



Western and Southern Area Planning Committee

Date: Thursday, 14 March 2024
Time: 10.00 am
Venue: Council Chamber, County Hall, Dorchester, DT1 1XJ

Members (Quorum 6)

David Shortell (Chairman), Jean Dunseith (Vice-Chairman), Dave Bolwell, Kelvin Clayton, Susan Cocking, Nick Ireland, Paul Kimber, Louie O'Leary, Bill Pipe, Kate Wheller, Sarah Williams and John Worth

Chief Executive: Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact Democratic Services
Meeting Contact: Joshua.Kennedy@Dorsetcouncil.gov.uk 01305 224710

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda.

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Agenda

Item	Pages
1. APOLOGIES	
To receive any apologies for absence	
2. DECLARATIONS OF INTEREST	
To disclose any pecuniary, other registerable or non-registerable interest as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.	
If required, further advice should be sought from the Monitoring Officer in advance of the meeting.	

3. MINUTES

5 - 16

To confirm the minutes of the meeting held on 08 February 2024.

4. REGISTRATION FOR PUBLIC SPEAKING AND STATEMENTS

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. [Guide to Public Speaking at Planning Committee](#).

The deadline for notifying a request to speak is 8.30am on Tuesday 12 March 2024.

5. PLANNING APPLICATIONS

To consider the applications listed below for planning permission

- a) Application P/OUT/2021/05309 Land adjacent Broadmead, Broadmayne & P/FUL/2021/05255 Land adjacent Broadmead, Broadmayne 17 - 138
P/OUT/2021/05309: Development of up to 80 residential dwellings, together with open space, allotments and enhanced drainage features (outline application to determine access only).
P/FUL/2021/05255: Change of use of agricultural land to Suitable Alternative Natural Greenspace (SANG) and temporary formation of a construction haul road.
(The reports from the July 2023 and September 2023 Committee meetings have been added as appendices to the report).
- b) Application P/FUL/2023/00324 Steepleton Manor, B3159 Junction A35t to Rew Manor, Winterbourne Steepleton, Dorset, DT2 9LG 139 - 164
Proposed change of use including alterations to form 13 residential flats with ancillary accommodation and communal facilities (red line extended to include grounds and garden of manor).
- c) Application P/FUL/2023/07302 4&5 Bedford Terrace, Long Bredy, DT2 9HW 165 - 178
Demolition of existing rear extensions, erection of ground and first floor rear extensions. Erection and relocation of ancillary buildings. Other internal and external works and addition of modern low energy services.

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|----|--|--------------|
| d) | Application P/LBC/2023/07124 4&5 Bedford Terrace, Long Bredy, DT2 9HW
Demolition of existing rear extensions, erection of ground and first floor rear extensions. Erection and relocation of ancillary buildings. Other internal and external works and addition of modern low energy services. | 179 -
188 |
| e) | Application P/LBC/2023/01707 116 The Esplanade, Weymouth, DT4 7EJ
Create WC on ground floor of hotel, within the back stairs. | 189 -
196 |

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.

7. EXEMPT BUSINESS

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended).

The public and the press will be asked to leave the meeting whilst the item of business is considered.

There is no exempt business scheduled.

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WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 8 FEBRUARY 2024

Present: Cllrs David Shortell (Chairman), Jean Dunseith (Left the meeting at 11:43) (Vice-Chairman), Kelvin Clayton, Susan Cocking, Nick Ireland, Paul Kimber, Sarah Williams and John Worth

Apologies: Cllrs Dave Bolwell and Kate Wheller

Also present: Cllrs Anthony Alford and David Walsh

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

Ann Collins (Area Manager – Western and Southern Team), Philip Crowther (Legal Business Partner - Regulatory), Paul Eastwood (Engineer (Development Liaison)), Mike Garrity (Head of Planning), Joshua Kennedy (Democratic Services Officer), Shanta Parsons (Senior Planning Officer), Matthew Pochin-Hawkes (Lead Project Officer), Steve Savage (Transport Development Liaison Manager) and Elaine Tibble (Senior Democratic Services Officer)

74. Declarations of Interest

No declarations of disclosable pecuniary interests were made at the meeting.

75. Minutes

The minutes of the meeting held on 11 January 2024 were confirmed and signed.

76. Planning Applications

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

77. Application P/FUL/2023/04091 Dower House, Parnham House, Parnham, Beaminster, DT8 3LZ

The Lead Project Officer presented the application for the erection of a new dwelling and alternations to an existing dwelling on the Parnham Estate.

