prevent increased risk of flooding and to improve and protect water quality.

15. No development shall take place until details of maintenance and management of the surface water sustainable drainage scheme 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 increased risk of flooding.

### **Foul Water**

16. The development shall not be commenced until a foul water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing. The drainage scheme shall thereafter be completed in accordance with the approved details and to a timetable to be agreed in writing with the local planning authority.

REASON: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

### **Contaminated Land**

17. Prior to the commencement of development an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.



The report of the findings must include:

- (a) A survey of the extent, scale and nature of contamination;
- (b) An assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;
- (c) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

REASON: In the interests of ensuring there is no unacceptable risk to occupiers of the development.

18. Before commencement of development, should a remediation scheme be required based on the outcomes of the investigation and risk assessment required by condition no. 17 and the written response of the local planning authority as to whether a remediation scheme is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, shall be submitted and be subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: In the interests of ensuring there is no unacceptable risk to occupiers of the development.

19. Any approved remediation scheme agreed by the Local Planning Authority as a result of condition no. 18 must be carried out in accordance with its terms, or such other terms which have first been agreed in writing by the Local Planning Authority, prior to the commencement of development other than that required to carry out remediation, unless a remediation phasing scheme is first agreed in writing by the Local Planning Authority, in which case the remediation shall be carried out in accordance with such scheme as has been agreed. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (validation report) that

demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

REASON: In the interest of ensuring there is no unacceptable risk to occupiers of the development.

20. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be submitted to and approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of ensuring there is no unacceptable risk to occupiers of the development.

### **Employment Allocation**

21. The development shall provide a minimum of 2.5 hectares of employment land. No dwelling adjoining the eastern boundary of the residential development, adjacent to the proposed employment access road within the Character Areas 4, 5 & 6 as set out on page 48 of the submitted Design & Access Statement, shall be occupied before the employment allocation has been provided as serviced employment land in accordance with the phasing scheme submitted under condition 6 above.

REASON: In the interests of securing the economic benefits of this Key Employment Site allocation in the Local Plan.

22. Buildings constructed within the employment allocation hereby approved shall not exceed a total floorspace of 13,000 square metres (measured externally).

REASON: In the interests of the impacts of the traffic generated by that level of employment development on the strategic highway network.

### **Biodiversity**

23. Prior to the commencement of the development of each phase agreed by condition no. 6, a Biodiversity Mitigation Plan (BMP) for that phase based on up-to-date ecological survey work which is not more than 2 years old at the time of the submission of the BMP shall be submitted to and approved in writing by the Local Planning Authority. Each Biodiversity Mitigation Plan will include details of the review process to be implemented at the

time of commencement of development if the survey work on which the BMP is based is more than 2 years old. The development shall thereafter be carried out in accordance with the approved details unless any subsequent variation is agreed in writing by the Local Planning Authority.

REASON: In order to protect the landscape qualities of the area and to safeguard and enhance the ecological value of the site.

### **Scheduled Ancient Monument**

24. The submission of details of reserved matters under Condition 2 shall make provision for a minimum 5m buffer around the identified remains of the Bowley's Plantation enclosure as set out on page 10 of the submitted Settings Assessment by Context One received on 16<sup>th</sup> October 2017.

REASON: In the interests of the setting of the Scheduled Ancient Monument.

### **Broadband**

25. No development above damp proof course of any building hereby approved shall take place until a scheme for facilitating infrastructure to support superfast broadband technology to serve the development has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include a timetable for implementation, including triggers for a phased implementation if appropriate. Thereafter, the development shall proceed in accordance with the agreed scheme.

REASON: To ensure that the utilities service infrastructure is sufficient to meet the extra demands imposed by this development.

### **Phase 1 Detailed Consent**

26. The village hall hereby approved shall be laid out with a full-size badminton court in the main hall as shown on Drwg No. 1677 P VH 01 prior to the Village Hall first being brought into use.

REASON: In the interests of sports provision.

27. The Phase 1 full permission shall be carried out in accordance with the materials details in the approved Drwg No's 1677 P10-1 Rev A, 1677 P10-2 Rev A & 1677 P11. No development above damp proof course level of any dwelling approved under the Phase 1 full permission shall take place before samples of the materials to be used on that building have been submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out in accordance with these details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the character and appearance of the area.

28. The development shall be carried out in accordance with the boundary treatments set out in the approved plans Drwg. No's 1677 P 03-1 to 5 Rev A. The boundary treatments to each individual building shall be completed in their entirety prior to the first occupation of the building concerned. The boundary treatments shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the character and appearance of the area.

29. The development of the Phase 1 full permission shall be carried out in accordance with the landscaping details set out in the approved plans Drwg. No's TD742\_04B & TD742\_05 – 08. The landscaping shall be carried out in accordance with the soft landscape works specification set out on the approved plan Drwg. No. TD472\_08. No development above damp proof course level shall be carried out until a timetable for the implementation of the landscaping has been submitted to and approved in writing by the Local Planning Authority. Thereafter the landscaping shall be carried out in accordance with the approved timetable. Any trees or plants which, within a period of 5 years from the completion of the development, die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping shall thereafter be retained.

REASON: In the interests of the character and appearance of the location.

30. The development shall be carried out wholly in accordance with the Arboricultural Assessment & Method Statement by Barrell Tree Consultancy dated January 2016. The agreed tree protection measures shall be retained during the course of the development and there shall be no variation to the agreed protection measures without the prior written agreement of the Local Planning Authority.

REASON: To protect preserved trees within and adjoining the site during construction in the interests of preserving the character of the area.

### **Sustainable Transport Options**

31. No development above damp proof course of any dwelling in the phase 1 full application area shall be carried out until a scheme showing how the charging of plug-in and other ultra-low emission vehicles is to be provided

in safe, accessible and convenient locations has been submitted to and approved in writing by the Local Planning Authority. Furthermore as part of any reserved matters application relating to design, details shall be provided to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development. Thereafter the development shall be carried out in accordance with such details as have been approved by the Local Planning Authority.

REASON: To ensure that adequate provision is made to enable occupiers of and visitors to the development to be able to charge their plug-in and ultra-low emission vehicles.

### **Informative Notes**

Informative Note: The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under Section 38 and those works under Section 278 of the Highways Act 1980, the applicant should contact Dorset Council's Development team. They can be reached by telephone at 01305 225401, by email at [dli@dorset.gov.uk](mailto:dli@dorset.gov.uk), or in writing at Development Team, Dorset Highways, County Hall, Dorchester, DT1 1XJ.

Informative Note: If the applicant wishes to offer for adoption any highways drainage to Dorset Council, they should contact the Highway's Development team at [dli@dorset.gov.uk](mailto:dli@dorset.gov.uk) as soon as possible to ensure that any highways drainage proposal meets the Council's design requirements.

Informative Note: Prior Land Drainage Consent (LDC) may be required from Dorset Council's FRM team, as relevant LLFA, for all works that offer an obstruction to flow to a channel or stream with the status of Ordinary Watercourse (OWC) – in accordance with S23 of the Land Drainage Act 1991. The modification, amendment or realignment of any OWC associated with the proposal under consideration, is likely to require such permission. We would encourage the applicant to submit, at an early stage, preliminary details concerning in-channel works to the FRM team.

Informative Note: The applicant intends to rely heavily on infiltration. They will therefore need to demonstrate, through further post extraction ground investigation, that soakaways remain feasible. Given the proposed use of soakaways across the site, it is important that soakaway tests and ground water readings are representative of all the areas expected to support infiltration. The Council's FRM team as relevant LLFA will be unable to discharge the relevant condition above without detailed information concerning ground conditions that substantiate the use of drainage through infiltration. Should the site, after mineral extraction, be found not to support infiltration, then the applicant will need to

propose alternate and detailed designs for capturing and attenuating surface water.

Informative Note: The highway proposals for the A35(T) associated with this consent involve works within the public highway, which is land over which you have no control. Highways England therefore requires you to enter into a suitable legal agreement to cover the detailed design and construction of the works. Please contact the Asset Manager, Steve Hellier (Tel: 0300 470 4383) at an early stage to discuss the details of the highways agreement. The applicant should be aware that an early approach to Highways England is advisable to agree the detailed arrangements for financing the design and construction of the scheme. Commencement of works will also need to be timed to fit in with other road works on the strategic road network or local road network to ensure there are no unacceptable impacts on congestion and road safety. Please be advised that Highways England will charge Commuted Sums for maintenance of schemes delivered by third parties. These will be calculated in line with HM Treasury Green Book rules and will be based on a 60 year infrastructure design life period.

Informative Note: At all times, a contact telephone number shall be displayed on site for members of the public to use to raise issues. A named person will also be provided for Environmental Health in order for contact to be made should complaints be received. The use of any radio / amplified music system on site must be kept at a level not to cause annoyance to noise sensitive premises beyond the boundary of the site. Any future sub-contractors to the site shall be made aware of, and comply with any guidelines/conditions relating to site management of emissions of noise, dust, smoke, fumes etc. made in as part of the determination of this application. Letter drops to adjacent residents in close proximity should be considered as part of the construction phase to give a minimum of 48 hours notice of any exceptional activities proposed. Any waste arising at the site shall be appropriately segregated and controlled prior to its removal by an appropriately licensed contractor. Any waste arising from the activity which could potentially be contaminated in any way shall also be segregated again, and removed appropriately. Environmental Health must be informed if this occurs.

Informative Note: The applicant's attention is drawn to the response of the Council's Rights of Way officer and the need to secure diversions for the existing rights of way.

**16.2 Recommendation B:** Refuse permission for the reasons set out below if the S106 agreement is not completed within 6 months of the date of the committee resolution or such extended time as agreed by the Head of Planning.

1. Policy HOUS1 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 requires a minimum on-site provision of 35% of the units as affordable housing. In the absence of a planning obligation to secure

these affordable units the scheme would fail to meet the substantial unmet need for affordable housing in the district and the proposal would therefore be contrary to Policy HOUS1 of the adopted Local Plan.

2. Policy COM1 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 sets out that where new development will generate the need for new or improved community infrastructure and this need is not being met through the Community Infrastructure Levy, suitable provision should be made on site. Policy CRS1 of the Local Plan sets out the expected infrastructure for this site and its development. In the absence of a planning obligation to secure the required community infrastructure the scheme would fail to mitigate the increase in demand for the necessary infrastructure to support the development and to avoid and mitigate for the adverse effects upon internationally designated heathlands and additional nutrient loading upon the Poole Harbour internationally designated sites. It would namely fail to provide for:

Education;

Recreation spaces in the form of Sites of Alternative Natural Greenspace and the supporting maintenance and funding mechanisms required for the future;

Mitigation of the impacts upon the Poole Harbour internationally designated sites;

Highway improvements;

Children's play provision.

In the absence of a planning obligation the proposals therefore fail to meet the provisions of Policies COM1, CRS1, INT1, ENV2 and COM7 of the West Dorset, Weymouth and Portland Local Plan (2015) and the National Planning Policy Framework (2019).

This page is intentionally left blank



---

**Application Number: WD/D/16/000378 Outline**

---

**Registration Date:** 13 April, 2016

**Application Site:** LAND SOUTH OF WARMWELL ROAD, WARMWELL ROAD, CROSSWAYS

**Proposal:** Full planning permission for the erection of 99 open market dwellings & affordable dwellings, a new doctors surgery, a replacement village hall, a car park, a new village green, new vehicular and pedestrian accesses and works to Warmwell Road. An outline application for the erection of 401 open market and affordable dwellings, the provision of 2.5ha of employment land, new vehicular and pedestrian accesses, roads, footpaths and cycleways, a car park for the proposed Site of Alternative Natural Greenspace (SANG) and 2 pumping stations; and a full application for the change of use of 22.4ha of land to Site of Alternative Natural Greenspace (SANG).

**Applicant:** C & G Properties Ltd

**Ward Members:** Cllr N Bundy, Cllr A Thacker

**Case Officer:** David Hodges

---

**1. Summary Recommendation**

**1.1** Delegate to the Head of Planning to approve subject to completion of a s106 legal agreement to secure the following;

- 35% of the units as affordable housing with 50/50 tenure split between rented and shared ownership/low-cost affordable housing
- A clause to revisit the viability of the scheme and the affordable housing provision at 100, 200, 300 & 400 units
- Education contribution of £2,722,212
- Provision of a minimum of 22.4ha of suitable alternative natural greenspace (SANG) with a maintenance contribution of £960,000 and supporting funding provisions (SMM)
- Financial contribution of £149,089.00 towards mitigation for the impacts of the development on nitrogen levels in Poole Harbour.
- Provision of a scheme for the extraction of mineral interest from the site and the restoration of the land concerned prior to its development.
- Highway improvements at Max Gate payable not later than the occupation of 100 units
- Highways contributions of £560,000 towards off-site highway works to

- include works to Warmwell Road and a Cycle Route Scheme
- Provision of a minimum of three no. Locally Equipped Areas for Play and financial contributions towards maintenance of the proposed LEAPs

## **2. Description of development**

- 2.1** Application is a hybrid proposal for full planning permission, change of use and outline planning permission for this Strategic Site allocation in the adopted West Dorset, Weymouth & Portland Local Plan. The site areas covers the entire allocation set out in the Local Plan Policy CRS1 which includes an allocation for mixed-use development and an indicative area for suitable alternative natural greenspace (SANG) as mitigation for the impacts of this residential development on protected heathlands within 5km of the site. The overall site area is 44.21 hectares.

### **The Outline Application**

- 2.2** The outline application seeks permission for 401 dwellings in addition to the detailed consent for 99 dwellings on the full permission element. A total of 500 dwellings across the application. The outline application will deliver the remaining 401 dwellings across a series of 'Character Areas' (see para.13.16) on land to the east of the Hybris Business Park and south of Summer Farm, extending down from the B3390. The residential elements also extends around to the current village hall site west of the Hybris up to the boundary of the access track and bridleway to the villages hall. The residential areas extend south, wrapping around the lower part of Scotton Way to link back into the residential development east of the Business Park.
- 2.3** Within the residential elements of the scheme are indicated areas of open space with three LEAPs (play areas) shown. There are also areas of open space including around the site of the Bowley's Plantation Scheduled Ancient Monument. There also open areas around retained tree copses within the land. A series of allotments is indicated immediately adjoining the southern boundary of the recycling centre. A separate car park west of the public bridleway along the western boundary is located to serve the proposed SANG in this area.
- 2.4** At the eastern corner of the site at the junction of Warmwell Road and Moreton Road, an area of 2.5 hectares of employment land is indicated. This will be served by a separate access from the B-road opposite 16 Warmwell Road. This road is then shown linking into the remainder of the development to the south. Overall there are three vehicular accesses indicated with a main central access forming part of the full permission element below. The third access is at the far western end of the site on the position of the current village hall access road.

### **Detailed Planning Permission: Phase 1**

- 2.5** The application includes a full permission element for an initial 99 dwellings to form the first phase of the development of the site. 35% of these units to be provided as affordable housing with a tenure split of 50/50 between rented and shared ownership/low-cost provision. In addition to the residential proposals, the full permission element also provides for the erection of a new village hall

and doctors surgery at the entrance to the site from Warmwell Road with a new car park to serve these facilities. The detailed scheme element in addition proposes a new village green behind the village hall. New vehicular and pedestrian accesses and works to Warmwell Road also form part of the detailed proposals.

- 2.6 Residential:** The detailed consent provides the first 99 dwellings on land immediately east of Heathfield Park and the Hybris Business Park. The housing will be arranged on part of the primary route network indicated in the wider masterplan around the site leading from the new access from the B3390. This will form part of the character areas 2, 3 & 4 (para. 13.16 below). From this primary street will be a secondary street linking into a central 'avenue' designed to lead from the community hub of the development at Warmwell Road down to the SANG to the south. The reminder of the houses are located on narrower home zones or parking courts accessed from the primary or secondary route network.

- 2.7** The total schedule of accommodation for Phase 1 is as follows;

House Type	Beds	GIA sqm	Storeys	Total No.
A Apartment	2	72.8	3	12
B Townhouse B	3	105.4	2.5	4
C Wide Front	3	93.1	2	16
D Terrace	2	72.3	2	20
E Farmhouse	4	143.3	2	6
F Mews	1	69.7	2	5
G Townhouse G	3	84.2	2	17
H Townhouse H	4	132.5	2	7
I Manor	5	236.5	2	3
J Grange	5	192.3	2	1
K Townhouse K	4	115.0	2	4
M Lodge	4	148.2	2	1
N Dovecote	2	122.5	2	1
P Cottage	2	72.3	2	2
				99

- 2.8** On Phase 1, the affordable housing contribution proposed is 35% of the units as per Policy HOUS1, split 50/50 between shared ownership and rented accommodation. The units are as follows;

Rented				
House Type	Beds	GIA sqm	Storeys	Total No.
A Apartment	2	72.8	3	6
D Terrace	2	72.3	2	6
F Mews	1	69.7	2	1
G Townhouse G	3	84.2	2	2
K Townhouse K	4	115.0	2	2
				17

Shared Ownership				
------------------	--	--	--	--

House Type	Beds	GIA sqm	Storeys	Total No.
A Apartment	2	72.8	3	6
C Wide Front	3	93.1	2	4
D Terrace	2	72.3	2	6
P Cottage	2	72.3	2	1
				17

The affordable units are shown pepper-potted around the phase 1 development with a variety of types and sizes.

- 2.9 Village Hall:** The village hall is a single-storey but double height building located to the east of the main access onto Warmwell Road. It is intended to be a key focal point for the development whilst also serving as a hub for the wider village. The building includes a main hall sufficient to accommodate a badminton court, stage area/ancillary committee room, small hall, store rooms, playgroup facilities including an outdoor play space which is equipped and enclosed, foyer/entrance area, kitchen, office, toilets and changing facilities.
- 2.10** The village hall fronts west onto the new access road into the site but also includes large glazed areas on the east elevation. This will face out onto the proposed village green running alongside the main road. 9 parking spaces are shown immediately adjacent to the new hall with the majority of the parking demand to be met by the car park behind the new surgery (see below).
- 2.11 Doctors Surgery:** The new doctor's surgery is proposed to the west of the new junction to the B3390. This has a smaller footprint than the new village hall but instead is 2-storey. It includes three GP rooms, a nurse's treatment room, three multi-function rooms, a private consultation room, two offices, a reception and waiting area, staff and patient toilets and a staff common room. A pharmacist will be incorporated into the surgery on the ground floor with external public access and an internal connection to the surgery's waiting room. A total of 53 car parking spaces is shown along with motorcycle spaces, designed to be shared between the community facilities. Cycle parking for both the village hall and new surgery are shown to the front. The total floorspace of the new community buildings is 1,032m<sup>2</sup>.
- 2.12 Change of Use to SANG:** 22.4ha of land within the site – a little over half – is proposed to be provided as suitable alternative natural greenspace. The application seeks permission for a change of use of this land from a nil use/agricultural use to be used as open space as mitigation for the impacts of the increased residential development on the site on the nearby heathland Sites of Special Scientific Interest (SSSI) at Warmwell Heath and Winfrith Heath.
- 2.13** The proposed SANG includes areas of grassland, woodland and heath. The SANG is shown divided into four 'units' in the open grassland areas immediately surrounding the proposed residential areas. On the eastern side these adjoin the woodland at Moigne Combe Wood. The proposals for the SANG involve limited physical intervention to these areas. The main changes are to provide new links to these areas to bring these into the public domain,

creating interest for informal walking routes used for dog walking and informal recreation. It is also proposed to link into existing rights of way, via the SANG, the Jubilee Trail, a national trail passing beyond the southern boundary of the SANG.

### **3. Main planning issues**

- Key Housing Site in the adopted Local Plan (Policy CRS1)
- Local Plan settlement strategy
- Provision of housing
- 5 year housing land supply
- Affordable housing provision
- Scheme viability
- Impact to protected heathlands/SANG provision
- Impact on Scheduled Ancient Monuments/heritage assets
- Highway Safety
- Urban design and design considerations
- Employment provision
- Neighbours and occupier's living conditions
- Mineral extraction/safeguarding
- Provision of community facilities
- Recreation and sport provision
- Drainage and flood risk

### **4. Statutory Consultations**

#### **Parish Council**

##### **4.1 Crossways Parish Council:**

The Council agreed to break down the proposal into the three parts. The first part considered was the change of use of 22.4 ha of land to Site of Alternative Natural Greenspace (SANG). All Councillors were in favour of this proposal and noted it would be maintained by Dorset Wildlife Trust who would take ownership and control of the area. It was also reported that there would be an area made available for dogs to be walked responsibly by their owners.

- 4.2** The Council agreed that South of Warmwell Road was agreed in the Local Plan and it was in consultation with the residents of Crossways. It was agreed the best shape for the village was to the south of the existing settlement. Councillors recommended that a provision for older children would be made available. It was acknowledged that there was a lack of facilities for children over 8 years old.

- 4.3** Councillors were concerned about the inevitable increase in traffic on the Warmwell Road. It was acknowledged that pedestrian refuge crossings with an island would help with connectivity of both sides of the village but concerns were raised about the more vulnerable road user crossing without a signal controlled crossing. Although Councillors were made aware that the B3390 would become a 30 mph road Councillors still had concerns that the speed of traffic would not keep to the 30 mph speed without traffic calming measures. Large lorries can take longer to stop than a car. The B3390 is a very straight stretch of road and to achieve the desired 30 mph for all vehicles especially lorries would require environmental changes to the road layout. The council

urged Dorset County Council to consider visual and physical restrictions. It was noted that Dick o th Banks Road should not be used as the preferred option/instead of the B3390.