Members were shown the location of the application site and an aerial view of the area with the site boundaries highlighted. The site fell within the Area of Outstanding Natural Beauty and outside the Defined Development Boundary. It was also noted that the setting of Parnham House was Grade I listed, the Registered Park and Gardens Grade II* listed and Dower House was Grade II listed.

Photographs of Parnham House were shown, and it was explained that a fire in 2017 had caused extensive internal damage to the building and restoration work was currently ongoing. The Lead Project Officer explained the location of Dower House in relation to Parnham House and provided plans outlining the parts of the dwelling which were proposed to be demolished. Photographs of the tracks linking the two buildings, the access and parking area were also shown.

An application for an extension to the Dower House was approved in 2021 and the current plans were similar in regard to design, scale and materials to the approved application from 2021. The floorplans and elevations of the proposed new dwelling were shown to members, it was explained that it would be a more modern design but use similar materials to the existing Dower House. Both dwellings were intended to be used as holiday lets.

The Lead Project Officer explained that the new dwelling was considered to cause less than substantial harm to Parnham House, Dower House and the Registered Park and Gardens. The new building would approximately double the footprint of the development at the entrance to the estate and the scale of the development was considered to be harmful to the setting of the listed buildings. The public benefits of the application were considered to be limited and included the economic benefits of providing a single holiday let accommodation to the area, increasing choice of holiday accommodation and a biodiversity net gain. It was not considered that the public benefits outweighed the harm caused to the heritage assets.

Public representations were received from the applicant, Mr Grant, Cllr Monks Chairman of Beaminster Town Council and Cllr Alford the member of the adjacent ward to the application site, who all spoke in support of the application. It was highlighted that this application was necessary to create a sustainable business that would in turn support the restoration of Parnham House and the importance of the economic benefits that the application would bring to Beaminster.

In response to questions from members the Lead Project Officer provided the following responses:

- The historic route linking Parnham House with Dower House contributed to the setting of Parham House and held heritage value and therefore it was considered there was some harm being caused by the additional dwelling.
- A Section 106 would be needed to link the proposed dwelling as holiday accommodation to the Parnham estate to ensure that it could not be sold separately, should the committee decide to grant permission.
- The Dorset Council Highways team expressed concern at the initial application, however subject to a condition restricting the access to the site to a single dwelling, so as not to increase the vehicle movements on that junction, they had no objections.

Members felt that the new dwelling would be in keeping with the Dower House in terms of size and appearance and therefore would not detract from the entrance to Parnham Estate. The extra revenue would also further support the applicant in restoring Parnham House.

Several members of the committee expressed their support for the application, based on the economic benefits and the less than substantial harm that was considered to be caused to the setting of the listed buildings and the registered park and gardens.

There was an adjournment from 11:16 – 11:27 to allow the planning officers to consider the wording of the proposal.

Members considered that less than substantial harm to the setting of Parnham House, the Dower House and the Registered Park and Gardens was outweighed by the public benefits (economic) of the construction of one unit of holiday accommodation.

The Lead Project Officer presented the planning conditions, should the committee decide to approve the application.

Proposed by Cllr Worth and seconded by Cllr Ireland.

Decision:

- A) That authority be delegated to the Head of Planning or the Service Manager for Development Management and Enforcement to grant planning permission subject to the completion of a legal agreement under section 106 of the Town and County Act 1990 (as amended) in a form to be agreed by the Legal Services Manager to secure the tying of the proposed holiday-let to Parnham House so that it cannot be sold off separately.

And subject to conditions set out in the appendix to these minutes.

- B) That authority be delegated to the Head of Planning or the Service Manager for Development Management and Enforcement to refuse planning permission for the reason set out in the Committee Report if the legal agreement is not completed within 6 months of the committee resolution or such extended time as agreed by the Head of Planning or Service Manager for Development Management and Enforcement.

Cllr Dunseith left the meeting at 11:43

78. **Application P/FUL/2023/06865 Uplyme Road Business Park, Uplyme Road, Lyme Regis, DT7 3LS**

The Senior Planning Officer presented the application for the construction of 13 storage units. The application had come to committee due to part of the application site being on Dorset Council owned land.

The location of the site within Lyme Regis was shown and the area of land that was owned by Dorset Council was highlighted. Photographs of the access to the site, the site itself and the boundaries of the site were shown to members.

The proposal included the siting of 13 storage units, additional landscaping and a parking area and the proposed plans were shown to members. The proposal was considered to be acceptable subject to conditions.

In response to a question from one member the Senior Planning Officer assured the committee that there would be no adverse impact on the neighbouring medical centre as a result of the proposal.