- 4.4** Councillors were delighted with the provision of a new Village Hall. It was agreed that 3-storey development was not out of character for Crossways. Recommend a small children's play park next to the village green for families to enjoy the open space.

Councillors also wished for the dust from the site to be managed so as not to cause undue stress for those living in close proximity to the development.

All Councillors were in favour that there were no objections to the Planning Application.

- 4.5 Owermoigne Parish Council:** Objects for the following reasons;

- Visual impact of employment land fronting Moreton Road (a country lane). Should be sited closer to the Hybris.
- Increased commercial traffic using Moreton Road to reach A352 passing through Owermoigne village.
- No provision to accommodate increased school numbers.
- No report on impacts of light pollution from the scheme.
- Increased load on Warmwell pumping station to Louds Mill. Owermoigne already suffers from foul water flooding from the link to Warmwell.
- Concern overflow from surface water will flow into local watercourses and exacerbate existing issues with overflowing water in Moreton Road.

#### **Highway Authority**

- 4.6** The County Highway Authority will require contributions to a Cycle Route Scheme and Traffic Regulation Order for the speed limit proposals under a Section 106 Agreement and for the Developer to enter into a Section 278 Agreement (Highways Act 1980) to ensure the works to the existing highway are properly constructed. Following the above agreements the County Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety and consequently has NO OBJECTION and makes the following recommendations for conditions (see 15.1 below).

### **5. Other consultations**

**5.1 Purbeck District Council:**

Since the application relates to an allocated site for a mixed residential, employment and community facility development in the adopted Local Plan, Purbeck District Council raises no objection. Should WDDC grant permission, it must be satisfied that all material planning considerations are properly addressed, and that the assessment includes consideration of the impact, where relevant, upon land within Purbeck. Of particular interest are issues relating to the impact on the highway network, impact on protected heathlands, noise, flood risk, and air quality.

- 5.2** The developer to ensure that the scheme includes infrastructure to support Superfast Broadband. The Planning Committee also highlighted the importance of joint working between Purbeck District Council and WDDC with regard to joint evidence gathering and master planning for the development of the Crossways area, as required by Policy CRS2 of the Local Plan.
- 5.3** **Natural England:**  
Conservation Of Habitats And Species Regulations 2010  
The application will result in 401 additional dwellings in the vicinity (within 5km and beyond 400m) of the Warmwell Heath Site of Special Scientific Interest (SSSI) and Winfrith Heath SSSI, sites notified for the special interest of their heathland habitats and associated plant and animal species. The SSSI forms part of the Dorset Heathlands Special Protection Area (SPA) on account of rare or vulnerable heathland bird species and are also part of the Dorset Heathlands Ramsar site on account of rare or vulnerable heathland wetlands and associated rare wetland species. They are additionally part of the Dorset Heaths Special Area of Conservation (SAC) on account of rare or vulnerable heath land and associated habitats and some individual species.
- 5.4** The proximity of the European sites (SPA and SAC) raises considerations on the requirements of the Habitats Directive 1992 for these sites to be maintained or, where necessary, restored at a favourable conservation status (Article 3 (1)). Determination of the application should be undertaken with regard to the requirements of the Habitat and Species Regulations 2010, in particular Regulations 61 and 62; and legislative and policy considerations on the protection, conservation and enhancement of the interest features of the SSSI and Ramsar site.
- 5.5** In our view the proposal is not directly connected with, or necessary to, the management of the European sites. Owing to the proximity of the proposal to the European sites, the additional residential development, in combination with other dwellings proposed nearby would be likely to have a significant effect on the heathland interest features of these sites. Before granting planning permission, an appropriate assessment of the implications of the development on these sites should be made. The conservation objectives are to maintain and, where not in favourable condition, to restore, the heathland and other habitat and species interest features. On its own the development may not adversely affect the integrity of the sites, but in combination with other dwellings proposed nearby, without mitigation there would be a deterioration of the quality of lowland heathland.
- 5.6** Natural England is satisfied that the SANG proposed, along with access management and monitoring measures (SAMM) - if fully secured - will deliver reliable measures to avoid disturbance impacts on the heathland. The SANG proposals will also provide a valuable public open space resource for the local community. Natural England therefore fully supports the provision of the SANG and supporting funding provisions as described in the submitted SANG Management and Phasing Plan.
- 5.7** The applicant must be responsible for setting up the SANG, all associated infrastructure and landscaping to a satisfactory standard. Natural England supports the SANG phasing set out in the SANG Management and Phasing

Plan. I also understand that the Dorset Wildlife Trust has now confirmed in principle to take on the freehold and management of the SANG, subject to legal agreements being satisfactorily agreed.

- 5.8** Good progress has therefore been made towards resolving the issues, however, until the proposals are fully finalised, they do not meet the requirement of certainty in the delivery of the avoidance/mitigation measures in the Habitats Regulations. The long term future management of the SANG should be secured through a s106. This will need to identify that DWT will be responsible for the long term management of the SANG and the value of the agreed SANG management fund. Provided the S106 is formally agreed by all parties then I can confirm Natural England has no further concerns regarding this aspect of the application.
- 5.9** The provision of SANG within walking distance of a new development is one important element of the long term mitigation. SANGs are not intended to divert all new residents from accessing the protected sites, but to enable a neutral level of visitor pressure with an equal proportion of existing heathland users being diverted to the SANG. It is necessary for applicants to secure a SAMM contribution relative to the level of residential development which must be in line with the provisions set out in the Dorset Heathlands SPD. Natural England welcomes the applicants' commitment to provide a SAMM contribution. This advice on mitigation measures also applies in meeting legislative and policy considerations on the protection, conservation and enhancement of the heathland SSSIs and Ramsar site.
- 5.10** Comments Relating To Nutrients And The Poole Harbour SAC, SPA And Ramsar Site:  
The proposed development will introduce an additional source of nutrient loading (Total Phosphorus and Total Nitrogen) to the Poole Harbour SSSI, SPA, Ramsar catchment. Designated intertidal habitats and species features at Poole Harbour are affected by eutrophication, including macroalgae growth, encouraged by elevated nitrogen inputs from its catchment. To address the eutrophication a significant reduction in catchment nitrogen input is required from agriculture while avoiding increases derived from development.
- 5.11** Natural England has reviewed the nutrient budget for the development site and SANG and based on the calculation set out in this response is satisfied that the scheme will achieve nutrient neutrality. On this basis, provided the SANG and necessary funding is secured then Natural England has no objection to this aspect of the application. If the Council is minded to grant planning permission in a manner contrary to Natural England's advice, the procedures set out in S.28(1) of the Wildlife and Countryside Act would apply.

The contribution in this instance would be £149,089.00

- 5.12** Other Biodiversity Interests:  
Natural England welcomes the submission the Phase 1 and 2 ecological assessments of the development site. In order to secure appropriate protected species mitigation and biodiversity enhancements within the developed area Natural England recommends that the provision and full implementation of a Dorset County Council Natural Environment Team (DCC NET) approved BMP is made a condition of any permission.



- 5.13 Network Rail:** After reviewing the information provided in relation to the above planning application, Network Rail has no objection to the proposed development.
- 5.14 Sport England:** The occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facilities Strategy, Playing Pitch Strategy or other relevant needs assessment.
- 5.15 The Proposal and Assessment against Sport England's Objectives and the NPPF:** The population of the proposed development is estimated to be 1200 people. This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development. Sport England's Sports Facilities Calculator (SFC) indicates that a population of 1100 in this local authority area will generate a demand for sports halls, swimming pools, indoor bowls and artificial grass

The contributions would be as follows:

- Sports halls: 0.31 court - £234,176
- Swimming Pools: 0.05 pool - £182,570
- Artificial Grass Pitches: 0.03 pitch - £25,916 if 3G (£22,693 if sand)
- Indoor Bowls: 0.10 rink - £35,352

Total £478,014 (if 3G) or £474,791 (if sand)

- 5.16** On reviewing the planning documents we note the provision (outdoor) of a small village green that would be too small for adult football and adult cricket with no changing provision. The indoor provision is a building that has the potential to be used by sport but it is unlikely to have a high enough ceiling for a single badminton court. With some work, we could achieve a small sports hub for the new community that could include outdoor (adult sized) pitches, courts and even bowls. A MUGA would be useful for training, potentially for netball/basketball and young people's play. The indoor provision could be a community/social hub with changing for the outdoor pitches/tennis/bowls as well as providing an important indoor sports space for formal sport and informal recreation (including storage) if designed in that way.
- 5.17** Sport England has produced 'Active Design', a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active

Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in the master planning process for new residential developments.

In light of the above, Sport England is unable to support this application. We will review this position if the developer makes additional representations to address the comments contained within this response.

**5.18 DCC Schools Admission Team:**

DCC will be looking to secure developer contributions towards the provision of education capacity as a result of the development. There will be a need to extend the facilities at Frome Valley First School from 1 Form Entry to 2FE and an extension of St. Mary's Middle School in Puddletown to deliver the Year 5-8 capacity. Also provision of additional Upper School and Post 16 capacity which is currently assumed to be through the delivery of works at Thomas Hardy School but may require the capacity to be developed in another appropriate institution.

**5.19** For the initial 99 houses and based on the published formula for assessing pupil impact of a housing development, we anticipate;

- 12 First School, 10 Middle (5+5) and
- 8 Upper School along with
- 3 'Post 16' learners to be generated from this development.

The additional 401 units will generate;

- 50 Primary,
- 41 Middle School (20.5+20.5),
- 31 Upper School and
- 14 'Post 16' learners to be generated from this development.

**5.20** Across the First, Middle and Upper School phases, DCC have identified for West Dorset a per housing unit cost of £5,444. This mechanism was adopted by DCC in 2013. DCC will look for a total contribution of £538,998 for the initial 99 units with a further £2,183,214 for the remaining 401 units. DCC is aware of the 5 pooling restrictions and is mindful that this development is subject to two of these and does not thus anticipate that the remaining 401 are subdivided into smaller parcels for planning purposes.

**5.21 Historic England (Ancient Monuments):**

As you are aware, we have recently received additional information on this application in the form of a Setting Assessment prepared by Context One. We concur with the conclusion reached in the report that the application - in its current form - will result in a loss of significance to the Scheduled Monument, via a change in setting. However, we do see an opportunity here for the application to be amended at the Reserved Matters stage, which would mitigate harm to the Scheduled Monument.

**5.22 Recommendation:**

We consider that the application meets the requirements of the NPPF, in particular paragraph number 128. We recommend that at Reserved Matters stage the proposed access road is re-located further to the west and north, so that it does not impinge on the sub-surface enclosure remains. We also recommend that a management plan is prepared for the Scheduled

Monument and the enclosure remains within the application area. The management plan should include proposals to manage the entire enclosure as one asset and should include provisions to retain it as an open space, free of potentially intrusive features such as fencing, lighting, drainage or sub-division.

**5.23 Dorset County Council Senior Archaeologist:** Confirms they are in agreement with the response of Historic England with regards to the impacts on the Scheduled Ancient Monument.

**5.24 Dorset County Council Lead Local Flood Authority:**

It is appropriate that we are consulted with specific regard to the Surface Water (SW) management for major development, as defined in the Development Management Procedure Order. We acknowledge the hybrid nature of this application, however, given that a SW strategy has now been submitted for the whole site, we have commented accordingly.

**5.25** • With respect to climate change, the applicant has confirmed that SW drainage will be designed to 1 in 100 year rainfall events with a 40% allowance – in keeping with most recent guidance.

• Further clarification has been provided with regards previously combined SW & highways drainage. SW will be drained through on site soakaways where possible, any remaining run off generated from areas of the site not found to support infiltration will be collected and drained through an infiltration basin to the south of the site. Highways drainage will be drained separately in accordance with DCC Highways adoption standards. Provisional drainage layouts can be seen in Appendix 1 of the above FRA, although it is not clear in this drawing which ponds are for which type of drainage.

• We acknowledge the work completed by Cole Easdon Consultants in relation to maintenance of proposed infrastructure.

• We note the provision in the FRA of a plan which clearly identifies locations of where soakaway tests and boreholes were located.

• A mineral extraction plan is provided in the FRA – this remains unclear since areas on the drawing are marked as having a “Depth to Groundwater after extraction”, but are also marked as not viable for extraction. However, confirmation was provided that only the north eastern corner of the site will be subject to mineral extraction.

• We acknowledge that the applicant will design infiltration features such that Ground Water (GW) levels remain 1m below the base of any infiltration feature, based on maximum GW readings, taken when the local water table has reached its seasonal peak. At present, the ground investigation works do not provide a consistent picture of GW levels. Further ground investigation will need to be undertaken across the site to clarify matters.

• Seepages into trial pits are mentioned within the FRA, but are discounted as representative of the underlying water table. We accept that this is possible, however, seepages will affect the efficacy of any soakaways. Soakaways

should therefore be designed to take into account any loss of capacity that may result.

- We appreciate the clarification provided in regard to SW flow paths and landscaping works that will be completed after extraction in the FRA.

**5.26** Given the additional clarification provided by the applicant and the formulation of a drainage strategy for all phases of the site we are able to Withdraw our Objection subject to conditions.

**5.27 Wessex Water:**

As we have not agreed a foul drainage strategy with the applicant please can you consider the use of a planning condition if the application gains approval.

**5.28 Highways England:**

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 02/2013 “The Strategic Road Network and the Delivery of Sustainable Development” and the DCLG National Planning Policy Framework (NPPF). Highways England has undertaken a review of the Transport Assessment and subsequent transport notes to conclude our audit of the proposals and in determining traffic impacts on the A35, specifically the A35 Max Gate Junction.

**5.29 Trip Generation:**

Combined residential trip generation includes 319 (AM) and 297 (PM) two-way trips. We are prepared to accept the combined trip generation level. The TA also includes for 550 residential dwellings, yet the planning application seeking planning permission for 500. This is a further factor in accepting the trip generation levels presented in the TA. The employment proposals are identified to include the potential for B1 office development, and therefore a ‘business park’ trip rate has been derived from TRICS. In the TA A two-way employment trip rate of 1.99 (AM) and 1.26 (PM) has been adopted, generating 213 (AM) and 134 (PM) two-way trips. It is assumed that the doctors surgery and village hall do not generate trips that would travel as far as the SRN. The TA also assumes 15% internalisation of employment trips, given that a large residential population will be located within a short walkable distance of the employment offices.

**5.30 Trip Distribution:**

Approximately 20% of development traffic is assumed to travel through the A35 Max Gate Junction. WYG have identified committed and/or allocated development for inclusion in traffic scenarios, where there is a reasonable degree of certainty that the development will proceed within the next three years. This has included the Silverlake proposals comprising of 1,000 holiday units, a hotel and leisure facilities.

**5.31 Traffic Impact & Mitigation:**

As part of the planning permission for the Silverlake development, a ‘no right-turn’ mitigation scheme is to be implemented at A35 Max Gate junction. The mitigation scheme is identified for both capacity and safety reasons, and includes the banning of right-turns from the A352 to A35 North. The geometry

of the junction will be amended to reflect this banned right turn. This junction scheme is to be implemented prior to the 225th holiday unit being occupied at the Silverlake site. This trigger was identified in relation to a 2014 opening year traffic scenario in accordance with Highways England policy requirements.

- 5.32** The development proposals are likely to be unacceptable, by virtue of a severe impact, if they increase demand for use of a section that is already operating at over-capacity levels, or cannot be safely accommodated. Following capacity assessment tests, WYG identified a mitigation scheme for the A35 Max Gate junction. This scheme was required in addition to the 'committed infrastructure' already identified for the Silverlake proposals. The combined junction scheme is shown in the WYG drawing. In addition to the banned right turn movements from the A352 to A35 (N), this scheme also includes widening the A35 carriageway and the right-turn lane, and extending the right-turn lane on the A35 by approximately 40m.

This mitigation scheme is supported by capacity assessments presented for a 2017 opening year traffic scenario, a Stage 1 Road Safety Audit (RSA) and Non-Motorised User (NMU) audit.

- 5.33** Mitigation Trigger:  
Highways England has considered the implementation of the A35 Max Gate improvement scheme following a small amount of development build out at the Warmwell Road site. This was a request of WYG in ensuring development viability. Highways England has taken a pragmatic view that a short term pain at the junction would be acceptable, if this meant that a longer term scheme would imminently follow. To determine the trigger at which an improvement would be required (also taking account of its existing trigger level associated with the Silverlake proposals), we considered the potential for 100 dwellings at the Warmwell Road site, prior to the A35 Max Gate scheme being provided.
- 5.34** Taking traffic volumes presented by WYG and the Silverlake proposals, [we] tested a 2017 opening year, plus 224 holiday units (Silverlake) and 100 Warmwell Road units in both the weekday AM and PM peaks. No significant queuing issues were identified for the SRN right turn (A35 to A352) in the AM peak, although in the PM peak, the right turn box positioned central to the A35 carriageway would be at capacity. Taking a pragmatic view, Highways England is aware that the Silverlake proposals have made limited progress, and the potential for 224 holiday units to be delivered by 2017 is unrealistic. Without the 224 holiday units included, the right turn movement is capacity is extended for a short time.
- 5.35** We are able to accept that a maximum of 100 dwellings (based on 35% being affordable) are occupied (and assuming no employment land uses) prior to the full A35 improvement scheme being implemented.

We recommend that the proposals are acceptable subject to planning conditions.

- 5.36** **Dorset Wildlife Trust:**  
As a general principle, given the exceptional national and international

importance of Dorset's habitats and associated wildlife, the Trust would wish to challenge the suitability of the county for a major increase in house numbers and would urge the District Council to seek a re-assessment of the housing targets for the area.

- 5.37** If major housing developments are required, the Trust agrees with the view that these should be located around existing towns and major service villages. Consideration should also be given to how mitigation could be used to provide optimal compensation for the detrimental effects on biodiversity of any potential developments. The proposed development raises particular concerns regarding the proximity of internationally important wildlife habitats, especially heathland. Any mitigation measures, including the provision for new open space, must be of a sufficiently large scale to absorb additional recreational pressure from the new development away from internationally important heathland areas.
- 5.38** However, if having gone through due planning process, the above development does progress, the site has considerable potential for enhanced biodiversity, access and recreation and the Trust is supportive of the significant mitigation proposals outlined in the SANG Management Plan. The proposals could also provide an important element of the Wool to Warmwell Living Landscape Area. The Trust also recognises the careful planning and consultation processes which have been undertaken in relation to this development, including the close involvement of Natural England, DCC Natural Environment Team and ourselves. In particular, the development of a 23ha SANG which, along with other heathland mitigation measures, is welcomed.
- 5.39** The Trust will not object to this planning application on the understanding that:
- All necessary surveys of the development site and proposed SANG area have been completed and full measures have been taken to avoid harm to any protected species and other existing biodiversity interest.
  - A detailed plan of the SANG is produced in consultation with DWT and other appropriate bodies, which ensures that all SANG criteria are met and biodiversity interest is maximised.
  - The above includes a specific restoration plan for the Skippet Heath SNCI.
  - Visitor and access management plan is produced ensuring the SANG operates effectively in the context of the wider area.
  - Effective long-term management of the site is secured in perpetuity (at least 80 years).
  - The use and effectiveness of the SANG is monitored and reviewed with an option for appropriate changes in management to be made if these prove necessary.
  - A holistic approach is taken for the whole area with appropriate biodiversity enhancement measures applied to the residential development including green corridors, native planting, roosting and nesting sites.

- Overall, the environmental impact of the development is minimal and the scheme is nitrogen neutral.

**5.40 Dorset County Council Natural Environment Team:**

Having looked at the application we have the following comments to make:

- The site supports populations of common protected reptiles, badgers, bats and nesting birds as well as other species/habitats of note. Further surveys will be needed to inform design and mitigation as part of the ongoing planning process.
- As the planning application is large enough to trigger EIA, we recommend that all ecological mitigation and enhancements are captured within a Landscape and Ecology Management Plan (LEMP) to ensure full integration of ecological considerations across the whole site.

The Natural Environment Team would be happy to provide further advice as needed as this application progresses.

**5.41 Dorset County Council Rights Of Way:**

Please note that the proposed works directly affect Footpath 2 and Bridleway 1, Crossways as shown on the enclosed plans, and I strongly advise that the conditions below are included in any planning approval:

- The footpath and bridleway must be diverted by legal order and that order must be confirmed before any works obstructing the path are commenced. If the path is obstructed in the absence of such a legal order this department will carry out enforcement action as deemed appropriate.
- It should be noted that the use of this footpath or bridleway by vehicular traffic without lawful authority is an offence contrary to the Road Traffic Act 1988.

Any damage to the surface of the path attributable to the development must be repaired to Dorset County Council's specification, in accordance with Section 59 of the Highways Act 1980. The free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights on the above path then a Temporary Path Closure Order must be obtained. This can be applied for through this office but the application must be completed and returned at least thirteen weeks before the intended closure date. It should be noted that there is a fee applicable to this application.

**5.42 Dorset County Council Mineral & Waste:**

The applicant has identified a number of relevant planning policies but no reference is made to Waste Planning Policy. The relevant statutory development plan concerning waste planning policy is the Bournemouth, Dorset and Poole Waste Local Plan adopted 2006. The Waste Local Plan, through Policy 17, deals with safeguarding waste management facilities. Policy 17 seeks to ensure that non-waste development does not encroach into areas where development could be adversely affected by the operation of waste facilities.

**5.43 The Hybris Materials Recycling Facility (MRF) is located at the southern end of Hybris Industrial Estate. This is a small scale facility where materials**

received from kerbside collections are bulked up and moved on to full MRFs or reprocessing facilities. From the plans available it appears that allotments and residential development is planned within 100m of the existing waste facility. The Waste Planning Authority does not object to these proposals.