Members were in agreement that the application posed no issues.

Proposed by Cllr Williams and seconded by Cllr Kimber.

Decision: That the application be granted subject to the conditions set out in the appendix to these minutes.

Application P/HOU/2023/05788 84 Croft Road, Portland, DT5 2EP

- a) The Planning Officer presented the application for the erection of a single storey rear and side extension to a residential dwelling in Portland. It was explained that the application had come to the committee for determination because part of the application site was Dorset Council owned land.

The location of the application site was outlined on a map of Portland and the area of the site owned by Dorset Council was also highlighted. The site fell within the Defined Development Boundary and within the Neighbourhood Plan Area.

The existing and proposed elevations and floorplans of the dwelling were shown to members, as well as photographs of the property showing where the proposed extension would be located.

Members felt that the extension would be in keeping with the residential area and did not present any issues.

Proposed by Cllr Kimber and seconded by Cllr Cocking.

Decision: That the application be granted subject to the conditions set out in the appendix to these minutes.

79. Urgent items

There were no urgent items.

80. Exempt Business

There was no exempt business.

81. Update Sheet

Decision List

Duration of meeting: 10.00 am - 12.09 pm

Chairman

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Western & Southern Area Planning Committee 08 February 2024 Decision List

Application: P/FUL/2023/04091

Site Address: Dower House Parnham House Parnham Beaminster DT8 3LZ

Proposal: Erection new dwelling. Construct swimming pool and pool plant house. Alterations and extensions to Dower House to provide enhanced internal accommodation; part demolition including existing boiler room, utility room, conservatory, garage, walling, structures within courtyard and detached outbuilding. Reinstatement of carriageway, gates and piers and boundary enclosure; erection of bike stores.

Recommendation: That the application be refused.

Decision: A) Delegate authority to the Head of Planning or the Service Manager for Development Management and Enforcement to grant planning permission subject to the completion of a legal agreement under section 106 of the Town and County Act 1990 (as amended) in a form to be agreed by the Legal Services Manager to secure the tying of the proposed holiday-let to Parnham House so that it cannot be sold off separately.

And the following planning conditions, wording to be agreed in consultation with the Chair of the Planning Committee:

1. Plans list
2. Time limit (linked to River Lodges and Orchard Rooms)
3. Holiday purposes only (new dwelling)
4. External materials – including specification and samples
5. Windows and doors – detailed design
6. Gates, finials and piers – detailed design and method
7. New and replacement rainwater goods
8. Landscaping and Planting Scheme
9. Arboricultural Method Statement, Tree Constraints Plan, Tree Removals Plan and Tree Protection Plan.
10. Restricted access – to serve holiday let only
11. Access, turning, manoeuvring and parking
12. Vehicle access specification
13. Electric gates – details
14. Gates – inward opening only, not onto highway
15. Air Source Heat Pumps
16. Biodiversity Plan

B) Delegate authority to the Head of Planning or the Service Manager for Development Management and Enforcement to refuse planning permission for the reason set out in the Committee Report if the legal agreement is not completed

within 6 months of the committee resolution or such extended time as agreed by the Head of Planning or Service Manager for Development Management and Enforcement.

Application: P/FUL/2023/06865

Site Address: Uplyme Road Business Park Uplyme Road Lyme Regis DT7 3LS

Proposal: Construction of 13 Storage Units.

Recommendation: Grant subject to conditions.

Decision: That the application be 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:

Location and Block Plan	plan no. C2344.01A
Proposed Site Plan	plan no. C2344.04
Proposed Floor and Elevations	plan no. C2344.02A
Proposed Floor and elevations	plan no. C2344.03A
Proposed Sections 1	plan no. C2344.05A
Proposed sections 2	plan no. C2344.06A
Proposed sections 3	plan no. C2344.07

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, and the Town & Country Planning Use Classes Order 1987 as amended (or any order revoking and re-enacting those Orders with or without modification) the premises the subject of this permission shall not be used other than for storage uses falling within Use Class B8 only and shall not be used for distribution.

Reason: In the interests of amenity and to ensure that the use remains compatible with surrounding land uses in the area.

4. The premises shall not be accessed for storage use and no vehicle movements shall be permitted on the site outside the hours of 0700 to 2200 on Mondays to Fridays and 0800 to 2000 on Saturdays, Sundays and Public Holidays.

Reason: To safeguard the character and amenity of the area and living conditions of any surrounding residential properties.

5. There shall be no external storage of items or materials at the site.

Reason: In the interests of residential and visual amenity.

6. There shall be no external lighting at the site, including security lighting, without details of the proposed lighting scheme, including details of the number of lights, location, design and luminance levels having first been submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting shall be installed in accordance with the approved scheme.

Reason: In the interests of visual and residential amenity.

7. Prior to the commencement of any development hereby approved, all existing trees and hedges shown on approved plan Proposed Site Plan Drwg no. C2344.04 to be retained, shall be fully safeguarded and tree protection zones established in accordance with BS 5837:2005 (Trees in relation to construction - recommendations) or any other Standard that may be in force at the time that development commences and these safeguarding measures shall be retained for the duration of construction works and building operations. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zone(s).

Reason: To ensure that trees and hedges to be retained are adequately protected from damage to health and stability throughout the construction period and in the interests of amenity.

8. Prior to the units hereby approved being first brought into use, a soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the first planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years and shall thereafter be carried out in accordance with it.

Reason: In the interest of visual amenity.

9. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number C2344.04 must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

10. Prior to first use of the development hereby approved, the cycle parking facilities shown on drawing number Proposed Site Plan Drwg no. C2344.04 shall be constructed and made available. Thereafter, these shall be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure provision of adequate cycle parking to support sustainable transport.

11. All surface water from the development hereby approved shall be discharged to a piped drainage system and not to a soakaway.

Reason: In the interests of ground stability and flood risk.

Informative:

National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating 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.

Application: P/HOU/2023/05788

Site Address: 84 Croft Road Portland DT5 2EP

Proposal: Erect rear/side single storey extension.

Recommendation: Grant subject to conditions.

Decision: That the application be 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:

Extension Drwg no. 2904:504/002 Rev A

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

Informative:

National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating 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.

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Application Numbers:	P/OUT/2021/05309 & P/FUL/2021/05255
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Land Adjacent Broadmead, Broadmayne
Proposal:	P/OUT/2021/05309: Development of up to 80 residential dwellings, together with open space, allotments and enhanced drainage features (outline application to determine access only). P/FUL/2021/05255: Change of use of agricultural land to Suitable Alternative Natural Greenspace (SANG) and temporary formation of a construction haul road.
Applicant name:	Southern Strategic Land LLP
Case Officer:	Matthew Pochin-Hawkes
Ward Member(s):	Cllr. Roland Tarr

1.0 Reason for Planning Committee Consideration

These applications are being re-reported to planning committee following changes to material planning considerations since Members resolved to approve the developments subject to planning conditions and Section 106 legal agreements at the 7 September 2023 Western and Southern Area Planning Committee.

2.0 Background

At the 20 July 2023 Western and Southern Area Planning Committee Members considered the residential application provided a positive contribution to much needed housing in the area and the 45% on-site provision of affordable housing would benefit the local housing market.

At the subsequent 7 September 2023 committee Members resolved to grant planning permission for the residential development and associated SANG subject to planning conditions and Section 106 legal agreements. These earlier Committee Reports are included at **Appendices 2 to 5**.

Since the 7 September 2023 planning committee good progress has been made on the ‘main Section 106 Agreement’, which has been signed by the Applicant. Negotiations in respect of the two nutrient neutrality-related Section 106 Agreements are ongoing and the applicant is exploring alternative credit-related options in respect of phosphorus mitigation.

On 19 December 2023 the Department for Levelling Up, Housing and Communities published a revised version of the National Planning Policy Framework (NPPF). Associated 2022 Housing Delivery Test (HDT) figures and Planning Practice Guidance (PPG) has also been published and the statutory duty for areas of outstanding natural beauty (AONB) set out within the Countryside and Rights of Way Act 2000 has been amended.

Given these constitute revised material planning considerations, since it was resolved to grant planning permission, it has been necessary for officers to consider the implications of these revised material planning considerations on the applications and whether the Council can proceed to determination without re-reporting the applications to planning committee.

In deciding whether it is necessary to re-report the application to planning committee the council has considered the relevant test from case law which is whether the planning committee may reach a different decision on the application having regard to the revised material planning considerations.

This report therefore: identifies the revised material considerations; provides an officer opinion on the effect of the new material considerations; and invites Members to reconsider their resolution in light of the revised material considerations.

3.0 Assessment

Residential Application (P/OUT/2021/05309)

Revised NPPF, PPG, new HDT figures and amended statutory duty related to AONBs

Appendix 1 identifies where the revised NPPF, PPG, new HDT results and the amended statutory duty related to AONBs affect the assessment and conclusions set out in previous Committee Reports. For completeness it sets out all of the relevant changes but it is only the changes set out in this Section 3 of the report which officers consider may affect the Committee’s earlier decision.