**5.44** However, to ensure that there would be no complaints in the future from residents regarding impacts on their amenity as a result of the waste facility if the proposed development is permitted, the Waste Planning Authority are requesting that the Local Planning Authority, through the Environmental Health Officer (EHO) or some other means, satisfy itself that the amenity of residents of the proposed development will not now or in the future be impacted by existing waste operations, and therefore the waste facility will not be restricted or have to bear additional costs to maintain operations.

**5.45** If there is any indication, following investigations, that amenity could be affected with possible consequent impacts on the waste facility, the Waste Planning Authority would object to the proposed development and would want it to be refused, unless suitable mitigation can be agreed. If the Local Planning Authority are minded to override the objection and grant permission, the Waste Planning Authority would want it to be advertised as a departure from the Development Plan.

**5.46 WDDC Housing Enabling Team:-**

Housing need

The West Dorset District Council's Housing Register currently has over 1180 households registered as being in affordable housing need. To address this need the Council's Strategic Housing Market Assessment 2014 (SHMA) suggests that in the region of 104 new affordable dwellings will need to be developed each year. There are 40 households on the West Dorset Housing Register who have declared a local connection to Crossways. The above information is considered to demonstrate a significant level of housing need in the area.

**5.47** This is a detailed application for 99 homes with an outline for 401 homes. The application makes it clear that the development will provide 35% affordable housing. The affordable homes in the detailed application for 99 homes are of a size that will help to meet local housing needs and are reasonably well spread and integrated across the development. The applicant states that all the affordable homes will be starter homes, although appendix B of the planning statement makes reference to affordable rent, shared ownership and the properties being detailed subject to the specification of a Registered Provider.

It would not comply with Local Plan policy for all the affordable homes to be provided as Starter Homes. While it is accepted that Starter Homes may be classed as affordable homes in the future this is not the case now. To comply with Policy 70% of the affordable homes should be rented and 30% intermediate, such as shared ownership. The mix suggested in the Affordable Housing Plan, as attached to the Planning Statement would be acceptable.

**5.48** Summary:

There is a defined need for affordable housing in this area and this development could help to meet this. A review of the Housing Register shows



that the greatest need is for rented homes. In order to comply with the Local Plan, Policy Hous 1, 70% of the affordable homes should be for rent. It would not be acceptable for all of the affordable homes to be developed as Starter Homes.

**5.49 Environmental Health:**

Air Quality

The submitted Air Quality Assessment dated 13th January 2016 is agreed and accepted. However, it is noted that receptors within the Heathfield Park location have not been specifically included within the Assessment, merely mentioned, but I am satisfied that the outcomes of the report are applicable to this site also. The proposed development is located adjacent to a residential area and therefore is likely to have significant effects upon the environment and residents. It is recommended that the developer includes arrangements for protecting the environment and residents from Noise, Vibration and Dust.

- 5.50** This shall also include proposed provisions for the removal of any potentially hazardous waste found / generated on site. A Construction Environmental Management Plan would be an appropriate way to demonstrate that the developer has fully considered these matters. This would need to be submitted to, and agreed by the Local Planning Authority prior to commencement of demolition, and construction. Due to the close vicinity of existing residential dwellings to this site, the construction works should have regard to the following to protect residents from nuisance:

- No bonfires to be held on site at any time.
- Hours of noisy works are to be limited to Monday – Friday 0700 – 1900  
Saturday 0800 – 1300 No noisy activity on Sundays or Bank Holidays

If there are to be any proposed deviations from these hours, the developer shall contact Public Health to discuss these. Start up of vehicles and machinery to be carried out in a designated area as far away from residential / sensitive areas as practicable. Start up and movement of vehicles / equipment etc will be limited to 30 minutes prior to the hours of construction only.

**5.51 Noise**

The Noise Assessment dated 28th January 2016 has been reviewed, and whilst it's contents are broadly agreed with, there are a few issues that need clarifying:

- Page 5 states that an area to the east of the site is proposed for employment land. It is noted that there is a potential for noise from this land. Further details will be needed at some point.
- Table 2 on page 11 shows LAeq's for one of the locations along with an average. Public Health have not been able to get the same average figure either arithmetically or logarithmically. Also, they have included the lower Saturday and Sunday LAeq's in the table. Although I am happy that tables 3 and 4 address this issue, clarification of the levels is required.
- The assessment refers to a 2 metre high acoustic barrier along the site boundary of the business park. This barrier reduces the level to acceptable values. However when a site visit was undertaken, it was noted that at the

northern part of the site the business park is at a much lower level than the proposed development. It is therefore assumed that the barrier would be located at the higher level – this needs to be clarified. At the southern end of the business park the ground level is the same as the proposed development and there are some units that are much higher than 2 metres, including a large ventilation stack on a unit on the eastern boundary of the site. We need clarification that the barrier will be effected in this location.

- Page 16 and 17 refers to the use of mechanical ventilation units on some of the properties so that windows can be kept closed to reduce internal noise levels. We need to know if an assessment of the noise produced by these units has been made.

Andy Bryant has reviewed the additional acoustic information supplied and is in agreement with the Assessment.

#### **5.52** Contamination

The Phase 1 Preliminary Risk Assessment (March 2016) has been reviewed by the Council's Contaminated Land Consultants (WPA Consultants Ltd).

There were a couple of points raised:

1. The appendices were not available and consequently, the Assessment cannot fully be accepted.
2. If permission is granted for the development, Public Health would need to agree any proposed site investigation prior to it's commencement
3. The phasing of the site to be made available to Public Health so we may agree a phased approach to the discharge of conditions.

#### **5.53** **WDDC Technical Services:**

The council does not hold records of any significant flooding event in this particular location other than for minor flood problems associated with surface water occurring on the housing estate on the north side of the development. Given the size of development we would expect DCC FRM to lead on all comments associated with surface water management.

### **Consultation Responses - Summary**

## **6. Other representations**

**6.1** 14 letters have been received from third parties, including one letter on behalf of Woodsford Farms Ltd & Dorset Ramblers. This raises the following points. These raise the following issues;

- Lack of infrastructure to support development of this size.
- Opens floodgates for further development
- Lack of facilities for children
- whether the EIA screening opinion should be reconsidered in light of cumulative impacts following the submission of a gravel extraction proposal for the site.
- the scheme would sterilise more mineral interest than is proposed for extraction & no unacceptably significant environmental impacts from extraction of minerals from the remainder of the land sterilised by the development have been shown

- the employment provision is below that in Policy CRS1
- no assessment of the masterplan by a BREEAM assessor
- should be more detail on proposed improvements in the Travel Plan (refers to footway/cycle links to Moreton station)
- insufficient information on landscape impact of development on the village
- further detail should be provided as regards phasing
- further archaeological work should be carried out in order to assess impacts on the Scheduled Ancient Monument
- no evidence comprehensive masterplan has been drawn up
- perceived “loss” of around 250m of existing public footpath by being incorporated into estate road following development
- It is Rambler’s policy to resist footpath diversions onto estate roads
- presence of rights of way must be taken into account in determining the application
- 3-storey dwellings out of keeping
- Loss of privacy
- Long established right of way along Summer Farm is lost
- Large number of open market and therefore unaffordable houses against affordable housing numbers
- Lack of capacity at local schools
- Road network unable to cope
- 3-storey houses at entrance will dominate the street
- Housing close to Hybris would be contrary to guidelines to keep residential away from B2 uses. Will be affected by noise from Hybris due to prevailing wind
- Management of Warmwell Caravan park do not wish to have access to the SANG and reject offer to remove the fence and install a gate to provide access to the open space due to concerns over safety and security. No approval has been given for works on our land.
- Concerns with additional HGV traffic
- Dangerous crossing Warmwell Road for occupiers
- Other plans for development in the village are not finished
- Application for a slurry lagoon at Summer Farm was a tactic to make this application appear more acceptable

Copies of the letters of representation are available to view on the website - [www.dorsetforyou.com](http://www.dorsetforyou.com).

## 7. Human Rights

7.1 Article 6 - Right to a fair trial.

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

7.3 The first protocol of Article 1 Protection of property

## 8. Relevant Planning History

App. No	Type	Proposal	Decision	Date	Officer
<b>WD/D/16/000 652</b>	DCC	Gravel extraction of up to 131,000 tonnes of sand and gravel; new vehicular access onto B3390 Warmwell Road	DEL		<b>DH</b>

## **9. The Development Plan**

### **West Dorset, Weymouth & Portland Local Plan (2015)**

CRS1 - Land at Crossways  
CRS2 - Land Around Crossways  
INT1 - Presumption in favour of sustainable development  
SUS1 - The Level of Economic And Housing Growth  
SUS2 - Distribution of Development  
ENV1 - Landscape, seascape and sites of geological interest  
ENV2 - Wildlife & Habitats  
ENV4 - Heritage assets  
ENV5 - Flood Risk  
ENV9 - Pollution & Contaminated Land  
ENV10 - The landscape and townscape setting  
ENV11 - The pattern of streets and spaces  
ENV12 - The Design and Positioning of Buildings  
ENV15 - Efficient & Appropriate Use of Land  
ENV16 - Amenity  
ECON1 - Provision of Employment  
ECON2 - Protection of Key Employment Sites  
HOUS1 - Affordable Housing  
HOUS3 - Open market housing mix  
HOUS6 - Other Residential Development Outside Defined Development Boundaries  
COM1 - Making Sure New Development Makes Suitable Provision For Community Infrastructure  
COM7 - Creating a Safe and Efficient Transport Network  
COM9 - Parking Standards in New Development  
COM10 - The Provision of Utilities Service Infrastructure

### **Bournemouth, Dorset & Poole Minerals Strategy (2014)**

Policy SG1 - Mineral Safeguarding Area

## **10. Supplementary planning documents**

### **10.1 Design & Sustainable Development Planning Guidelines SPD (2009).**

- Design Policy A - Work in harmony with the site and its surroundings and the limitations and opportunities these create
- Design Policy B - Involve the right people at the design stage
- Design Policy C - Create walkable and accessible neighbourhoods and plan for a thriving public transport network
- Design Policy D - Create and sustain an appropriate mix of uses
- Design Policy E - Make efficient use of land
- Design Policy F - Create well-defined streets and spaces
- Design Policy G - Create active and overlooked public areas and secure private areas
- Design Policy H - Maintain and enhance local character
- Design Policy I - Create high quality architecture
- Design Policy J - Achieve high standards of environmental performance

**10.2** Landscape Character Assessment SPD (2009)

**11. Supplementary planning guidance**

**11.1** None

**12. Other Material Planning Considerations**

**12.1 National Planning Policy Framework (NPPF)**

The National Planning Policy Framework was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. In terms of decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, grant permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole;
  - or where specific policies in the Framework indicate development should be restricted.

**12.2** The NPPF also states that:

*Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground. (Para. 186)*

*Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work pro actively with applicants to secure developments that improve the economic, social and environmental conditions of the area. (Para. 187).*

**12.3** Other sections of the NPPF relevant to this application are listed below. These will be referred to in the "Planning issues" section of the report.

1. Building a strong, competitive economy
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
12. Conserving and enhancing the historic environment

**12.4 Planning Practice Guidance**

**12.5** On 6 March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This

includes the following statement:

*“This guidance is intended to assist practitioners. Ultimately the interpretation of legislation is for the Courts but this guidance is an indication of the Secretary of State’s views. The department seeks to ensure that the guidance is in plain English and easily understandable. Consequently it may sometimes be oversimplified and, as the law changes quickly, although we do our best, it may not always be up to date.”*

- 12.6** Elements of the Planning Practice Guidance relevant to this application will be referred to in the “Planning issues” section of the report.

### **Public Sector Equalities Duty**

- 12.7** Public Sector Equalities Duty (PSED) came into force in 2011 under the Equalities Act 2010. All public bodies in discharging their functions must have “due regard” to the duty. There are three main aims of the duty;
- removing or minimising disadvantages suffered by people due to their protected characteristics;
  - taking steps to meet the needs of those in protected groups where the needs are different from others;
  - encouraging participation in public life or activities where participation is disproportionately low

- 12.8** It is clear from this that there is no absolute requirement to fully remove any disadvantage – the duty is to have regard to and remove or minimise disadvantage. For this scheme, the responses of third parties have not raised particular equalities issues which need to be addressed.

- 12.9** In addition it is noted that the scheme will provide a new doctors’ surgery. This will expand provision and improve access to healthcare for residents, also meeting increased demand created by the development. A modern purpose-built facility also provides improved healthcare for residents and the pharmacy will also benefit access to this type of healthcare advice and provision locally. All new buildings within the development will be required to comply with Building Regulations which have their own criteria to apply for the design of buildings which also has due regard to the Act.

- 12.10** In facilitating improved healthcare access and the provision of BR-compliant buildings throughout the scheme, it is considered the Local Planning Authority can demonstrate due regard to PSED has been made.

## **13. Planning issues**

### **Principle of Development**

- 13.1** Section 38(6) of the Planning and Compulsory Planning Act 2004 provides that when making a determination under the Planning Acts “the determination must

be made in accordance with the plan unless material considerations indicate otherwise.” The development plan in this case is the West Dorset, Weymouth & Portland Local Plan 2015 (the “Local Plan”).

**13.2** In exercising judgement on the policies in the LP, it is clear that the presumption in favour of sustainable development is pre-eminent, and “should be seen as a golden thread running through both plan-making and decision-taking” (NPPF para.14). That presumption is also enshrined in Policy INT1 which stating:

- i) There will be a presumption in favour of sustainable development that will improve the economic, social and environmental conditions in the area. Where there are no policies relevant to an application, or relevant policies are out of date at the time of making the decision, the following matters will be taken into account:
  - the extent to which the proposal positively contributes to the strategic objectives of the local plan;
  - whether specific policies in that National Planning Policy Framework indicate that development should be restricted; and
  - whether the adverse impacts of granting permission could significantly outweigh the benefits.

**13.3** The spatial strategy in the adopted Local Plan (LP) is set out in Policy SUS2. This establishes a 3-tiered approach to achieving a sustainable pattern of development in the joint plan. The greater proportion of development will be directed towards the main settlements of Weymouth & Dorchester. These towns are the highest priority for development in the LP as the most sustainable locations for future growth. At the second tier in the hierarchy are the smaller towns and largest villages in the plan area. This includes Crossways. Policy SUS2 advises that elsewhere in the plan area, these 2<sup>nd</sup>-tier settlements will be a focus for future development. Within the settlements with Defined Development Boundaries, Policy SUS2 advises that residential, employment and other development to meet the needs of the local area will normally be permitted.

**13.4** The land concerned is allocated in the adopted Local Plan for a mixed-use development under Policy CRS1 and the Defined Development Boundary for Crossways was extended to accommodate this allocation as part of the Local Plan.

Policy CRS1 states as follows;

- “i) Land at Crossways, as shown on the policies map, will provide for a comprehensive mixed-use development to include new homes, local community facilities and at least 3.5ha of employment land.*
- ii) The development will be required to mitigate any adverse effects upon internationally designated heathlands.*
- iii) The development will be required to incorporate measures to secure effective avoidance and mitigation of any potential adverse effect of additional nutrient loading upon the Poole Harbour internationally designated sites.*
- iv) The development will deliver highway improvements necessary for the development to go ahead. The site should be developed in accordance with a comprehensive masterplan for the development prepared by the developer / landowner in conjunction with Crossways Parish Council, adjoining parish councils, Dorset County Council, Purbeck District Council, Network Rail and*

*the local community, and agreed by West Dorset District Council. In order to address sustainable development issues, the masterplan will need to be subject to a sustainability assessment, such as a BREEAM Communities Assessment, carried out by a suitably qualified assessor. The masterplan should ensure that:*

- There is an appropriate mix and layout of uses, including community facilities within the village and there is adequate provision of community infrastructure;*
- The layout secures opportunities to provide improved access and recreational use and promote biodiversity within a network of spaces. This will include the provision and location of Suitable Alternative Natural Green Space (SANGS);*
- Good links to the wider footpath and cycle network are provided through the village. This should include pedestrian/cycle links to Moreton station;*
- The design and layout relates positively to the surrounding area, enhances local character and does not have an adverse impact on the landscape setting of the village;*
- Existing hedgerows, trees and woodland within the development are retained where possible and provision for their future retention and management put in place;*
- Sustainable drainage methods are implemented to manage surface water flooding issues and ensure flood risk is not exacerbated elsewhere;*
- The development is appropriately phased;*
- The layout of the development protects and preserves the significance of Bowley's Camp scheduled monument."*

**13.5** The current application follows the boundaries of the allocated site in the adopted Local Plan. The extent to which the scheme complies with all of the criteria in Policy CRS1 is examined in detail in part 14 of the report. However, the principle of the development of the site is supported by an adopted policy in the Local Plan and is considered acceptable. In addition, officers including the Council's Implementation Team have worked with the applicants to bring forward the hybrid scheme before members. The submission of a detailed scheme for the first phase along with the outline permission for the remainder of the site was intended to contribute positively towards the Council's housing land supply, allowing the detailed Phase 1 to be counted as deliverable within the first 5 years. It is noted that during the consideration of the application, the Council has had to revise its current housing land supply (HLS) from 5.3 years down to 4.94 years following the latest monitoring.

**13.6 Principle of Development - Conclusion:** When the Local Plan was adopted, the Inspector noted that the Council could only just demonstrate an adequate supply of housing in the LP – 5.1 years. Their view was that; *"The overall number of dwellings derived from the various sources of supply is unlikely, however, to be sufficient to meet housing targets to the end of the plan period making it necessary for the Councils to identify further land."* To this end the Council has already embarked on a review of the Local Plan which is only 2 years old in an effort to identify such further land to meet the housing target to the end of the plan period in 2031.

**13.7** In a situation where the Council is actively seeking to identify further sites to address the long-term housing land supply in its main settlements, there remains a pressing need to commit to and deliver the sites already allocated in



the current LP to bolster the short- and medium-term supply. Furthermore, Crossways will remain as a sustainable location for further development at the 'second tier' of the spatial strategy in Policy SUS2. Failure to meet housing needs will continue to leave the LPA vulnerable to the sort of speculative applications which members will have become familiar with when the HLS has slipped below 5 years. For these reasons, the principle of the development of the site as a sustainable extension to Crossways continues to be supported.

### **Housing Land Supply**

- 13.8** The Council has recently released its Annual Monitoring Report of its housing land supply (HLS). Due to an increase in dwelling completions which were at their highest since 2011 and thereby very close to the annual housing target of 775 dwellings per annum across the two Councils, coupled with permissions granted, the HLS currently stands at 4.94 years. This is an increase on the conclusions of an appeal Inspector who considered the Councils' HLS in a public inquiry in January 2017 to be at 4.63 years. Whilst the Authority is very nearly at the 5 year level set out in the NPPF, it nonetheless remains below the required housing supply level.

Paragraph 49 of the NPPF advises that;

*"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*

- 13.9** In a recent Supreme Court ruling; *Suffolk Coastal District Council v Hopkins Homes Ltd & Richborough Estates Partnership LLP v Cheshire East Borough Council* [2017] - the Courts established that where a Council cannot demonstrate a 5-year supply, the "tilted balance" in paragraph 14 of the NPPF will apply. This advises that where policies are out-of-date permission should be granted unless;
- "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;*  
*or—specific policies in this Framework indicate development should be restricted".*

- 13.10** In relation to the reference to "specific policies", a footnote to paragraph 14 of the NPPF confirms that this includes policies relating to Sites of Special Scientific Interest (SSSI) which has implications for the discussion on protected heathlands below. Also the Supreme Court ruling confirmed that "specific policies" relates to policies in the development plan as well as the guidance in the NPPF.

- 13.11** The Supreme Court decision clarified that "relevant policies for the supply of housing" has a narrow interpretation and relates only to those policies concerned with the delivery of housing. This would specifically include Policy CRS1 as a policy allocating the land for housing in the LP. It would also in this situation include Policies SUS1 & SUS2. It should be noted that these policies are not simply disregarded where they are 'out-of-date'. Policy CRS1 still has direct relevance to the determination of the application, but it does not attract

its full statutory weight as part of the development plan as the remaining Local Plan policies unaffected by paragraph 49 continue to do.

- 13.12** The Supreme Court ruling confirmed that the weight to be attached to the affected policies in such circumstances is a matter for the professional judgement of the decision-maker. However, the ruling did clarify that the weight to be applied will be dependent on;

*“the extent to which relevant policies fall short of providing for the five-year supply of housing land, the action being taken by the local planning authority to address it, or the particular purpose of a restrictive policy – such as the protection of a “green wedge” or of a gap between settlements.”*

- 13.13 Housing Land Supply – Conclusion:** In the Council's case, the HLS is only marginally below the 5 years, and moreover can be shown to be heading in the right direction with an increase both in delivery rates and permissions granted. In this set of circumstances, your officer's opinion is that it would be reasonable to continue to apply considerable weight to policies CRS1, SUS1 & SUS2 even if the full statutory weight cannot currently be applied. In addition, the Court ruling provides clarity that the other policies in the LP not affected by paragraph 49 shall continue to enjoy their full statutory weight.

- 13.14** What this means for the consideration of this application is that the principle of development on this allocated site should continue to be supported. The delivery of these strategic allocations in the LP remain critical to the delivery of the strategic objectives of the Plan and achieving a sustainable pattern of development. The current lack of 5-year supply does add a degree of weight to approving the scheme, however this does not automatically override all other considerations. However, the reduced weight to be attached to CRS1 in particular does have consequences for the Council's ability to insist on compliance with all of the criteria set out in the policy. This has implications for the employment land provision and the requirement for a BREEAM assessment for example which is explored further in the report.

- 13.15** Notwithstanding this, the delivery of CRS1 remains a key component of the Council's HLS and maintaining progress towards a consistent 5-year supply. If construction rates are increased through delivery of the current LP's strategic allocations, there is the prospect of the Councils no longer being regarded as a “20% authority” for the purposes of paragraph 47 of the NPPF (LPAs which have to provide a larger additional 20% buffer- as opposed to 5% - to its HLS in recognition of a record of persistent under delivery of housing). The Local Plan Review Issues & Options consultation exercise acknowledged the need to bolster the current housing allocations in the LP through identifying further allocations on which the I&O document sought responses. It follows that the existing commitments in the LP will remain an integral part of the meeting the short- to medium-term housing supply whilst sites in the I&O exercise will be needed to meet the long-term supply over the plan period. For these reasons, there remains a need to support the existing Local Plan allocations to maintain the current progress on the Councils HLS and very considerable weight is attached to this aspect of the development.

### **The Outline Application**

## Proposed masterplan

**13.16** The development is accompanied by an indicative masterplan the outline application area. This divides the proposed areas to be developed into 8 'character areas' (CAs) – [Design & Access Statement – p.47; [http://wam.westdorset-dc.gov.uk/WAM/doc/Design%20and%20access%20statement%20\(4%20OF%205\).pdf?extension=.pdf&contentType=application/pdf&id=1332288](http://wam.westdorset-dc.gov.uk/WAM/doc/Design%20and%20access%20statement%20(4%20OF%205).pdf?extension=.pdf&contentType=application/pdf&id=1332288)]. The remainder of the application site is given over to the employment provision and the SANG to the south. The CAs are identified as follows;

- 13.17**
1. The Village Green – an area immediately south of Warmwell Road between the proposed vehicular access into the site. This is intended to provide a new focal point for the village and provide the village a centre with landscaping and surveillance provided by dwellings to the north and south.
  2. Spitfire Place - This area is located around the main vehicular entrance to the site, east of Heathfield Park. The intention for this zone is to provide a clearly identifiable entrance to the development. The community buildings are located fronting onto the access road with a hard 'piazza' to the south fronted by residential buildings.
  3. Moigne Combe Walk – This area runs on a NW-SE axis through the middle of the larger eastern side of the allocation. The intention is to provide a pedestrian-friendly link through the scheme to link the village green area to the proposed SANG to the south. In addition, as a straight avenue, this character area serves to frame views through the development towards the SANG and the open countryside beyond.
  4. Central Avenue – This area sits in two parts either side of CA3 and includes the majority of the residential development to the east of the Hybris Business Park. The CA assessment notes these areas to be developed at medium to high densities up to 2½-storeys (10.5m) with focal buildings up to 3-storeys
  5. Field View – This area lies to the southern edge of the residential development on the eastern side. This is to be a lower density development of mainly detached properties in larger plots – a characteristic of much of the village's current housing stock. These properties will enjoy a more open outlook at the development's edge whilst also providing surveillance over the SANG. Larger apartment blocks in spacious grounds are also noted for CA5.
  6. Moreton Walk – This part of the site lies on the north-eastern side, adjoining the former Summer Farm buildings and the road to the employment land. This is similarly intended to be an area of low-density development, in sympathy with existing development along Warmwell Road.
  7. Skippett Road – This area lies to the south of the Hybris. It is intended to be a medium- to high density residential development with a mix of terraced, detached & semi-detached dwellings and some apartment

blocks. This area also incorporates provision of allotments adjoining the southern boundary of the existing business park, providing a buffer to the residential areas beyond. This area also intends for terraced and apartment blocks to front onto the proposed allotments to provide a noise barrier from the recycling centre.

- 8. Moigne Combe Lane** – This area lies to the west of Hybris on the site of the current village hall and bordered by the public bridleway heading south towards Mount Skippet. This is shown as a low- to medium-density residential area along its edge with higher density to its core. The central avenue will run parallel to the bridleway, allowing its route and bordering vegetation to remain intact. This CA also incorporates an area of open space around the Scheduled Ancient Monument of the Bowley's Plantation earthwork.

- 13.18** The indicative masterplan (MP) demonstrates how the elements of the proposed development can be accommodated within the site. Thus it can be seen where the SANG and biodiversity mitigation will be provided. The MP shows how current key landscape features on the site can be incorporated into the overall proposals for 500 units. This includes for example the existing copses of trees beyond the south-east corner of the Hybris Business Park, the field hedge and copse bordering the employment allocation and the area around the Bowley's Plantation Scheduled Ancient Monument (SAM). The MP indicates provision for drainage attenuation for the allocation as part of the SANG.
- 13.19** The MP shows how a scheme for 500 units on the site can continue the proposed garden suburb layout approach taken for the detailed Phase 1 layout across the remainder of the proposals. Through this, the hierarchy of streets proposed is set out with the primary route providing circulation through the site and linking the three accesses to the B3390. The hierarchy is further reinforced in the masterplan with secondary roads leading from the primary streets which in turn lead to shared surfaces, home zones and parking courts at the private scale of the street hierarchy. The spaces given over to the street hierarchy allows the scheme to deliver on the height-to-width building ratios in the Council's adopted Design SPD (p.16), thus complying with Design Policy F of the SPD to create well-defined streets and spaces.
- 13.20** The illustrative MP would be able to provide a well-defined perimeter block layout, which the Design SPD acknowledges is an efficient and appropriate use of land, allowing the wider scheme to comply with Policy ENV15 of the LP and Design Policy E of the SPD. Through this layout the scheme can deliver active and overlooked public frontages along the new streets created but also onto the proposed open spaces, particularly the new village green and square for example. It also allows for the provision of secure private areas for residents and would by this meet the requirements of Design Policy G of the SPD.
- 13.21** The nature of the indicative layout and its road hierarchy allows for permeability throughout the scheme, facilitating the following of 'desire lines' for pedestrians and cyclists. Through the scheme, residents and visitors can reach its key elements via direct routes, avoiding lengthy cul-de-sacs or winding dead-ends. The layout allows the incorporation of focal buildings at

key points which assists route finding through the scheme. Thereby provision is made for access to the various elements of the development by a variety of transport modes. It also serves to support links into the remainder of the settlement, a key aspect of helping the scheme and its residents integrate into the village. The MP thereby takes on the requirements of Design Policy A of the SPD to work in harmony with the site and its surroundings, understanding the local landform, how the site fits into the street network, the neighbouring land uses and local features of interest.

- 13.22** The illustrative masterplan also show how the proposed community buildings can form a hub to the development and the wider village at the entrance from Warmwell Road. There is also provision for other amenity open spaces and play areas and allotments incorporated into the MP layout and provision of access to this new infrastructure. It is noted that the remainder of the policies in the Design SPD are largely concerned with detailed design matters which will come to the fore at the reserved matters (RM) stage. Notwithstanding this, Policy H of the SPD requires development to maintain and enhance local character. In the policy it notes that in applying this policy *“this doesn’t mean that development should simply copy what already exists, or that new technologies cannot be used.”* The more formal planned garden suburb style proposed within the masterplan does not have any real existing precedence within Crossways which has had a more organic, less obviously planned pattern of development during the post-war period. It does not however, mean this approach is unacceptable. Delivered well, with regard to the remaining criteria in the Design SPD, the proposed masterplan has the opportunity to enhance its local character, providing a new chapter in ~~its~~ Crossway’s growth and development.
- 13.23 Proposed masterplan – Conclusion:** Establishing a suitable masterplan for the proposal across the wider outline consent is important in ensuring that the scheme can deliver a quality development over the whole site. Policy CRS1 seeks to ensure that quality by having the masterplan subject to a *“sustainability assessment such as a BREEAM Communities Assessment, carried out by a suitably qualified assessor.”* [my emphasis]. This part of the policy is emphasised because it is officer’s opinion that due to the wording of the policy, the Council could not take a position that the lack of a BREEAM assessment was a failure against the policy if a suitable sustainability assessment is otherwise submitted.
- 13.24** The submitted sustainability assessment evaluates the scheme against the criteria and policies in the Design SPD. As can be seen from your officer’s assessment above, it is considered that the MP addresses the relevant aspects of the SPD’s policies to deliver a scheme which works in harmony with the site and its surroundings whilst creating places with an appropriate mix of uses where people can get about easily without needing to use their cars. The masterplan creates well-defined streets and spaces whilst making efficient use of the land. It also provides for public areas of activity, overlooked by people in buildings, and private areas which are secure. It further with maintain and enhance local character. In addition, as can be seen from the discussion on the Phase 1 below, it can be seen that at the detailed stage, the designs will deliver on strengthening the local identity of the area whilst creating high quality architecture.

- 13.25** Your urban design officers note in relation to the submitted scheme, the broad layout, landscape strategy, provision of SANGS, linkages to the wider area, community infrastructure and treatment of Warmwell Road have all been dealt with successfully. It is also noted that the Design & Access Statement provides further suitable commentary on the masterplan principles although this is not technically all part of a single comprehensive masterplan. For these reasons the proposed illustrative masterplan is considered to provide a suitable basis for guiding the proposed outline development. It can be seen from the Phase 1 proposals how the wider masterplan can be delivered in practice as a detailed scheme. Provided the later RM submissions for the outline permission achieve the standard of the first phase, there can be confidence of delivering quality across the allocation. The proposals are therefore considered to comply with this aspect of Policy CRS1 and the Council's adopted Design & Sustainable Development Planning Guidelines SPD (2009).

### **Traffic and Travel**

**13.26 Highway Network Capacity:**

The application is accompanied by a Transport Assessment and Travel Plan. A key aspect is the impacts of traffic movements on the wider highway network, particularly where the local highway network meets the A35 trunk road with the west-heading traffic using the Max Gate junction of primary concern. There is also the prospect of this traffic increasing usage of the level crossing from Crossways over the Weymouth - Waterloo mainline train line. Members will be aware of these issues affecting additional traffic from Crossways in relation to their consideration of proposals for the Silverlake holiday home development and the Frome Valley Road residential scheme (WD/D/15/001606). The consultation exercise has not produced particular concerns over traffic movements in other directions such as south to the A353 or north to the Tolpuddle junction of the A35.

- 13.27** It is noted in this instance that Network Rail have not raised objections to the proposals and in this particular situation, no further matters are raised with the respect to the prospect of additional traffic using the level crossing at Woodsford.

- 13.28** As with the Silverlake proposal, Highways England had raised concerns during the consultation process over the prospect of additional traffic using the Max Gate junction of the A35 with the A352 on the south-east edge of Dorchester. Highways England state that the applicant's assessment of trip rates from the proposed affordable housing units was too low but nonetheless overall accepts the residential trip rates put forward by the applicants. With regards to the employment provision, Highways England's view is that the trips rates associated with up to 12,522 m<sup>2</sup> of employment floorspace (based on B1 uses) could be accommodated on the highway network from the site. This includes a discount for 15% of the trips to be local – i.e. from Crossways to the employment site. The TA includes assessment of existing commitments such as Silverlake in the assessment of impacts.

- 13.29** Overall, Highways England's view is around one-fifth of trips generated by the proposals will travel via the Max Gate junction. Part of the proposals for

Silverlake included a scheme for making Max Gate preventing right turns from the A352 turning onto A35. As part of the Silverlake permission, there is a trigger to deliver these works before 225 of the holiday units are occupied. As part of this development, further improvements to this junction are proposed by widening the carriageway and extending the right-turn lane on the A35 to increase capacity. HE accept the principle of this scheme and agree this to be an acceptable approach to mitigate the traffic impacts of the development.

- 13.30** Highways England have considered a position from the applicants that the costs of delivering these improvements as a precursor to any development happening on the Warmwell Road site would have considerable impacts on the development's viability. They have sought to apply a degree of flexibility and accept that some short-term inconvenience may be acceptable provided that a long-term solution is delivered to improve the junction. They therefore advise that up to 100 dwellings can be occupied before triggering the need to deliver the proposed improvements to the Max Gate junction. This is proposed to be secured in the legal agreement.

**13.31 Highway Safety & Parking:**

The principal access to the site will be from Warmwell Road at the location of the proposed new surgery and village hall. A separate access further east along Warmwell Road is indicated to serve the employment allocation, linking into the residential area to provide permeability through the site. A further estate road from Warmwell Road on the position of the existing access to the village hall will provide access to the later phases linking in to the remainder of the scheme.

- 13.32** As set out below in the section on layout and urban design, works are proposed to Warmwell Road either side of the proposed new junction to serve Phase 1 to improve pedestrian safety across this road. The scheme will provide a cycleway along part of Warmwell Road between the western and central access points as well as a financial contribution towards DCC providing new cycle links further afield toward Moreton Station.

- 13.33** The nature of the site allows vehicular accesses with adequate visibility to be provided from Warmwell Road and with a package of measures to manage and reduce speeds along this current stretch of the B3390. Similarly within the site, there are no particular constraints to providing a layout to meet highway standards for safety and movement whilst complying with urban design aims of connectivity and permeability. The capacity of the local highway network to accommodate the additional traffic generated by the proposed residential, community and employment development has been taken into account.

- 13.34** As set out in the Phase 1 discussion below, the scheme provides parking for the proposed dwellings in a mix of on-site, on-road and parking courts. The parking levels accord with the standards set down in the adopted Bournemouth, Poole & Dorset Residential Car Parking Study, the implementation of which is set down in the adopted Policy COM9. Having regard to the indicative masterplan layout for the remainder of the site, there are no obvious concerns about the ability of the later phases to similarly deliver development with parking to meet these standards utilising the same variety of provision whilst remaining in accordance with the garden suburb vision for the

scheme.

- 13.35 Traffic & Travel conclusion:** Policy COM7 seeks to locate development generating significant movement in locations where the need to travel will be minimised and the use of sustainable transport modes including public transport, walking and cycling can be maximised. As a focus for development under the spatial strategy in the LP, Crossways is a settlement which meets these criteria with access to public transport facilities with both bus and train services within walking distance of the site. The estate road has been designed to accommodate bus services being diverted through the development to serve residents. Links to the station will also be improved for pedestrians and cyclists and measures in the submitted Travel Plan will promote use of these alternative options.
- 13.36** As a mixed-use scheme, the development provides opportunities long-term to access employment locally as well as community facilities and extensive recreational areas. Thus the scheme can deliver access to a range of day-to-day facilities by means other than the private car, delivering social and environmental benefits. Furthermore, the scheme allows for access to the remainder of the village, providing suitable links for new residents to access the school, shops, library and so on. By providing these in a safe manner, the development can promote integration into the village. Through the physical measures and the Travel Plan, encouragement can be given to accessing these facilities by sustainable travel modes.
- 13.37** Highways England have confirmed that the development will have acceptable impacts on the trunk road network subject to safeguards to ensure improvements to the Max Gate junction to accommodate the additional traffic on this route. The Highways Authority have not raised objections with regards to the capacity of the remainder of the highway network to accommodate the traffic generated by the overall development. For these reasons, the scheme is considered to meet the test in Policy COM7 to ensure the volume of traffic likely to be generated can be accommodated without exacerbating community severance or resulting in severe cumulative impacts on the efficiency of the transport network. It is further considered to have demonstrated it complies with the test in COM7 not have a severe detrimental effect on road safety.
- 13.38** Phase 1 of the proposals complies with adopted parking standards set down in Policy COM9 and there are reasonable prospects the remaining phases can deliver the rest of the proposed residential element whilst meeting this parking standard. The Highways Authority have considered these proposals and have not raised objections to the scheme subject to the provision of financial contributions towards the off-site highway works. With these contributions secured, it is considered that the scheme will comply with the tests in Policy COM7 & COM9.

### **Employment Provision**

- 13.39** The outline permission proposes to provide 2.5ha of employment land. This is located at the far eastern end of the allocation adjoining the junction of Warmwell Road with Moreton Road. A separate vehicular access from Warmwell Road is proposed to serve the employment allocation which will link into the residential element to the south, providing a secondary route into the



development. The area of the employment allocation largely follows the field boundaries of an existing parcel of land lying inside the junction of the two roads. The illustrative masterplan indicates retention of the existing field hedges and a small copse to the south providing a physical and visual buffer between the employment and residential areas and the proposed SANG.

- 13.40** In terms of the location of the employment land, it is noted that this is not sited next to the current business park at the Hybris which might be an expected location for the further business units. However, the adjacent land could not serve as an 'extension' to the business park as it is not feasible to effectively link into Scotton Way due to the relative ground levels, thereby defeating the purpose of siting the employment allocation next to the Hybris. As noted in the discussion on the masterplan above, greater importance is given to creation of a centre or hub for the village around Warmwell Road where this also links well to current facilities along Mount Skippet Way for example. This would be compromised by locating the employment land east of the Hybris.
- 13.41** In addition, there is considered to be logic in the proposed location of the employment land at the Fiveways junction. Here ~~ist~~ relates to a number of existing businesses clustered around this road junction and is furthermore closer to public transport links at the railway station. Paragraph 12.3.1 of the LP notes that the north-east corner of the site is *"likely to be more suited to employment uses as a key employment site."*
- 13.42** The policy requirement in the CRS1 allocation is for the provision of at least 3.5ha of employment land. The proposal is therefore deficient in its employment provision against the policy by 1ha or 30%. The proposal is therefore ~~on its face~~ contrary to Policy CRS1. The question is therefore, is it acceptable to approve the outline application where it is under-provides against the criteria in CRS1.
- 13.43** It is important to note that the current lack of 5-year supply does render this policy out-of-date as explored above. The policy continues to have considerable weight as clarified in paragraph 13.13 above but the lack of statutory weight which can be attached does in your officer's opinion impact on the ability of the Authority to resist the application solely because of an under-provision of employment land. It should be noted that this assessment is a matter of fact and degree. If the scheme did not provide any employment provision at all, the assessment may be different – it doesn't and the extent to which it is deficient (30%/1ha) is relevant. In making this assessment it also needs to be borne in mind that the allocation is further protected as a Key Employment site as set down in Table 4.1 of the Local Plan (p.82). It is therefore covered by Policy ECON2 which does still enjoy statutory weight.
- 13.44** It is noted that the employment provision for the joint Local Plan area is one of the elements the Council is consulting on as part of the LP review in its Issues and Options document (Feb. 2017). This notes that the NPPF requires Councils to regularly review its employment allocations and not to protect sites indefinitely where there is no reasonable prospect of the allocation coming forward. The proposed approach in the I&O consultation is to retain the key employment allocations (Fig. 20.1 p.119) with the allocation on CRS1 part of these.

**13.45** The consultation process asked whether the Key Site approach was potentially frustrating other objectives of the plan. In particular it sought to identify whether only those sites performing a very important role in the local economy should be identified as “key” and therefore offered the strict protection under Policy ECON2. The remaining sites falling to be considered under Policy ECON3 (protection of other employment sites). The consultation exercise also sought views on whether other areas should be added to the Key Sites list.

**13.46** Views have been sought from Planning Policy with regards to the proposed employment provision. They have responded as follows;

*“The proposal only includes 2.5ha of employment land, 1ha below the minimum requirement as set out in policy CRS1, Policy SUS1 and lower than the level protected as a key employment site as set out in table 3.3 of the adopted Local Plan (2015). The applicant did however submit some evidence to support the proposal of a lowered amount of employment land which includes a Commercial Property Demand Report carried out by Symonds and Sampson (10<sup>th</sup> September 2015). The report states the issues with transportation to the site including a low rail bridge from the eastern direction and small winding roads accessing Crossways from the southern and northern directions, resulting in Crossways being less accessible for larger vehicles. The report also states that the bulk of the demand in Crossways is for smaller lock up units (750-2,000sqft) and these will reach saturation fairly quickly. Although the findings of the report are important in relation to this application, we would say that report provided is very basic and does not provide a significant amount of evidence to support the conclusions raised. One of the major conclusions raised in the Commercial Property Demand Report is the lack of demand for especially larger units in the area, we do understand these concerns however at present the aim of allocating employment land in the adopted Local Plan is not necessarily for the current level of demand but for the need for employment land throughout the plan period.”*

**13.47** *“However although the proposal does go against policies in the adopted Local Plan in relation to employment land it is very apparent that the site delivers other positive benefits, including 35% affordable housing, a replacement village hall and new doctors surgery. In the planning balance the other provisions provided by the development for the local community outweigh the lower provision of employment land by 1ha and will provide a positive benefit to the local area.”*

**13.48** The Authority is not necessarily convinced therefore by the applicant’s economic statement. Nonetheless at this point it does not have any specific evidence to counter this position and there is a lack of comparable situations in the vicinity to suggest otherwise. A long-standing former employment allocation at land adjoining Oaklands Park (also known as the Hippy Field) which is 100m from the site and has had a number of planning permissions but remains undeveloped.

**13.49** **Employment Provision - Conclusion:** A potential under-provision of employment land on a key site is considered to be a negative aspect of the scheme due to its conflict with Policy ECON2 & CRS1. This will need to be

weighed in the balancing exercise set out in Section 14 below. The extent to which this is a negative factor is dependent on the fact that the scheme will continue to provide new employment opportunities in a settlement in the 'second tier' of the Council's spatial strategy. It will help to provide balance in the community due to significant expansion under Policy CRS1, meeting the objectives in the LP to support the local economy to provide opportunities for high quality, better paid jobs and provide greater opportunities to reduce car use. This is why a scheme which provides the greater proportion – but not all – of the employment allocation in a sustainable location is viewed differently to one which did not deliver any employment and therefore led to considerable out-commuting from Crossways.

- 13.50** The extent of employment provision which may be provided on the proposed site could still be considerable in meeting local needs and there is not always a direct correlation between site areas, building sizes and employee numbers; some sites being operated more intensively than others. The proposed employment allocation still has the potential to provide significant economic benefit and this affects the extent to which the under-provision of employment land is a negative factor in the balancing exercise. It is feasible that the employment area could be extended into the future although this may have implications for the SANG provision and therefore only limited weight is attached to this. These matters will be given due weight in the balancing exercise.

### **Minerals**

- 13.51** The site lies in a Minerals Safeguarding Area (MSA) identified in the adopted Bournemouth, Dorset & Poole Minerals Strategy (2014). As a result, Policy SG1 of the Minerals Strategy applies to the site. This provides that:

*“The Mineral Planning Authority will resist proposals for non-mineral development within the Mineral Safeguarding Area, as shown on the Policies Map, unless it can be demonstrated that the sterilisation of proven mineral resources will not occur as a result of the development, and that the development would not pose a serious hindrance to future mineral development in the vicinity.*

*Where this cannot be demonstrated, and where there is a clear and demonstrable need for the non-minerals development, prior extraction will be sought where practicable and where it would not leave the site incapable of non-mineral use.”*

- 13.52** Mineral Safeguarding Areas are defined in the Minerals Strategy as areas considered to contain a valuable mineral resource which should be safeguarded against sterilisation by development. The application site lies within the Superficial Sand and Gravel Resource Block and the Bedrock Resource Block, the primary sources of sand and gravel in Dorset, with the resource blocks covering large areas of the county including the vast majority of Crossways parish outside the village DDB and a considerable proportion of the Frome valley.
- 13.53** The purpose of the MSA designation is not to sterilise all forms of non-mineral development in these areas but to ensure the mineral interest is given due

weight when non-mineral development is proposed. To this end, paragraph 14.13 of the adopted Minerals Strategy indicates that where non-mineral development within an MSA would pose a serious hindrance to future extraction or processing of mineral resource in the vicinity, the mineral planning authority will work with the relevant district/borough and or/the developer to assess the feasibility of, and where possible ensure, prior extraction of an agreed proportion of the mineral resource before it is sterilised. It is further noted that proposals for prior extraction of minerals must demonstrate that the site will not be left incapable of development for non-mineral use. Paragraph 14.14 adds that it is expected that the developer will carry out the necessary site investigations to prove the mineral resource and that these will take into account factors such as the availability of the minerals, its relative scarcity, the timescale for the development going ahead, the possible extraction of the mineral and the viability of such extraction.

- 13.54** Trial pit data provided for the application site indicates the presence of sandy topsoil and River Terrace Deposit Sands varying in thickness between 0.25 and 1.2 metres, overlying River Terrace Deposit Gravels varying in thickness between 0.4 and 3.25 metres (absent from Trial Pit 10), overlying Poole Formation. The River Terrace Deposits ('sharp' sand and gravel) and Poole Formation ('soft'/building sand and gravel) are the mineral resources exploited in local quarrying activity and are of relevance to Policy SG1. Estimates quoted in the Minerals Strategy for unconstrained areas within the identified resource blocks indicate remaining reserves of approximately 684 million tonnes in river terrace deposits and 1,803 million tonnes of sand within the Palaeogene bedrocks (paragraph 7.40).
- 13.55** In accordance with the provisions of the Minerals Strategy, representatives of the mineral planning authority (Dorset County Council) were involved in pre-application discussions concerning the mixed-use development proposals. Accepting that the mixed-use allocation responds to identified development needs and in recognition of the pressing need for housing in West Dorset, the County Council's officers have sought provision for securing the prior extraction of a proportion of the mineral resource underlying the site before it is sterilised by the proposed development. This has led to the submission of a planning application to the mineral planning authority proposing the extraction of up to 131,000 tonnes of sand and gravel from an area of approximately 5.71 hectares of land within the allocated area (App. No. WD/D/16/000652 - <http://countyplanning.dorsetforyou.com/ePlanningOPS/loadFullDetails.do?apld=5598>). The subject area extends south of the Summer Farm buildings and stretches east to the Moreton Road and therefore includes the employment allocation and part of the proposed SANG area as well part of character areas 3, 4, 5 & 6. It does not include the area in which full planning permission is sought at this stage.
- 13.56** The application envisages that extraction would take one year to complete, with the restoration of the site being through the site's redevelopment as part of the outline planning application before members. In brief, the proposal provides for the extraction of up to a 1.0 metre depth of sand and gravel, thereby avoiding any deep ground disturbance and allowing for the maintenance of 2 metres of unsaturated ground above the natural water table. It is submitted that this would then allow for the use of soakaways as a means

of managing storm water discharge from the proposed mixed use development, prevent potential contaminants from reaching groundwater's and avoid the need for infill material to be imported to the site prior to the site's mixed use development. No mineral processing facilities are proposed to be provided on site, the proposal being that the extracted sand and gravel be exported by lorry for processing at an existing facility elsewhere.

**13.57** The County Council advises that the level of extraction proposed is likely to account for between one quarter and one eighth of the gravel resource anticipated to underlie the areas proposed for development. Dorset County Council considers this to be a small, but significant proportion of the mineral resource believed to be present. In the opinion of the mineral planning authority, a greater proportion of the available mineral resource could be obtained through shallow extraction across a wider area than presently proposed and/or slightly deeper extraction followed by such backfilling as may be necessary to ensure maintenance of the desired 2 metres of unsaturated material above the groundwater level, with such backfilling utilising material imported to the site and/or excavated from other parts of the development site, but acknowledges that such extraction is likely to be near, and potentially beyond, the margins of economic viability. It has also been acknowledged that importing fill material to render the site capable of development could significantly delay the delivery of the allocated development.

**13.58 Minerals – Conclusion:** Accordingly, subject to the grant of planning permission securing the prior extraction of mineral at least equivalent to that proposed in planning application WD/D/16/000652, the County Council has indicated that the mixed used development proposal is considered acceptable under Policy SG1 of the adopted Minerals Strategy and that such extraction is unlikely to leave the allocated area incapable of non-mineral use.

**13.59** The minerals application remains undetermined by the County Council, in part pending the decision on this application. The scheme provides for prior excavation where this is practical whilst at the same time not compromising the delivery of the Phase 1 full permission. A 12 month extraction period for the minerals would work with a construction period on Phase 1, limiting the possibility of residents of the new development being affected by minerals operations nearby. In order to deliver this – thus complying with Policy SG1 – a requirement for this is proposed in the Heads of Terms of the s106 agreement. This is to ensure not only that the minerals excavation takes place but also that this is scheduled at the beginning of works on the land as part of an agreed phasing plan. With these safeguards, the proposal is considered to comply with the provisions of the adopted Minerals Strategy.

#### **Archaeology & heritage assets**

**13.60** Within the western side of the wider outline application is sited a Scheduled Ancient Monument (SAM) described as a “prehistoric earthwork in Bowley’s Plantation”. It is noted that there is no Conservation Area for Crossways. The nearest listed buildings to the site are the Frampton Arms pub and its outbuildings at the level crossing at Moreton station. Due to the distances involved – over 800m from the nearest point of the site along Warmwell Road – the development is not considered to materially impact on the setting of these listed buildings. There is a further SAM approximately 350m south-east

of the corner of the proposed SANG. This is Tinkers Barrow, a Bronze Age bowl barrow set within a woodland.

- 13.61** Due to the distances to the other heritage assets listed above, it is considered that the assessment of the impacts on heritage assets is concentrated on the Bowley's Plantation SAM. Around half of the area of the monument lies outside the application site in a wooded area adjoining the Hybris. Within this area, it survives as an identifiable above-ground earthwork consisting of raised banks of two sides of a rectangular enclosure. It is only this part which is protected as a SAM. Within the site itself, visible remains of the monument have been ploughed out. However, a geophysical survey undertaken in support of the application appeared to establish the remainder of the enclosure survives as a sub-surface feature.
- 13.62** Field investigations of the site carried out earlier this year found dating evidence within the bank and ditch feature dating back to the late Iron Age. No evidence of the use of the interior of the enclosure was found. Iron Age enclosures are common across Dorset but this site is unusual for its lowland location as opposed to the more widely known hillforts and also its double-banked construction, making it an important element of the later Iron Age central Dorset landscape.
- 13.63** The application is accompanied by a settings assessment. This advises that there will be impacts to the setting of the SAM and thereby its significance with the possibility that the current indicative layout could involve a road over the sub-surface remains, or at best right up to the remains. The report notes; *While the physical integrity of the monument as a whole will be maintained, the asset will be visually isolated from its setting with the introduction of suburban elements to this rural monument. As such, it is argued that the net effect will be to cause harm to the significance of the asset*.
- 13.64** The report therefore proposes mitigation for these impacts. As no features were identified outside of the SAM, they suggest a 5m protection buffer to the remains. This will require the indicative layout to be amended in the vicinity of the monument. The report also recommends assisting in the interpretation and appreciation of the SAM by providing enhancements to the understanding of the remains. It suggests it would be desirable to establish access around the entire monument, removing current undergrowth which partially obscures the upstanding remains outside the application site to allow for better understanding of the site. In addition, interpretation panels are suggested along with a walking route around the monument.
- 13.65** **Archaeology & heritage assets – Conclusion:**  
It is noted that aspects of the proposed mitigation suggested by the Settings Assessment cannot be secured because they lie outside of the applicant's control. The statutory designation of the SAM extends only to the upstanding earthwork which lies outside the site and therefore the impact of the development is on the monument's setting. As the full mitigation could not be delivered, then it must be assumed that the net effect will be harm to the significance of the asset as set out above. The assessment which needs to be made is whether this results in substantial harm as this introduces different tests under the NPPF.

- 13.66** The NPPG advises that for a development to result in significant harm is a high test so it may not arise in many cases. It is the degree of harm to the asset's significance rather than the scale of the development that is relevant. The NPPG confirms the harm may arise from development within its setting. In this case where the integrity of the actual remains can be preserved by amendments to the layout of the scheme at the RM stage and there are no physical impacts to the SAM itself, the conclusion is that the development would result in less than substantial harm to the significance of the monument.
- 13.67** Paragraph 134 of the NPPF advises 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 securing its optimum viable use. The responses of Historic England and the County Archaeologist are noted. In these circumstances the impacts to the SAM are considered to be acceptable when balanced against the considerable benefits the remainder of the development provides.

**Landscape impact:**

- 13.68** The site lies within the Crossways Gravel Plateau Landscape Character Area in the Council's adopted Landscape Character Assessment SPD (LCA). The site is outside the AONB. The assessment identifies this as a heath and forest mosaic landscape type. The LCA identifies the southern and eastern parts of this character area have a more intimate feel due to the undulating landform and increased woodland cover and notes the characteristic intimate landscape and filtered views from within the wooded and undulating land in the east. Due to the relatively flat nature of the site and the surrounding area coupled with the mosaic of woodland over the wider area, long-range views of the site are limited.
- 13.69** As set out in the masterplan assessment, the scheme looks to incorporate existing landscape features within the site thereby retaining important parts of the existing landscape framework. This retains existing trees and copses/woodland areas as well as field hedges. Consequently views of the development would only become apparent in closer range views. From these points, the development would result in the change from an agricultural character to a built development, extending the village into the surrounding countryside.
- 13.70** **Landscape impact - Conclusion:** As part of the scheme, the key landscape elements in the LCA are retained. Views of the development are filtered through the retained hedges and tree belts. In the vicinity of Warmwell Road, the development would appear as a logical extension to the settlement where the developed area of the village is readily apparent. The garden suburb layout fits well with village fringe character where a sense of spaciousness and a verdant appearance are characteristic. Moreover, with the provision of the SANG, the scheme represents an opportunity for the scheme to contribute to the landscape character of the area. The proposals are therefore considered to comply with Policy ENV1 of the Local Plan.

**Heathlands and Poole Harbour Site of Special Scientific Interest**

**13.71 Dorset Heathlands:**

The application site is within 5km of both the Warmwell and Winfrith heathland SSSIs. These European-level designations are in recognition of the international importance of the surviving fragments of lowland heath in Dorset. These provide habitats for numerous protected species including all native reptile species. A requirement of CRS1 is for the development to mitigate any adverse effects upon internationally designated heathlands. .

**13.72** Monitoring and evidence from Natural England demonstrates the negative impacts of increased residential development in proximity to the protected heathlands. The SSSIs are particularly vulnerable to detrimental effects from domestic pets with dog walking identified as a principal issue where species such as nightjar and other ground nesting birds can have their habitats disturbed. As a consequence of these impacts, Natural England has recommended an effective embargo on new residential development within 400m of the protected heaths.

**13.73** In addition, NE's evidence demonstrates that increases in residential populations up to 5km from heathlands can adversely impact on the integrity of the heaths particularly when the cumulative impacts of all residential development within a 5km zone is taken into account. This is due to the propensity for residents to still travel to the heaths for recreation, dog walking and so on at these distances. However, Natural England recognise that to prevent all form of development within the 400m to 5km zone would have significant implications for the growth of the main settlements in the County, in effect stymying all further residential development within the Poole/ Bournemouth conurbation for example.

**13.74** In order to facilitate a solution to this issue, NE's position is that residential development can occur within the zone up to 5km provided suitable mitigation is provided for the impacts of development on the integrity of the heathlands. In the majority of cases this takes the form of a financial contribution per dwelling which is used for management of existing heaths such as wardening or education and the provision of Suitable Alternative Natural Greenspace (SANG). For the majority of applications, the Council's CIL contributions in the affected areas are 'top-sliced' to provide the heathland mitigation contribution to be put towards appropriate projects off site.

**13.75** However, where the number of units exceeds 50, Natural England's position within its adopted Planning Framework SPD is that SANG provision should be made on-site as part of the development. It is also noted that this Strategic Allocation is specifically excluded from CIL by the Local Plan and therefore there is a need to secure bespoke infrastructure contributions via a s106 agreement.

**13.76** The SANG contribution is as detailed in para. 2.12 – 2.13 above and the application proposes the change of use of this land from agriculture to SANG. The applicants have worked with Natural England in developing the SANG proposals for this site. The application is accompanied by a management plan for the SANG which sets out the criteria for establishing the extent of SANG required which is based on a formula of between 8 – 16ha of SANG per 1,000 population growth depending on the quality of the SANG. At 500 units the management plan calculates the overall population growth across the total



scheme as 1,200, creating a SANG requirement for between 9.6 – 19.2ha. Therefore at 22ha, the SANG would represent an overprovision irrespective of the quality of the natural greenspace provided.

- 13.77** The SANG contribution is divided into five parcels to be delivered as phases relative to the nearest residential element. The management plan sets out the key management objectives / operations for each SANG unit including the restoration of heath within one of the phases and the habitats contained within them with a clear plan. In addition, the management plan sets out a cost for the setting up the SANG and an annual maintenance costs for the life of SANG (80yrs) at a cost of £960k. This will need to be secured via the legal agreement. Full details of the management of the SANG can be found here; [http://wam.westdorset-dc.gov.uk/WAM/doc/Supporting%20Documents%20\(SANG%20MANAGEMENT%20AND%20PHASING%20PLAN\).pdf?extension=.pdf&contentType=application/pdf&id=1343510](http://wam.westdorset-dc.gov.uk/WAM/doc/Supporting%20Documents%20(SANG%20MANAGEMENT%20AND%20PHASING%20PLAN).pdf?extension=.pdf&contentType=application/pdf&id=1343510)

**13.78 Poole Harbour SSSI**

Natural England's advice is that additional; residential development results in additional nutrient loading (nitrogen & phosphorous) into the Frome river catchment and thereby into Poole Harbour. Poole Harbour has SSSI, SPA and Ramsar designations. Additional nutrient loading into Poole Harbour is adversely affecting the nature conservation interest in these internationally designated sites and therefore NE's position is to ensure that new development should mitigate for these impacts by not increasing nutrient loading whilst addressing agricultural impacts – the chief cause of nutrient loading at Poole Harbour. Again, within the areas affected, the CIL contribution is normally used to take financial contributions to be used in mitigation for these impacts. However, this does not apply to this CIL-exempt site.

- 13.79** The change of use of the land from agriculture to SANG and from agriculture to urban represents a benefit in addressing the nutrient issues which is balanced against the additional nutrients generated from additional residents. The deficit created by this requires a financial contribution of £149,089. This will need to be secured as part of the legal agreement.

**13.80 Heathlands and Poole Harbour Site of Special Scientific Interest –**

**Conclusion:** As advised in Natural England's consultee response, the LPA is the competent authority for the purposes of the Habitats Regulations. Due to the potential impact of the development on the European-level protected sites, the Council is required to carry out an appropriate assessment before determining the application. In conjunction with the advice from Natural England, the assessment is that with the proposed mitigation measures of the provision of SANG and its management along with the proposed financial contribution towards the Poole Harbour nutrient impacts, the scheme provides acceptable mitigation for the development's impacts on the internationally protected sites. Therefore the scheme complies with Policy ENV2 of the Local Plan.

**Surface Water & Flood Risk**

- 13.81** The requirement in Policy CRS1 is for sustainable drainage methods to be implemented to manage surface water flooding issues and ensure flood risk is not exacerbated elsewhere. This mirrors the test in Policy ENV5 to steer

development towards the areas of lowest risk and ensuring development will not generate flooding through surface water runoff or exacerbate flooding elsewhere.

**13.82** The site lies within Flood Zone 1 outside the area of highest flood risk, thereby complying with this aspect of ENV5. The scheme is accompanied by a drainage strategy for the site. This is based on sustainable methods and has affected the proposals for mineral extraction on the site as set out in para.13.56 above. The strategy also includes provision for drainage ponds within the SANG which is compatible with the wildlife and habitat aims of the SANG provision.

**13.83** **Surface Water & Flood Risk – Conclusion:** The drainage strategy has been considered by the LLFA. They advise that the proposed strategy will provide an acceptable solution for dealing with surface water run-off issues on the site with a scheme designed to the 1:100 flood event with an additional 40% for climate change. On the basis of DCC's response, it is considered that the applicant has provided sufficient information to demonstrate that the development can take place whilst complying with the criteria in CRS1 and the tests in ENV5 to ensure that development does not cause flooding within the site or exacerbate flood risk elsewhere.

#### **Impact to neighbouring properties**

**13.84** For the purposes of this assessment, this covers both the impact of the wider outline permission and the detail of Phase 1. The impact to properties in Phase 1 is assessed in detail. The impact against the remainder of the outline is considered in principle. Consideration is also given to the living conditions of occupiers of the proposed properties.

**13.85** Outline consent: Considering the scale of the development, only a relatively limited number of existing dwellings will be directly physically affected by the proposed scheme. These are the four properties at Heathfield Park which are considered against the Phase 1 scheme below. The remainder of the properties impacted by the scheme are those with a current frontage or outlook over Warmwell Road.

**13.86** The majority of these properties lies to the north of Warmwell Road. Due to the nature of the site, no dwellings are indicated facing directly across properties to the north of Warmwell Road. The dwellings to Old Farm Way have their back gardens backing onto Warmwell Road where the proposed access and new community buildings are proposed. The distance from the community buildings to these properties is approximately 25m at the closest points. At this distance the privacy of properties to the north of Warmwell Road will be within the guidance set down within the Council's adopted Design SPD and thereby these neighbours will continue to enjoy sufficient privacy. Similarly at these distances, the scale of the proposed community buildings are not considered to adversely affect the outlook from these neighbours or cause an over bearing impact.

**13.87** On the western side of the site, the properties at 1 – 5 Warmwell Road face towards the later phases of the site on the site of the current village hall. On the indicative masterplan there would be in excess of 30m between properties

at this part of the site. There are well established hedges and field trees along this boundary of the site which officers would seek to retain as part of the detail of this part of the scheme – the masterplan indicates development set back from this boundary. This would further limit impacts to the properties concerned. There are no grounds to conclude that a scheme could not be designed for this part of the site which would not significantly adversely affect these neighbours' living conditions.

**13.88** There are currently 2 dwellings on the south side of Warmwell Road, No.7 & No.13 which are east of the Summer Farm buildings. Again, development will be in the proximity of these properties during the later phases of the scheme. As they lie to the south of Warmwell Road, the development will come to the boundary of these properties with greater potential for impacts to these dwellings. Both properties lie in substantial plots but No.13 in particular lies close to its southern boundary with an outlook over the fields behind.

**13.89** On the indicative masterplan, no dwellings backing directly onto these properties are shown with dwellings set back behind an access road. This is in the Moreton Walk character area, which as noted above will be a low density area of development. There is also a play area space indicated in this area. Notwithstanding that these properties will be potentially affected to a greater degree than other surrounding properties, there is no reason to suggest that a scheme cannot be designed to minimize the impact on the amenity and quiet enjoyment of both existing residents as set out in Policy ENV16.

**13.90** Phase 1 – With the exception of the impacts to the properties in Old Farm Way from the proposed village hall and surgery explored above, the principal impacts from the residential elements of Phase 1 are to the properties in Heathfield Park, west of the detailed consent. There are four properties, originally built as 'live-work' units with separate live/work buildings within the plot. All four dwellings lie in generous plots.

**13.91** The nearest proposed properties to these neighbours are the 3-storey Block A apartments. These are 20m from the boundary with Heathfield Park, meeting the standard in the Council' adopted design guidance (para. 7.5.2) and ensuring adequate privacy at these neighbours. Whilst this apartment block is taller than the proposed houses at 10.8m, due to the separation to the nearest property Oaktree Barn which is set a further 12m into its plot, the development is not considered to cause a significant overbearing impact or loss of outlook to this neighbour.

**13.92** The proposed semi-detached dwellings south of Block A which back onto Heathfield Park are slightly closer at 16m to the boundary. Nonetheless the building-to-building distance is approximately 30m which will be sufficient to maintain acceptable privacy at the nearest property (6 Warmwell Road). These semis are 2-storey and lower than the apartment block and at these distances are not considered to adversely impact on outlook or cause an overbearing impact. There are also well established trees along the eastern boundary of Heathfield Park outside of the application site. These are protected by a Tree Preservation Order and further serve to screen the development from these neighbours. The properties will enjoy a typical suburban relationship.

**13.93 Impact to neighbouring properties – Conclusion:** A comparatively limited number of properties are directly impacted by the development considering its scale. Having considered both the detailed layout for Phase 1 and the indicative masterplan for the wider site, it is clear that the site can accommodate the proposed number of dwellings whilst meeting the criteria for dwelling relationships set out in the Council's Design SPD. Therefore there is acceptable evidence at this stage that development can be designed to minimize the impact on the amenity and quiet enjoyment of existing residents.

**13.94** Due to the nature of the proposed layout and the limited constraints within the site, it is considered there is no cause at this stage to be concerned that the development could not provide new properties with acceptable living conditions for the proposed occupiers. Overall the impacts of the development on existing properties would be minor- to moderate at most. As such the scheme would comply with the test in Policy ENV16 to ensure development does not have a significant adverse effect on living conditions.

### **Scheme Viability**

**13.95** Policy HOUS1 requires 35% of the units across the scheme to be provided as affordable housing. Over the totality of the scheme, this would be a provision of 175 units, a very considerable benefit in meeting the very high needs for affordable housing in the plan area. Under HOUS1, the AH contribution would be a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing, unless identified local needs indicate that alternative provision would be appropriate.

**13.96** The applicant had concerns over the viability of the scheme and had submitted an assessment which advised that the scheme was only sufficiently viable to provide an affordable housing contribution of 5% of the units, these to be starter homes – an initiative of the previous Government. The Council's viability advisors the District Valuer assessed the viability case and concluded that the scheme was nonetheless sufficiently viable to make a policy-compliant AH contribution. The applicants revised their position to a contribution of 30% of the units. Officers instructed the DV to assess this revised position, however their conclusions were that the scheme still remained sufficiently viable to deliver the 35% in the policy.

**13.97 Scheme Viability – Conclusion:** Officers continued to negotiate with the applicants on the issue of the affordable housing contribution. In light of the DV's response we have reached an agreed position of an affordable housing contribution of 35% of the units which is policy-compliant. However, this is based on a 50/50 tenure split between rented and other low-cost forms of affordable housing. This is considered to be appropriate in this particular context and preferable to delivering fewer units overall by trying to deliver more rental units. In addition, the applicant's position is that this contribution be subject to a review mechanism to assess the viability over the course of the development. Bearing in mind the scale of the development and thereby the length of build-out period, officers are content with this as an acceptable way of assessing that the predicted sale prices are realised throughout the course of the scheme. This will need to be secured as part of the legal agreement.

### **Sports Provision:**

- 13.98** The proposals are subject to an objection from Sport England (SE). SE are an advisory consultee on all residential developments above 300 units, however they are not a statutory consultee in the Procedure Order for such a development. Therefore due weight will need to be given to SE's response in the balancing exercise in part 14 below and provision for sport is given weight bearing in mind its social and economic benefits.
- 13.99** In their consultee response SE identify that occupiers of the development will create demand for sporting provision. Their conclusion is that provision in the local area may not be able to accommodate this increased demand without adversely impacting on existing provision or overwhelming provision into the future. Their solution is to look for on-site provision or contributions to off-site provision. The nature of such provision to be informed robust evidence. SE's response then suggests the following contribution figures towards Sports halls (£234,176) Swimming Pools (£182,570), Artificial Grass Pitches (£25,916) if 3G (£22,693 if sand) and Indoor Bowls (£35,352). This equates to a total of £478,014 (if 3G) or £474,791 (if sand).
- 13.100** In the discussion of the Heads of Terms below (para.13.100 onwards), the current legal basis for securing contributions via a legal agreement. SE's response does not identify which facilities in the local area are deficient but applies a tariff-based contribution based on the total number of units fed into their calculators. In order to justify SE's proposed contributions and comply with the CIL regulations, the Council needs to identify a specific project to which the contributions would be used. Therefore officers have sought advice internally from its Leisure Manager. They note that the nearest facilities for swimming pools and sports halls are in Dorchester and this provision is regarded as good. As a result there are no current projects identified to expand this capacity. Furthermore the proposed contributions would not be sufficient increase capacity at these facilities.
- 13.101** In addition, officers have sought advice from the Parish Council as to their views on sports provision within the village. Currently there is an existing sports pitch on Dick O' Th' Banks Road along with a well-established skate park and Multi-Use Games Area (MUGA) granted back in 2009. The PC confirmed it does not have any outstanding projects to which such a contribution could be put. It is worth noting that as the remainder of residential development would be subject to CIL, the number of additional schemes which would make a specific contribution to any such project is likely to be limited. Where CIL already takes 17.5% of each contribution to Culture & Leisure Facilities, the Council cannot charge developers twice for the same contribution ("double-counting"). Therefore any project not fully funded by Sport England's proposed contribution would be unlikely to be delivered.
- 13.102** It is noted the PC comments also welcome the provision of the village hall. As well as full-sized badminton court, the PC note this could accommodate short mat bowls and they have also used the current village hall for archery. The village hall also provides play space for the playgroup and LEAPs are shown throughout the masterplan.

### **13.103 Sports Provision - Conclusion:**

In making an assessment of the weight to be attached to SE's objection, it is necessary to consider the scheme as a whole. This will secure considerable amounts of informal open space directly accessible to residents and the wider village in terms of the SANG provision. It will also deliver improved cycle links. In terms of sports provision, due weight also needs to be given to the proposed village hall which provides for indoor sporting activities. Along with the Implementation Team, officers have investigated possible projects to which contributions proposed by SE could be put to. However at a local and wider district level, there is a lack of viable projects the contributions could fund. Bearing in the potential conflicts of Sport England's tariff-based approach with the CIL regulations and current Government advice on pooling infrastructure contributions, in the circumstances officers do not consider these contributions can be justified. Regard is also had to the possible marginal viability of the scheme as set out from paragraph 13.95 above.

### **Phase 1 – Detailed Permission**

- 13.104** The full permission element of this hybrid application relates to an area of land in the centre of the allocation, due east of the Hybris Business Park. The detail of the Phase 1 provision is set out from paragraph 2.5 above. As approval of the application will grant full permission to this element of the scheme, this needs to be considered as per a full detailed permission. This assessment is set out below.

### **Phase 1 – Layout:**

- 13.105** The approach taken in terms of the layout and character of the Phase 1 detailed consent as put forward by the applicants is of a 'garden suburb', drawing on garden city principles, which the applicant notes is supported by paragraph 52 of the NPPF. The aim stated in the D&A statement is to *"offer new residents opportunities for higher quality lifestyles promoting wellbeing and to provide new facilities for existing neighbouring Communities."*
- 13.106** In terms of how this translates into the design of the scheme, the D&A statement notes the following key elements; a harmony between built and natural forms; a character which will respond to the townscape, suburban and urban landscape character of Crossways; residential development built around perimeter blocks with focal buildings to aid legibility; walkable neighbourhoods; high quality public realm; tree-lined streets; green infrastructure and provision for cars in a neighbourhood designed to encourage walking, cycling and the use of public transport.
- 13.107** In terms of the appropriateness of this as an approach, it is noted that of the other settlements in the second tier of the spatial strategy in Policy SUS2 – referred to as the 'market towns & large villages' in the LP – these settlements such as Sherborne, Portland and Beaminster arguably have stronger historic cores and a more easily identifiable vernacular tradition than Crossways. This means there is arguably less to draw on to show that the scheme is informed by the character of the site and its surroundings as set out in Policy ENV10. The test in this policy is to ensure that development contribute positively to the maintenance and enhancement of local identity and distinctiveness. The

advice in the NPPF (para. 58) takes a broader approach, advising that development should “*respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.*”

- 13.108** In this particular circumstance, it is considered that there is an opportunity with this site to enhance the wider character of the settlement by taking a fresh approach in layout and design terms and the broad garden suburb approach is considered to be acceptable. What will be critical then is designing a scheme which meets the urban design criteria set out in Policy ENV11 and the Council's adopted Design SPD and this is examined below.
- 13.109** Also of importance to the scheme is in creating a 'hub' for the village to provide a focus for the community facilities provided as part of the development. Crossways does not have an obvious centre or core comparable to a traditional village centre arranged along its main street – like Puddletown for example. Its facilities are separated across the village, its school in one location, the post office and current doctor's surgery elsewhere and the Co-op in a different location on the Warmwell Road. The scheme therefore seeks to create an obvious focus for the development – and thereby the wider village – at the entrance to the site from the Warmwell Road.
- 13.110** The layout shows the proposed doctor's surgery and village hall framing the entrance to the site, providing an obvious sense of arrival to the development but also a focus to it. The proposed village green open space east of the village hall also provides a complimentary space to the village hall, allowing community activities to spill out into this area but also similarly a focus for community activities.
- 13.111** Some of these benefits of the scheme could be undermined if the development failed to integrate into the wider village and Policy CRS1 specifically requires good links to the wider footpath and cycle network be provided through the village. A significant aspect of the scheme are the proposed works to Warmwell Road described above. The delivery of the proposed tree-lined boulevard along Warmwell Road in the vicinity of the site, is in this officer's opinion of considerable benefit to the character and appearance of this approach to the village and the development site. At the same time it is also integral to traffic management measures to reduce speeds along this stretch and assist in safe links across Warmwell Road from the development to the rest of the village and the school in particular.
- 13.112** These measures will help integrate the community facilities provided in the scheme to the remainder of the village. They also provide a 'bridge' between the village facilities along Mount Skippett Way like the library, Spitfire Club and post office/stores over to the Co-op further east along Warmwell Road. This will be further integrated into the village as the later phases of the development progress eastwards around Summer Farm towards Moreton Road and the employment area.

#### **Phase 1 – Urban Design:**

- 13.113** The detailed layout of Phase 1 implements the garden suburb key elements set out above in its urban design. The detailed design is assessed here

against the criteria in Policy ENV11 of the adopted LP and the Council's adopted design guidance. The layout has been amended by the applicants in response to issues raised by your urban design officers and the proposals before members are the result of close working between the parties to deliver a scheme compliant with the relevant policy and SPD.

- 13.114** In the masterplan discussion above, the eight proposed character areas (CAs) were identified. The Phase 1 layout delivers all of The Village Green & Spitfire Place CAs, one of the Central Avenue CAs and extends across part of Moigne Combe Walk CA. Thus the Phase 1 details show how the proposed character areas can be successfully incorporated into a detailed scheme which also delivers on the urban design principles set out in the Council's policies and SPD, but also on the applicant's garden suburb concept, notably in relation to the Moigne Combe Walk avenue area.
- 13.115** It is considered that the Phase 1 layout also delivers on the proposed route network hierarchy set out for the wider masterplan with the central avenue primary route. A common building line is also delivered along these routes. The secondary and 'home zone' routes are located off the central avenue and are not through routes. These respect the route hierarchy with narrower streets and parking provided in-plot or directly on the dwelling's frontage. Thus the layout follows the general principles in the Design SPD of varying the ratios of height of the buildings to the road width to reinforce route hierarchies. For example, the width of the central avenue at 20 – 25m wide achieves a ratio of up to 1:5 for the central avenue reflecting its significance which is also necessary for it to serve as a bus route. The taller (3-storey) properties would be located along these primary routes.
- 13.116** The Phase 1 scheme achieves a perimeter block layout with active frontages along both the residential streets but also to the community focus areas. This achieves surveillance but also encourages interaction between residents. This layout along with the route hierarchy explained above, delivers a legible layout with well-defined streets which will be simple for residents to navigate, whether on foot, cycling or driving. It also connects well into the wider village and will provide considerable benefits for the amenity and use of Warmwell Road. There are active public areas and secure private areas to the rear gardens. In urban design terms, the scheme is considered to have taken on board the requirements of Policy ENV11 and delivered these in the detail of Phase 1.

#### **Phase 1 Building Designs – Public Buildings:**

- 13.117** As noted in the masterplan discussion above the new surgery and village hall are key buildings in the scheme providing a focus and identifiable entrance to the development. The quality of these buildings (and their delivery) is therefore critical to the success of the scheme.
- 13.118** The proposed village hall is considered to be a particularly well-realised design. It's cropped hipped roof and chimney vents, low eaves, along with its gabled front entrance to the west, creating a clear agricultural character to the building. Thus the building has a strong horizontal emphasis, making it imposing at the entrance to the site. This is both appropriate to its location but is an approach which has been successfully used on a smaller scale for the



Spitfire Club nearby for example. In addition, it is a building 'seen in the round' as it fronts onto the main access road into the development on its west elevation but will also be clearly seen in views across Warmwell Road and the proposed village green. Whilst the front entrance is to the west, the east elevation incorporates substantial areas of glazing and terrace, further reinforcing its agricultural design. This main hall area overlooks the village green space.

- 13.119** In terms of the internal layout, this is single storey only. Nonetheless it incorporates a main hall sufficient to accommodate a badminton court footprint and necessary ceiling height in a double height space. In addition, there are the other facilities set out in para.2.9 above including offices for the Parish Council. A schedule provided shows the proposed materials for the hall to be plain clay tiles with bonnet hips for the roof, walls with a brick plinth, with render above and timber weatherboard and grey frames to the fenestration. Through this, it is considered the agricultural character of the design will be successfully realised.
- 13.120** The doctors' surgery follows a similar design approach and is considered to complement the new village hall at this critical entrance point to the site. Although this building is narrower, it is of a similar height to the new hall, being 2-storey. It also shares a strong horizontal emphasis. It therefore is considered to be a sufficiently imposing building to retain an appropriate presence in the street scene at the site entrance. The same approach to materials as listed in 13.119 above is proposed, further reinforcing the contribution of the community buildings at the entrance to Phase 1.
- 13.121** The village hall building will be a considerable public benefit and the Parish Council's enthusiasm for this aspect of the scheme is noted. More than this though the building is important to the scheme and the village as a whole. The existing hall is remote and isolated from the village and irrespective of its condition, this impacts on its ability to serve Crossways. As well as providing modern facilities for various clubs and services in the village, the prospect of delivering an accessible hub for Crossways is given considerable weight.
- 13.122** The provision of the doctors surgery and the prospect of retaining this community facility for the village long-term is also worthy of strong weight in the balancing exercise. That the designs of both buildings and their siting will also provide a major benefit to the character and appearance of the area and the overall success of the scheme serves to add additional weight to this aspect of the scheme.

### **Phase 1 Detailed design – House designs and Housing Mix**

- 13.123** The scheme provides a range of house types, sizes and designs. When designing a new residential area from scratch, there is a balance to be struck in providing the variety sought by Policy HOUS3 and the efficiency and effective use of land in ENV15. An excessive variety in types, sizes, designs and materials lacks cohesion but a lack of variety limits choice and leads to monotony.
- 13.124** To describe each house type in this report would be excessively laborious and the designs can be viewed on the Council's website. The designs have been

refined following advice from your urban design officers. As can be seen from the table in paragraph 2.7 above, the first phase delivers a mix of units from 1- to 5-bed properties with a mix of flats, terraced, semi-detached & detached houses. The majority are 2- & 3-bed units, reflecting the noted area of need in HOUS3 (para. 5.3.1).

- 13.125** Also, the phase 1 house designs includes a number of feature buildings as dwellings at critical points in the scheme. These designs are serving an urban design function, particularly around the Spitfire Place character area at the site's entrance, with the 'Dovecot' and 'Lodge' house designs being noticeably strong features around the proposed hard piazza in this area. Therefore the remaining house types account for a greater proportion of the overall housing mix.
- 13.126** The materials schedule for the phase 1 designs shows a mixture of slate and tile for the roofs in a largely even mix. The walls of the dwellings are shown as a mix of brick, render, weatherboarding and tile-hanging with brick predominant. Windows are timber casements. The designs incorporate stone and oak frame detailing, string course and corbels with arched headers. Overall the designs and materials palette are considered to give a suitable basis for the delivery of a high quality scheme. Subject to agreement of precise samples of the proposed materials, the designs of the proposed houses are considered to be acceptable.

#### **Phase 1 Detailed design – Landscaping**

- 13.127** The phase 1 proposals are accompanied by landscaping proposals. These include detailed proposals for the village green landscaping, an important aspect of the delivery of this element. This is shown as a central grassed area surrounded by meadow grassland and ringed by oak trees. This proposed landscaping is considered to complement the green's function as an important public space within the development.
- 13.128** The landscaping is a fundamental aspect of delivering the proposed garden suburb character with softer frontages and street trees an integral part of the overall concept. So for example the Moigne Combe Walk avenue, a focal feature of the overall layout proposes an avenue of lime trees along this street. A feature of the landscape proposals is the consistency of the street tree planting. So the primary route on the eastern side is shown with an avenue of hornbeam regularly spaced around the dwelling's driveways, other streets have avenues of cherry trees and so on. Emphasising this design approach, the plot frontages are shown enclosed by beech, hornbeam and other hedges. This reinforces the formal planned character of the overall scheme, fitting neatly with the garden suburb concept.
- 13.129** The phase 1 proposals also include details of the planting for the proposed roadworks. This includes creating a treed boulevard with a central row of field maple. As well as the public benefits from slowing traffic and providing safer crossing points for pedestrians, it is considered these works will deliver a considerable visual improvement to this otherwise straight and featureless stretch of highway.

#### **Phase 1 Detailed design – Conclusion**

- 13.130** The proposed detailed layout will bring forward an identifiably new chapter in the development of the village introducing a fresh character to the settlement. It is considered an appropriate approach which the quality of the Phase 1 development demonstrates will be an asset to the village. Consequently the garden suburb layout shown on Phase 1 is considered to meet the tests in Policy ENV10 to enhance the distinctiveness of Crossways. Moreover it also sets a standard for the later phases – reflected in the overall masterplan – for the remainder of the development to follow.
- 13.131** The overall concept for the site has been followed through in the phase 1 design. The house designs, materials, the layout and landscape details all work to reinforce this design concept. Overall a high-quality development is proposed which officers can commend to members and is considered will be a considerable asset to the village. The public buildings proposed in phase 1 are also considered to be well-realised designs which as well as providing extensive social benefits to Crossways, will in addition be buildings which contribute positively the character and appearance of the area.
- 13.132** For these reasons the proposed Phase 1 detailed scheme is considered to comply with Policies ENV10, ENV11 & ENV12. It also makes efficient use of the land in accordance with ENV15 and provides a suitable range of housing in line with HOUS3.

#### **Section 106 – Heads of Terms:**

- 13.133** Members' attention is drawn to para. 6.2.3 of the Local Plan which specifically exempts this site as well as four other strategic sites in the LP from CIL. Therefore, infrastructure contributions for this scheme need to be secured via a s106. If the Council is to take financial contributions in a s106 legal agreement, under the CIL Regulations (2010) as amended, the contributions must comply with the following three tests;
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- In addition, Government guidance in the National Planning Practice Guidance advises that "*Planning obligations must be fully justified and evidenced.*"
- 13.134** In practice what this means for the Council is that in taking any financial contributions it must be able to demonstrate that the money will be put towards specific projects which directly address the impact of the growth in population on the site and thereby the increase in demand created. It would therefore be necessary to ascertain that local provision is currently deficient or would be in the future with increased demand and then identify suitable mitigation to address that demand failure to which the contribution could be put towards.
- 13.135** The scheme seeks financial contributions towards education provision. This would ordinarily be secured through the Council's CIL-charging regime and is therefore considered to be a legitimate planning related contribution. The response from DCC clearly sets out the rationale for the education provision across the length of development and the need at various ages of education provision locally which new residents will access. The contribution will

mitigate for these impacts, necessary for the development to go ahead and is considered to be suitably justified in relation to the development.

**13.136** The provision of SANG and the financial contribution are necessary mitigation for the impact of the development on the internationally protected heathlands. These contributions are necessary to make the development acceptable and allow residential development to take place within 5km of the protected heaths. The extent of the contribution is set out in Natural England's response and is a standard applied across their adopted planning framework throughout Dorset. Similarly, the proposed calculation of the Poole Harbour nutrient mitigation contribution is calculated against a set standard for the transfer of agricultural land to non-agricultural use set out in NE's consultee response and is related to the scale of the development with due regard to the mitigation provided by the proposed SANG. This mitigation is essential to allow development to proceed which contributes to nutrient loading in Poole Harbour.

**13.137** The highway improvements to Max Gate are set out in an agreed plan. These highway works are necessary to accommodate increased traffic onto the strategic trunk road network arising from the development using a sub-standard junction with the A35. In addition, the contributions towards highway improvements within the vicinity of the site are a requirement to comply with Policy COM7 to ensure development is integrated into the highway network and provides facilities to encourage non car-borne trips.

**13.138** The affordable housing contribution is necessary for the development to comply with Policy HOUS1 of the Local Plan. The scheme for the mineral extraction is necessary to comply with Policy SG1 of the adopted Bournemouth, Dorset & Poole Minerals Strategy. The provision of LEAPs (Locally Equipped Areas for Play) within the site is in line with the standards in Table 6.1 of the Local Plan, being a requirement of Policy COM1. The contribution for ongoing maintenance requirements is a stipulation of COM1.

**13.139** For these reasons the proposed contributions in the s106 are considered to meet the statutory tests for infrastructure contributions in a legal agreement as set down in the CIL regulations.

#### **14. Summary**

##### **14.1 Assessment of the scheme against the criteria in Policy CRS1:**

**14.2** The adopted policy seeks to provide numerous elements. The proposals currently before members are assessed against the policy requirements below.

**14.3** Provide a comprehensive mixed-use development: The scheme includes the entire allocation in the LP thereby delivering a comprehensive scheme. It provides 500 homes which is the suggested figure in para. 12.3.1 of the Local Plan. It delivers new local community facilities in the village hall and surgery. It proposes 2.5ha of employment land, meeting the broad aspiration for a mixed-use development but is 30% below the employment space figure in the policy. The employment allocation is in the area envisaged in the policy. However, it does not fully comply with this part of the policy.

**14.4** Development to mitigate any adverse effects on designated heathlands: The

scheme provides around half of the site area as SANG. It also provides for management of the SANG but also a contribution for Strategic Access Management and Monitoring, thereby not only benefitting the ecological interest of the protected heaths by providing alternative recreational areas closer to Crossways village but also contributing towards management of the protected heaths themselves. The SANG proposals are accepted by Natural England and progress has been made with regards to transferring the land to Dorset Wildlife Trust for long-term management.

- 14.5** As the competent authority, the Council has undertaken an appropriate assessment of the impacts of the development on the European protected sites. In conjunction with the advice from Natural England, the conclusion is that the development would meet the conservation objectives to maintain and where in decline, restore the heathland and other habitat and species interest features. The scheme thereby complies with this aspect.
- 14.6** Secure effective mitigation for potential adverse effects upon Poole Harbour internationally designated sites: The scheme has demonstrated how it can be nutrient neutral subject to a financial contribution towards mitigation measures. Through this the scheme complies with this part of CRS1.
- 14.7** Deliver necessary highway improvements: The scheme makes provision for highway works in the vicinity of the site. These have been agreed by the Highways Authority. In addition, Highways England have confirmed they have no objections subject to securing junction improvements to the Max Gate A35/A352 junction by the occupation of 100 units. This aspect of the policy is met.
- 14.8** Provision of a masterplan: The scheme is accompanied by an illustrative masterplan. The detailed first phase complies with the remainder of the indicative MP. The illustrative masterplan shows how the detailed permission and the remaining phases of the wider outline approval would deliver the remaining criteria in iv) of Policy CRS1. The masterplan is considered to comply with the guidance in the Council's adopted Design SPD. The application is accompanied by a Statement of Community Involvement which sets out how the applicants have engaged with the local community in drawing up the proposals. The masterplan has not been subject to a BREEAM Communities Assessment, but the requirement in the policy is only for a sustainability assessment to be carried out. This has been submitted and sets out how the MP has been considered against the advice in the Council's adopted Design SPD.
- 14.9** The masterplan includes a mix of uses and provides for community facilities and infrastructure. The scheme will deliver SANG, along with improved access to the surrounding countryside, increasing recreational opportunities with opportunities for improvements to biodiversity. The MP will deliver links to the wider rights of way network and improve cycle network provision with contributions towards improved links to Moreton station.
- 14.10** The scheme responds positively to existing constraints, incorporating landscape features within the site into the masterplan and detailed first phase. With additional landscape areas shown on the MP, the scheme is considered to have an acceptable impact on the landscape setting of the village. The

scheme is considered to have the ability to deliver a considerable enhancement to local character, providing a distinct beneficial development in the wider character of the village.

- 14.11** The scheme provides for an acceptable drainage strategy, based on sustainable principles. The scheme has shown it can be developed without exacerbating flood risk elsewhere. The proposals show how the scheme can be phased to deliver the long-term growth of the settlement over the course of this strategic allocation.
- 14.12** The development has necessitated additional work on behalf of the applicants to appropriately assess the impact of the development on the Scheduled Ancient Monument at Bowley's Camp. The additional assessment has satisfied Historic England and the County Archaeologist in terms of the impact of the outline proposals on the SAM. This is likely to be the only aspect of the current illustrative masterplan which may need some revision at the reserved matters stage. However, this is not considered to adversely impact on the ability of the MP to continue to deliver on the remaining elements above.
- 14.13** Taking all of the elements above and bearing in mind the weight to be attached to CRS1 in light of the Council's current HLS, it is considered that the development is sufficiently in compliance with Policy CRS1.

#### **Whether sustainable development**

- 14.14** Policy INT1 of the Local Plan contains a presumption in favour of sustainable development, reflecting paragraph 14 of the NPPF. This requires an assessment of the economic, social and environmental factors affecting the scheme.
- 14.15** In terms of economic factors, the scheme would provide a long-term build programme – including the mineral extraction. This will provide economic benefits over a number of years during the construction stage. The proposed community facilities will support existing jobs within the doctors' surgery and potentially create new employment through the pharmacy and also potentially the facilities within the village hall; playgroup and so on. The development would bring a large number of economically active residents over the course of the development to a sustainable location in one of the settlements which is a focus for future development in Policy SUS2 of the LP.
- 14.16** In addition, this mixed-use development proposes 2.5ha of new employment provision. This provides a substantial economic benefit to the village, with the potential to create significant new job opportunities in a sustainable location. However, the extent of the economic benefit is not as high as envisaged in the Local Plan. This makes the assessment of the economic benefits less straightforward because the delivery of the employment site would undoubtedly be a positive aspect, but its extent will be less than sought by the adopted policy. Consequently less weight is attached to this economic benefit than otherwise would be the case.
- 14.17** Accepting this, there is nonetheless considerable weight given to bolstering the Council's housing land supply. Delivery of these Strategic Allocations will be of sizeable importance to maintaining a housing land supply at the required

level and sustaining building rates. Overall the economic benefits are considered to be positive.

- 14.18** The social factors benefits of the scheme are considered to be widespread. New community facilities will be delivered replacing existing facilities in improved locations with substantially better provision. Social benefits flow from creating a new 'centre' or hub to the village which it arguably currently lacks. The scheme also provides improved links for residents to access existing facilities in the village, with the opportunity to reinforce social cohesion and a sense of community. The additional population also serves to support existing facilities, with the potential that these are sustained into the future. The extensive provision of SANG as heathland impact mitigation provides a considerable benefit for residents 'on their doorstep' with access to recreation and leisure facilities, being beneficial for healthy lifestyles for occupants. These benefits would also accrue to existing residents.
- 14.19** The provision of 175 units of affordable housing cross the scheme would be a very significant social benefit to the area, helping to meet a substantial unmet need currently. A considerable amount of weight is given to this in the balancing exercise. The development would also provide additional choice in the local housing market. Overall the social factors would be positive and considerable weight is given to these.
- 14.20** In relation to the environmental factors, these are set out in the assessment of scheme against Policy CRS1 above. The development provides suitable mitigation for its impacts on protected heathlands and the Poole Harbour internationally protected sites, maintaining the integrity of these sites. The scheme has acceptable impacts on the Scheduled Ancient Monument when balanced against the benefits of the scheme. The scheme incorporates existing landscape features for retention and supplements this appropriate details for new landscaping of the developed areas. There is sufficient detail to conclude that the scheme complies with Policy ENV5 and will not increase flood risk on the site or elsewhere.
- 14.21** The scheme is compatible with the living conditions of neighbouring properties, complying with ENV16. The development, with suitable conditions and contributions, can be accommodated on the current highway network. The scheme can be designed to comply with Policy COM7 to retain efficiency and safety on the highway network, protecting against community severance whilst providing improvements to provision for pedestrians and cyclists. The scheme complies with adopted parking guidance.
- 14.22** The development will contribute positively to the maintenance and enhancement of local identity and distinctiveness whilst resulting in a new chapter of the settlement's character, bringing wider benefits overall to the appearance of Crossways. The development is considered to have acceptable impacts on the wider landscape character bearing in mind its extent and the substantial extension to the village that the development represents. In addition, the bolstering of the Council's HLS with development in sustainable locations makes the Authority less vulnerable to development occurring in more environmentally sensitive or less desirable locations. The development provides acceptable mitigation for its impacts on biodiversity within the site. Overall the environmental factors are considered to be

positive.

- 14.23** Overall the scheme is considered to result in economic, social and environmental benefits and therefore complies with Policy INT1 and is recommended for approval.

**15. Recommendation**

**15.1**

**i. Plans list**

**OUTLINE PERMISSION**

- ii. Approval of the details of the access, layout, scale and appearance of the development and the landscaping of the site (hereinafter called the Reserved Matters) for the remainder of the site outside of the full permission granted for Phase 1 of this hybrid permission shall be obtained from the Local Planning Authority in writing before any development is commenced on these other phases of the development.**

**REASON:** To ensure the satisfactory development of the site.

- iii. Application for approval of any 'reserved matter' under Condition 2 must be made not later than the expiration of ten 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.

- iv. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.**

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

- v. Not more than 401 dwellings total shall be constructed under this outline permission.**

**REASON:** The assessment of the impacts of the scheme are based on a maximum of 500 dwellings across the whole site and additional dwellings would require further assessments of impacts to heathland SSSIs in accordance with Policy CRS1 and ENV2 of the adopted West Dorset, Weymouth & Portland Local Plan (2015).

**PHASING**

- vi. Prior to the commencement of the development a Phasing Plan for**



the entirety of the development shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall make provision for

- a) Extraction of the mineral interest
- b) Delivery of Village Hall and Village Green as part of Phase 1. No further dwellings in later phases to be constructed in later residential phases until these are complete
- c) Delivery of serviced employment land as part of the development of the adjacent residential phase
- d) Provision of allotments as part of the development of the adjacent residential phase
- e) Provision of Locally Equipped Areas for Play as part of the development of the adjacent residential phase

Any subsequent changes to the agreed phasing plan must also be agreed in writing by the Local Planning Authority .

**REASON:** In the interests of achieving the objectives of the Local Plan and in accordance with Policy CRS1 of the adopted West Dorset, Weymouth & Portland Local Plan (2015).

#### **MASTERPLAN**

- vii. The development of the later phases of the Outline permission shall substantially accord with the layout and details of the Illustrative Masterplan Drwg. No. 1677/P04 Rev.C.

**REASON:** In the interests of achieving the objectives of the Local Plan and in accordance with Policy CRS1 of the adopted West Dorset, Weymouth & Portland Local Plan (2015).

#### **HIGHWAYS**

- viii. The highway improvements to the Warmwell Road on the site frontage shall be constructed substantially in accordance with the submitted details shown on the application drawings before the development is first occupied.

**REASON:** In the interests of road safety.

- ix. The Phase 1 full application hereby permitted shall not be occupied or utilised until the access, geometric highway layout, parking and turning areas shown on the application drawings have been constructed, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, these shall be maintained, kept free from obstruction and available for the purposes specified.

**REASON:** In the interests of road safety.

- x. No more than 100 residential units (to include 35% affordable housing) shall be occupied until the A35 Max Gate junction

arrangement, as shown in the WYG Transport drawing 'SK09' dated 21 October 2015 is completed and open to traffic, unless any variation in the design of the proposals is otherwise agreed in writing by the Local Planning Authority.

**REASON:** To ensure the safe and efficient operation of the Strategic Road Network (A35).

- xi. No development shall commence until a Construction Traffic Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority.**

The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The Plan shall also include contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities). The plan shall also include a scheme of signing of the heavy vehicle route to the site agreed with advice/warning signs at appropriate points. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

The CTMP shall thereafter be implemented in accordance with the approved details upon the commencement of the construction phase of the development and adhered to for the complete duration of the construction programme, unless a variation to the CMP is otherwise agreed in writing by the Local Planning Authority.

**REASON:** To ensure the safety of traffic on the Strategic Road Network.

#### **TRAVEL PLANS**

- xii. ~~On occupation of the development hereby approved,~~ Before the development hereby approved is first occupied or utilised the Travel Plan and Strategy included in the submissions shall be implemented and operational**

**REASON:** In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site.

- xiii. Prior to the submission of any reserved matters under Condition 2 above for the approved employment allocation, a Travel Plan suitable to deal with the travel impacts of the whole 2.5ha**

employment allocation shall be submitted to and approved in writing by the Local Planning Authority. The employment Travel Plan shall be implemented in accordance with its agreed details prior to the first occupation of any approved employment building on the site.

**REASON:** In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site.

#### **DRAINAGE**

- xiv. No development shall take place until a detailed and finalised surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the submitted details before the development is completed.

**REASON** To prevent increased risk of flooding and to improve and protect water quality.

- xv. No development shall take place until details of maintenance and management of the surface water sustainable drainage scheme 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 increased risk of flooding.

#### **FOUL WATER**

- xvi. The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker • a drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing • the drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

**REASON:** To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of

sewer flooding to downstream property.

## **CONTAMINATED LAND**

### **xvii Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

The report of the findings must include:

- (a) a survey of the extent, scale and nature of contamination;
- (b) an assessment of the potential risks to: • human health, • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, • adjoining land, • groundwaters and surface waters, • ecological systems, • archaeological sites and ancient monuments;
- (c) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

**REASON:** In the interests of ensuring there is no unacceptable risk to occupiers of the development in accordance with Policy ENV9 of the adopted West Dorset, Weymouth & Portland Local Plan (2015).

### **xviii. Submission of Remediation Scheme**

Before commencement of development, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**REASON:** In the interests of ensuring there is no unacceptable risk to occupiers of the development in accordance with Policy ENV9 of the adopted West Dorset, Weymouth & Portland Local Plan (2015).

### **xix. Implementation of Approved Remediation Scheme** The approved

remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

**REASON:** In the interests of ensuring there is no unacceptable risk to occupiers of the development in accordance with Policy ENV9 of the adopted West Dorset, Weymouth & Portland Local Plan (2015).

- xx. **Reporting of Unexpected Contamination** In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be submitted to and approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

**REASON:** In the interests of ensuring there is no unacceptable risk to occupiers of the development in accordance with Policy ENV9 of the adopted West Dorset, Weymouth & Portland Local Plan (2015).

#### **EMPLOYMENT ALLOCATION**

- xxi. **The development shall provide a minimum of 2.5 hectares of employment land.** No dwelling adjoining the eastern boundary of the residential development, adjacent to the proposed employment access road within the Character Areas 4, 5 & 6 as set out on page 48 of the submitted Design & Access Statement, shall be occupied before the employment allocation has been provided as serviced employment land in accordance with the phasing scheme submitted under Condition 5 above.

**REASON:** In the interests of securing the economic benefits of this Key Employment Site allocation in the Local Plan

- xxii. **Buildings constructed within the employment allocation hereby approved shall not exceed a total floorspace of 13,000m<sup>2</sup> (measured externally).**

**REASON:** In the interests of the impacts of the traffic generated by that level of employment development on the strategic highway network in accordance with Policy COM7 of the adopted West

**Dorset, Weymouth & Portland Local Plan (2015).**

**BIODIVERSITY**

- xxiii. Prior to the commencement of development, a Biodiversity Mitigation Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless any subsequent variation is agreed in writing by the Local Planning Authority .**

**REASON:** In order to protect the landscape qualities of the area and to safeguard and enhance the ecological value of the site in accordance with Policies SA3 and SA12 of the adopted West Dorset Local Plan (2006) and the advice in the NPPF (2012).

**SCHEDULED ANCIENT MONUMENT**

- xxiv. The submission of details of reserved matters under Condition 2 shall make provision for a minimum 5m buffer around the identified remains of the Bowley's Plantation enclosure as set out on page 10 of the submitted Settings Assessment by Context One received on 16 October 2017.**

**REASON:** In the interests of the setting of the Scheduled Ancient Monument in accordance with Policy ENV4 of the adopted West Dorset Local Plan (2006) and the advice in the NPPF (2012).

**BROADBAND**

- xxv. No development above damp proof course of any building hereby approved shall take place until a scheme for facilitating infrastructure to support superfast broadband technology to serve the development has been submitted to, and approved in writing by, the local planning authority. The scheme shall include a timetable for implementation, including triggers for a phased implementation if appropriate, Thereafter, the development shall proceed in accordance with the agreed scheme.**

**REASON:** To ensure that the utilities service infrastructure is sufficient to meet the extra demands imposed by this development, in accordance with West Dorset, Weymouth & Portland Local Plan policy COM10. (The Provision of Utilities Service Infrastructure).

**PHASE 1 DETAILED CONSENT**

- xxvi. The Village Hall hereby approved shall be laid out with a full-size badminton court in the main hall as shown on Drwg. No. 1677 P VH 01 prior to the Village Hall first being brought into use.**

**REASON:** In the interests of sports provision as part of the development in accordance with Policy COM1 of the adopted West

**Dorset Local Plan (2006) and the advice in the NPPF (2012).**

- xxvii. The Phase 1 full permission development shall be carried out in accordance with the materials details in the approved Drwg. No's 1677 P10-1 REV A, 1677 P10-2 REV A & 1677 P11. No development above damp proof course of any dwelling approved under the Phase1 full permission shall take place before samples of the materials to be used on that building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details unless otherwise agreed in writing by the Local Planning Authority .**

**REASON: In the interests of the character and appearance of the area in accordance with Policy ENV12 of the adopted West Dorset Local Plan (2006) and the advice in the NPPF (2012).**

- xxviii. The development shall be carried out in accordance with the boundary treatments set out in the approved plans Drwg. No's 1677 P 03-1 to 5 REV A. The boundary treatments to each individual building shall be completed in their entirety prior to the first occupation of the building concerned. The boundary treatments shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority .**

**REASON: In the interests of the character and appearance of the area in accordance with Policy ENV12 of the adopted West Dorset Local Plan (2006) and the advice in the NPPF (2012).**

- xxix. The development of the Phase1 full permission shall be carried out in accordance with the landscaping details set out in the approved plans Drwg. No's TD742\_04B & TD742\_05 – 08. The landscaping shall be carried out in accordance with the soft landscape works specification set out on the approved plan Drwg. No. TD742\_08.**

**All planting seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the commencement of the works on the landscaping plan concerned unless the Local Planning Authority gives written consent to any variation.**

**Any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping shall thereafter be retained.**

**REASON: In the interests of the character and appearance of the location in accordance with Policy ENV10 of the West Dorset, Weymouth & Portland Local Plan (2015) and the advice in the NPPF**

(2012).

- xxx. The development shall be carried out wholly in accordance with the Arboricultural Assessment & Method Statement by Barrell Tree Consultancy dated January 2016. The agreed tree protection measures shall be retained during the course of the development and there shall be no variation to the agreed protection measures without the prior written agreement of the Local Planning Authority.

**REASON:** To protect preserved trees within and adjoining the site during construction in the interests of preserving the character and of the area in accordance with Policy ENV10 of the West Dorset, Weymouth & Portland Local Plan (2015) and the advice in the NPPF (2012).

#### **INFORMATIVE NOTES**

**INFORMATIVE NOTE:** The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under Section 38 and those works under Section 278 of the Highways Act 1980, the applicant should contact Dorset County Council's Development team. They can be reached by telephone at 01305 225401, by email at [dli@dorsetcc.gov.uk](mailto:dli@dorsetcc.gov.uk), or in writing at Development team, Dorset Highways, Environment and the Economy, Dorset County Council, County Hall, Dorchester, DT1 1XJ.

**INFORMATIVE NOTE:** If the applicant wishes to offer for adoption any highways drainage to DCC, they should contact DCC Highway's Development team at [DLI@dorsetcc.gov.uk](mailto:DLI@dorsetcc.gov.uk) as soon as possible to ensure that any highways drainage proposals meet DCC's design requirements.

**INFORMATIVE NOTE:** Prior Land Drainage Consent (LDC) may be required from DCC's FRM team, as relevant LLFA, for all works that offer an obstruction to flow to a channel or stream with the status of Ordinary Watercourse (OWC) – in accordance with s23 of the Land Drainage Act 1991. The modification, amendment or realignment of any OWC associated with the proposal under consideration, is likely to require such permission. We would encourage the applicant to submit, at an early stage, preliminary details concerning in-channel works to the FRM team. LDC enquires can be sent to [floodriskmanagement@dorsetcc.gov.uk](mailto:floodriskmanagement@dorsetcc.gov.uk).

**INFORMATIVE NOTE:** The applicant intends to rely heavily on infiltration. They will therefore need to demonstrate, through further post extraction ground investigation, that soakaways remain feasible. Given the proposed use of soakaways across the site, it is important that soakaway tests and GW readings are representative of all the areas expected to support infiltration. DCC's FRM team as relevant LLFA will be unable to discharge condition (??) above,



without detailed information concerning ground conditions that substantiate the use of drainage through infiltration. Should the site, after mineral extraction, be found not to support infiltration, then the applicant will need to propose alternate and detailed designs for capturing and attenuating SW.

The DCC/FRM generic guidance note regarding SW management, can be found at [www.dorsetforyou.com/localfloodrisk](http://www.dorsetforyou.com/localfloodrisk)

**INFORMATIVE NOTE:** The highway proposals for the A35(T) associated with this consent involve works within the public highway, which is land over which you have no control. Highways England therefore requires you to enter into a suitable legal agreement to cover the detailed design and construction of the works. Please contact the Asset Manager, Steve Hellier, (telephone 0300 470 4383) at an early stage to discuss the details of the highways agreement.

The applicant should be aware that an early approach to Highways England is advisable to agree the detailed arrangements for financing the design and construction of the scheme. Commencement of works will also need to be timed to fit in with other road works on the strategic road network or local road network to ensure there are no unacceptable impacts on congestion and road safety.

Please be advised that Highways England will charge Commuted Sums for maintenance of schemes delivered by third parties. These will be calculated in line with HM Treasury Green Book rules and will be based on a 60 year infrastructure design life period.

**INFORMATIVE NOTE:** At all times, a contact telephone number shall be displayed on site for members of the public to use to raise issues. A named person will also be provided to Environmental Health in order for contact to be made should complaints be received.

The use of any radio / amplified music system on site must be kept at a level not to cause annoyance to noise sensitive premises beyond the boundary of the site.

Any future sub-contractors to the site shall be made aware of, and comply with any guidelines/conditions relating to site management of emissions of noise, dust, smoke, fumes etc., made in as part of the determination of this application. Letter drops to adjacent residents in close proximity should be considered as part of the Construction phase to give a minimum of 48 hours notice of any exceptional activities proposed.

Any waste arising at the site shall be appropriately segregated and controlled prior to its removal by an appropriately licensed

**contractor. Any waste arising from the activity which could potentially be contaminated in any way shall also be segregated again, and removed appropriately. Environmental Health must be informed if this occurs.**

**1.0** Application Number: [WP/19/00445/FUL](#)

Site address: Council Offices, North quay, Weymouth DT4 8TA

Proposal: Demolition of existing building and provision of car park

Applicant name: Dorset Council

Case Officer: Bob Burden

Ward Member(s): Cllrs Brian Heatley, Clare Sutton and Kate Wheller

This application is brought to Committee for determination in accordance with the Scheme of Delegation as Dorset Council is the applicant.

## **2.0 Summary of Recommendation:**

2.1 Grant with planning conditions.

## **3.0 Reason for the Recommendation:**

- The scheme would not cause harm to the character or appearance of the conservation area.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application

## **4.0 Table of key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	The site lies within the defined development boundary, and the adjacent land is already in existing use as car park.
Heritage considerations	The scheme would preserve the character of the conservation area and would not have an adverse effect on the setting of listed buildings.
Impact on residential amenity	The scheme would not result in significant harm to residential amenity.
Flood risk issue	The proposal would not cause flood risk, subject to appropriate conditions.
Land contamination	The scheme is acceptable subject to appropriate contaminated land conditions.

Archaeology	The proposals will affect archaeology, which can be addressed through a programme of archaeological works.
Access and parking	The scheme would use existing accesses which is acceptable, and increases parking on the site.
Loss of employment	This is acceptable and in the context of adopted Local Plan policy WEY7 allows for the redevelopment of this site which may later include employment.
Economic benefits	Increased public car parking revenue from about 60 spaces. Employment during demolition phase.
Ecology	Ecological survey carried out; acceptable biodiversity mitigation plan produced.

## 5.0 Description of Site

5.1 The site lies on the south side of Weymouth Harbour, and fronts onto the south side of the North Quay road. The site is currently occupied by the “footprint” and building of the vacant former Weymouth and Portland Borough Council offices. This is essentially a four storey brick and predominantly Portland Stone building with additional higher storey elements in the central section. It covers an area of about 68 x 19m= 1292m<sup>2</sup>. The site is relatively level.

5.2 The site is surrounded on all sides apart from the north by the existing car park. To the north of the site, across North quay, is Weymouth Marina within the Harbour area. To the east side is part of the existing car park with older traditional houses 28 and 28A Trinity Street beyond. To the south side is the elevated linear belt of trees/vegetation known as Chapelhay Gardens, retained by a mix of historic natural stone walling, buttresses and timber retaining sections. To the west is the historic High West Street area. Buildings close to the edge of the existing car park include the brick/slate Kingdom Hall of Jehovahs Witnesses, the Old Town Hall and the listed Boot Inn. North Quay House (residential) is also to this side.

## 6.0 Description of Development

6.1 The development involves the demolition of the office building and its replacement with a tarmac public parking area for about 60 cars.

## **7.0 Relevant Planning History**

WP/15/00031/OUT Demolition of the existing office buildings and redevelopment with approximately 72 dwellings and approximately 216m<sup>2</sup> of commercial space. Approved 13 July 2016.

## **8.0 List of Constraints**

Within Defined Development Boundary

Adopted Local Plan Policy WEY7

Flood risk

Land contamination

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

Within the Weymouth Town Centre Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

## **9.0 Consultations**

9.1 Historic England- The existing council offices are of limited architectural and historic interest and Historic England has no objection to the proposed demolition. However, we are concerned that it is not proposed to replace the building, but simply to use the site for surface car parking. We commented previously on proposals for this site (WP/15/00031/OUT) when it was proposed to replace the building with a development of small individual units that we considered sensitive and well considered, with the potential to create a rich and pleasing backdrop to the harbour. This will not be achieved by simply utilising the site for car parking; and indeed the harm caused by the former offices to the character and historic grain of the conservation area will be exacerbated.

NPPF Para 200 requires local planning authorities to look for opportunities for new development in conservation areas to enhance or better reveal their significance. This proposal does not conform with that guidance. We encourage your authority to reconsider these plans and formulate a plan for the reuse of this site in a manner that preserves and enhances the character and appearance of the conservation area.

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraph 22 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

to pay special attention to desirability of preserving and enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

9.2 Design and Conservation Officer- The loss of the existing building will not be seen as harmful to the setting of the conservation area. It is not a positive contributor to the area but the site does allow for some views of the wider townscape and harbour setting. The demolition of the building in this sense can be seen as a positive agenda. This part of the conservation area has already lost the historic grain of development but it would be normal for any demolition within a conservation area to be followed by a development proposal. As long as the car park is a temporary agenda and a development proposal re-instating the historic building line frontages comes forward within a reasonable time frame – I see no other heritage issues here.

Noted that some trees are removed. If no new trees planted can they be planted in large containers strategically placed.

9.3 Natural England- Biodiversity plan submitted - this should be conditioned.

9.4 Environment Agency- No objection, with informatives.

9.5 WPA Land Contamination Consultant- Desk-top study submitted. Await provision of an invasive site investigation and an asbestos survey. This can be addressed by conditions.

9.6 Planning Policy Officer- The application site falls within the Harbourside area of the Weymouth Masterplan SPD (2015), and Policy WEY7 – Westwey Road and North Quay Area, of the adopted WDWP Local Plan 2015.

These policies encourage mixed use development to create an active street and waterfront. Criterion (ii) of policy WEY7 specifically requires a comprehensive scheme for the former municipal offices which complement the scale, rhythm and rich texture of the buildings in Trinity Road and East and West High Street so as to present an attractive frontage. The policy goes on to say that development can proceed in phases provided that it does not compromise this objective.

I note that the proposal is for the demolition of the office building with public car parking to replace it. While the proposed use does not fulfil the policy requirement, it does not prejudice or compromise the delivery of a future comprehensive mixed use scheme. As it stands, the proposal to demolish the building simply serves as the first phase to help facilitate future regeneration.

You may want to consider a condition which time limits the car park use. Reason: to ensure that the development site comes forward as intended through planning policy.

9.7 Highway Officer- No objection.

9.8 Archaeological Officer - Comment in Design and Access Statement: "The demolition may present opportunities for small scale archaeological investigation as part of the demolition process. This could inform the necessity for a wider site strategy." In my opinion this is correct. Some of the demolition works and the car park construction could have an impact on below-ground archaeological remains, so for this reason alone it is important that these works are monitored by an archaeological contractor and that any archaeological material affected by the works is recorded to an appropriate standard. Beyond this, the results of this monitoring should provide useful archaeological information to assist in the determination of the possible future proposal that is referred to in the current application. Recommend programme of works archaeological condition.

9.9 Technical Services Officer- The site is mostly located in EA flood zone 1 – with a small area of the site nearer the harbour being within EA flood zones 2&3. I note that you have consulted with the EA regarding the flood risk. The Weymouth and Portland SFRA shows more of the site being within flood zone 3 by 2126. The EA's surface water flood mapping indicates that the surface water flood risk is low. Due to the size of the proposals, they qualify as major development with regards to the proposed management of the surface water drainage for the site. In this regard, the FRM team at DC have been consulted and I suggest you refer to their comments.

9.10 Wessex Water- Existing surface water arrangements discharging to harbour must be utilised. Site close to public water main and public combined sewer; applicant will need to agree scheme of protection works for demolition and re-development.

9.11 Flood Risk Officer- Site lies mainly in Flood Zone 1 with north-east corner in Flood Zones 2 and 3. Request more information to clarify surface water drainage arrangements and how these will be managed. Proposed conditions have been discussed with the flood risk officer and they have no objections.

9.12 Economic Development Officer- No comment to make other than additional parking may be of marginal benefit to the local businesses.

9.13 Tree Officer- Senior Tree Officer considers that the trees proposed for removal are not good specimens and are not of sufficient quality to warrant a Tree Preservation Order.

9.14 Environmental Health Officer- No comments received at time of report preparation

9.15 Weymouth Town Council- No objection

Representations received

2 letters of objection received. The main planning related points include-

- Inconsistent with Local Authorities declaration of climate and ecological emergency; should re-use (not demolish) the building (thereby reducing CO2 emissions from making concrete).
- query if bomb damage would actually have disturbed archaeology.
- ensure a full archaeological investigation is carried out.
- Loss of overall public parking facility whilst works carried out - extra car parking would be less visually acceptable than the existing building.
- should retain and re-use existing building instead; it is a worthy part of areas heritage.

All consultee responses and representations can be viewed in full on the website.

## **10.0 Relevant Policies**

West Dorset, Weymouth and Portland Local Plan 2015  
INT1 Presumption in favour of sustainable development  
ENV1 Landscape, seascape and sites of geological interest  
ENV2 Wildlife and habitats  
ENV4 Heritage Assets  
ENV5 Flood risk  
ENV9 Pollution and contaminated land  
ENV10 Landscape and townscape setting  
ENV11 The pattern of streets and spaces  
ENV15 Efficient and appropriate use of land  
ENV16 Amenity  
SUS2 Distribution of development  
ECON3 Protection of other employment sites  
COM7 Creating a safe and efficient transport network  
COM9 Parking standards in new development  
WEY7 Westway Road and North Quay Area.

National Planning Policy Framework-

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-



makers at every level should seek to approve applications for sustainable development where possible.

The following sections are relevant;

- 2. Achieving sustainable development
- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres
- 8. Promoting healthy and safe communities
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

Other material considerations

Weymouth Town Centre Conservation Area Character Appraisal

Bournemouth, Dorset and Poole Parking Standards

Landscape Character Assessment

## **11.0 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.

## **12.0 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 increased car park size in this location close to the town centre would ease access for elderly or less able persons.

### **13.0 Financial benefits**

- Employment during carrying out of demolition works.
- Additional car parking revenue from about 60 further car spaces.

### **14.0 Climate Implications**

14.1 Use of powered machinery releasing CO<sub>2</sub> and carbon monoxide during demolition phase. Loss of embodied energy in the building materials etc. Potential increased emissions from more vehicles making use of larger car park area.

### **15.0 Planning Assessment**

#### **Principle of development-**

15.1 The site lies within the defined development boundary of the town where development is normally permitted subject to relevant material planning considerations. Approved outline planning application WP/15/00031/OUT in 2016 established the principle of removal of the existing building to allow for the redevelopment of the site for up to 72 dwellings and up to 216m<sup>2</sup> of commercial floor space.

15.2 This application represents an interim step to prepare the site for redevelopment in the future, whilst ensuring the site continues in an appropriate use for the meantime. The wider site and the former Fire Station site (now re-developed) fall with the area affected by adopted Local Plan policy WEY7.

WEY7 WESTWEY ROAD AND NORTH QUAY AREA reads as:  
The Westway Road and North Quay area will be redeveloped for mixed uses which may include residential, hotel, commercial and small scale retail development so as to create an active street and waterfront.

A comprehensive scheme is required for North Quay which will complement the scale, rhythm and rich texture of the buildings in Trinity Road to the East and High West Street to the South so as to present an attractive frontage to the harbour and to respect the historic buildings of the old High Street.

Redevelopment can proceed in phases provided it does not compromise the above objectives.

15.3 The principle of extending the car park over the footprint of the removed building would not compromise the above policy objective.

#### **Heritage considerations-**

15.4 The site occupies a prominent site in the Weymouth Town Centre Conservation Area. Historically the site supported characterful buildings which were lost as a result of WW2 bombing. The building subject of this application resulted from a post-war redevelopment of the site. The building is 4 storey with a small top pavilion and crown feature, and was the former civic offices of Weymouth and Portland Borough Council opening in the early 1970's. It has a slab and frame construction with the front and side elevations mainly in Portland Stone, with brick to the rear. The elevations have alternating stone and window panels. The Weymouth Town Centre Conservation Appraisal includes the building in its category of "Detrimental characteristics". It states: "While the building may have architectural merit its imposition on the earlier historic street pattern of Weymouth, including the clearing of High Street is to the detriment of the area".

15.5 This is a building which is highly prominent and visible from a variety of viewpoints in the locality. It also lies in relatively close proximity to historic buildings, including the listed Boot Inn to the west, the Old Town Hall, the terraced houses of High West Street, the listed Town Bridge and the grade II\* Trinity Church.

15.6 Historic England do not object to demolition of the building, however they are concerned by the increased site area now temporarily proposed as a car park; they refer to the previous application (WP/15/00031/OUT) which showed the redevelopment of the site for a comprehensive development sensitive to the location close to the harbour. They feel the application does not address para 200 of the NPPF (exploring opportunities to enhance the site)

15.7 Regarding Historic England's comments, it is important to consider the wider context of this application: The Council has a clear intention to seek the redevelopment of this site based on the adopted Local Plan policy WEY7 (outlined above). The Council has an "interim" position in that it wishes to make appropriate temporary use of the site until circumstances allow progression towards its redevelopment.

15.8 This intention is acknowledged in the comments of the Conservation and Design Officer, who considers that the scheme would not be seen as harmful to the setting of the conservation area:

The building is not seen as a positive contributor to the area but the site does allow for some views of the wider townscape and harbour setting. The demolition of the building in this sense can be seen as a positive agenda. This part of the conservation area has already lost the historic grain of development but it would be normal for any demolition within a conservation area to be followed by a development proposal. As long as the car park is a temporary agenda and a development proposal re-instating the historic building line

frontages comes forward within a reasonable time frame – I see no other heritage issues here.

15.9 Returning to the concern of Historic England regarding Para 200 of the NPPF this states:

Local Planning Authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated more favourably.

15.10 The former Shared Partnership of Weymouth and Portland, and West Dorset Council devised policy WEY 7 which is consistent with the objective of para 200 above. The interim use as a car park (given that all the surrounding land is already car park) would not compromise the stated planning policy objective.

15.11 In visual terms the removal of this building and its replacement with a further car parking area would “open up” the site substantially in a way which would allow some increased public views of the rear historic walling, listed and/or historic buildings and Chapelhay Gardens planting area. The interim use as extra parking spaces would be visually similar to the existing surrounding parking area and the tarmac surface would be similar to the existing. In these circumstances it is considered that the scheme would, in that sense, preserve the character of the conservation area.

It is considered that the proposal will not adversely affect the setting of the listed buildings nearby. This conclusion has been reached having regard to: (1) section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the setting of Listed Buildings; and (2) Local Plan policy

The proposal is considered to preserve the character or appearance of the conservation area. This conclusion has been reached having regard to: (1) section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area; and (2) Local Plan policy.

#### **Arboricultural Considerations-**

15.12 There is an irregular spaced line of trees including silver birches up to about 9m high along the site frontage in the verge. The Councils Senior Tree and Woodland Officer has assessed these and does not consider them to be good specimens. The proposal includes removal of these because they are too close

to the zone of demolition works. It is considered that their removal would be acceptable. However, it should be noted that the remaining existing trees within the wider car park site would have protective fencing erected around them.

#### **Effect on Residential Amenity-**

15.13 The wider site is already in use as a pay and display car park and as such the normal activities of starting, driving and headlamps at night are established; this use would add a further about 60 spaces to the existing 130. It is not considered this would result in unacceptable detriment to the residential amenity of existing residents in the locality of the site.

15.14 It is the intention to crush the concrete from the demolition work whilst on the site. A Demolition/Construction Environment Management Plan (DCEMP) is required by condition. The Environmental Health Officer has been consulted to help assess this aspect, and any comments will be reported at the meeting.

#### **Flood Risk Considerations-**

15.15 The site lies in a zone of low flood risk but adjacent to a medium risk area to the north-east. The Technical Services Officer has advised consultation with the Flood Risk Management Team (FRM) and the Environment Agency. The Environment Agency have been consulted and have raised no objection but advised informatives be added. The FRM Team have requested more details of the surface water drainage scheme and its maintenance. The Council is currently in the process of producing further information to address this issue. It is addressed by appropriate surface water conditions.

#### **Land Contamination-**

15.16 The site has a history which includes a timber yard and garages. Initial contamination surveys including an asbestos survey have been carried out. Further invasive site investigations will be carried out. This is addressed by suitable planning conditions.

#### **Loss of Employment-**

15.17 As the former civic offices of Weymouth and Portland Borough Council the site would have supported a significant number of jobs. However the adopted planning policy WEY 7 allows for a range of uses on this site which could still include an element of employment.

#### **Economic Benefits-**

15.18 The use of the site as an additional area of car parking is likely to increase car parking revenue for the District Council during the period the car park

operates. The demolition works would provide employment opportunities for that phase.

### **Archaeology-**

15.19 The Senior Archaeologist agrees that the demolition may present opportunities for small scale archaeological investigation as part of the demolition process which could inform the necessity for a wider site strategy. The officer recommends an archaeological programme of works condition.

### **Ecology-**

15.20 The applicant has carried out a bat survey and ecological appraisal of the site. A Biodiversity Mitigation Plan has then been produced which includes assessment of the possibility of bats and the need for a pre-demolition inspection. The Plan has been verified by the Natural Environment Team.

## **16.0 Conclusion**

16.1 This site forms part of the wider North Quay area where policy WEY7 of the Local Plan seeks to redevelop the area in a manner appropriate to the rich texture of the historic buildings close by and historic street pattern formerly present. The existing North Quay Office building is recognised as a building not appropriate to this townscape context. The principle of removal of the building was established by the 2016 planning permission. Removal of the building would effectively amount to the first stage of the intention to see the site redeveloped more sympathetically.

16.2 The interim use of the site as additional public car parking would be an appropriate use pending the future redevelopment of the site. The extra car park area would not prejudice or compromise the delivery of a future comprehensive scheme.

## **17.0 RECOMMENDATION**

17.1 Grant with planning conditions:

1. Three year implementation time limit.
2. Plans list:

Location Plan & Site Plan - Drawing Number 006389 L101 P1

Demolition Plan - Drawing Number 006389 L100 P1

Proposed Car Park - Schematic Layout - Drawing Number 006389 L110 P1

3. The surfacing of the additional car park area shall be finished in tarmac to match the existing.

REASON: To protect the character of the conservation area.

4. No development approved by this permission shall be commenced until a Demolition/Construction Environmental Management Plan has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and within an agreed timetable.

The plan shall include pollution prevention measures, (including details of any crusher equipment to be used), arrangements for the protection of local residents from noise, vibration and dust from the development and proposals to ensure that –

Hours of works are to be limited to

Monday – Friday	0700 – 1900
Saturday	0800 – 1300
No works on Sundays or Bank Holidays	

The start up of vehicles and machinery is only carried out in a designated area, as far away from residential / sensitive areas as practicable

The start up of vehicles / equipment etc. is limited to 30 minutes prior to the hours of demolition/construction only.

REASON: In order to protect residential amenity, prevent pollution of the water environment and to protect water quality interests.

5. No construction of the new car park area shall be commenced until a detailed and finalised surface water management scheme for the site, based on the hydrological and hydrogeological context of the development, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the submitted details before the development is completed.

REASON: To prevent increased risk of flooding and to improve and protect water quality.

6. No construction of the new car park area shall be commenced until details of the maintenance and management of the surface water sustainable drainage scheme shall 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 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 increased risk of flooding.

7. Before the commencement of demolition (paragraph a below), and before car park construction (paragraph b below), the following documents shall be submitted for the written approval of the Local Planning Authority:

An invasive site investigation report summarising prior reporting and documenting the current ground conditions of the site, and incorporating a 'developed conceptual model' of all potential contaminant linkages, detailing the identified sources, pathways and receptors and the basis of risk assessment;

A detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed including a detailed phasing scheme for the development and remedial works. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The car park area hereby approved shall not be first brought into use until the following document shall have been submitted for the written approval of the Local Planning Authority:

Written confirmation in a verification and validation report that the remediation scheme agreed with the Local Planning Authority has been fully undertaken as detailed in the remediation scheme and/or as amended through agreement with the Local Planning Authority.

REASON: To ensure that risks from soil contamination are minimised.

8. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175.

Should any contamination be found requiring remediation, a remediation scheme shall be submitted to and approved by the Local Planning Authority. The approved remediation scheme shall be carried out to a timescale to be first agreed with the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted which is subject to the approval in writing of the Local Planning Authority.



REASON: To ensure risks from contamination are minimised.

9. No demolition shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant to, and approved in writing by the Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results.

REASON: To ensure the archaeological record is correctly recorded.

10. The development shall be carried out in accordance with the Biodiversity Mitigation Plan received 4 June 2019. There shall be no variation to the agreed contents of the Plan without the prior written agreement of the local planning authority.

REASON: In the interests of nature conservation.

11. No development shall take place until all existing trees, shrubs and other natural features not scheduled for removal have been fully safeguarded and fenced in accordance with a scheme to be first approved in writing by the Local Planning Authority. Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels and chemicals, soil or other materials shall take place inside this fenced area. The soil levels within the fenced area shall not be raised or lowered and no trenching or excavation shall take place. In the event that protected trees (or their roots) become damaged, are lost or become otherwise defective in any way during such period, the Local Planning Authority shall be notified immediately and a programme of remedial action as directed by the Local Planning Authority shall be carried out within a timescale to be specified by the Local Planning Authority.

REASON: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity.

This page is intentionally left blank