The additional headroom above the requisite housing land supply target means the council now has as a healthier supply of deliverable sites above the revised target (+1.28 years above 4 years) compared to the less healthy position when the application was considered by planning committee (+0.34 years above 5 years). Nevertheless, the application must still be considered on a 'flat balance' without the presumption in favour of sustainable development being engaged.

Changes in Affordable Housing Need

It is relevant to note the increasing need for affordable housing within West Dorset since the time of the previous planning committees. Since the July 2023 planning committee the number of active applications on the council's Housing Register has increased by almost 13% from 4,900 to 5,528 applications (at the time of writing, 12 February 2024).

SANG Application (P/FUL/2021/05255)

Revised NPPF and amended statutory duty related to AONBs

Appendix 1 identifies where the revised NPPF and the amended statutory duty related to AONBs affect the assessment and conclusions set out in previous Committee Reports. Officers are satisfied that the amended statutory duty are satisfied and the changes to the NPPF do not materially affect the assessment and conclusions of the earlier Committee Reports.

4.0 Recommendation

Members are requested to consider the revised material considerations and resolve whether they change the resolutions of the 7 September 2023 Western and Southern Area Planning Committee to approve planning permission subject to planning conditions and a S106 legal agreement.

Appendix 1 – Consideration of revised material considerations

Topic	Extract from Committee Report / Update Sheet	Officer Comments
Residential Application		
7 September 2023 Committee Report & Update Sheet		
Nutrient Neutrality	<p>7.22 The 20 July Planning Committee Report identified (Para. 15.79) that an offsite mitigation solution is proposed to deliver nutrient neutrality. This is necessary to ensure compliance with Policy ENV2 of the Local Plan, <u>Paragraphs 179-80 of the NPPF</u> and the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended).”</p>	<p>N/A. Paragraphs 179-180 re-numbered as 185-186. No change to wording.</p> <p>It is still necessary to secure offsite mitigation as set out within the 7 September 2023 Committee Report and Update Sheet in the form of Section 106 Agreements with the landowners of the mitigation sites, the developer and Dorset Council.</p> <p>Since the previous planning committees, the government has made an announcement that the Poole Harbour catchment has been designated as a nutrient sensitive catchment. This means that all wastewater treatment works within the catchment that serve 2,000+ population equivalents will need to be upgraded to the technically achievable limit by 2030 subject to any exemptions that the Secretary of State designates. The Council awaits a second announcement in respect of the exemptions which the government has advised will be complete before 1 April 2024.</p> <p>Within Poole Harbour, Dorset Council has been lobbying for the upgrade requirement for phosphorus to apply to all wastewater treatment works that serve 1,000+ population equivalents as this would remove the need for phosphorus mitigation within the</p>
	<p>Update Sheet - A letter from the Department of Levelling Up Housing and Communities (DLUHC) to Chief Planning Officers was issued on 1 September 2023. The letter provides more detail on the changes being introduced and explains what the amendments to the LURB would mean in practice when commenced. Of relevance to the determination of the application, the letter confirms:</p> <p><i>“...Until the provisions come into effect, it is important that planning decision-making continues and decisions will need to be taken on the basis of the current legal framework. While this letter is being sent to all local planning authorities, the proposed changes to the HRA [Habitats Regulations Assessments] would apply only to areas affected by nutrient neutrality, and would not</i></p>	

	<p><i>change the HRA considerations for other areas or issues (such as water neutrality)... Given the intention to continue investing in mitigation projects, the Government hopes that progress on live projects will continue to be made in advance of these changes coming into effect, during which time developers will still need to source credits as necessary and planning decisions will be made on the basis of the existing legal framework..."</i></p> <p>Accordingly, it currently remains necessary to secure off-site mitigation in accordance with the proposed Section 106 Heads of terms outlined within the Committee Report.</p> <p>To allow flexibility to respond to changing requirements in the near future, it is proposed that members provide delegated authority to the Head of Planning and the Service Manager for Development Management and Enforcement to modify and/or remove the Section 106 obligation related to nutrient naturality should legislation be enacted to no longer require bespoke mitigation to be provided. This change is proposed via an update to Recommendation A (see below).</p> <p>In the event that the Section 106 Agreements are completed prior to new legislation it is proposed that the Section 106 Agreements include clauses to allow for revised and/or no mitigation should current requirements to achieve nutrient neutrality be amended.</p>	<p>catchment. The second announcement could designate more wastewater treatment works for upgrade for phosphorus and/or nitrogen or remove some from the need for upgrade.</p> <p>Until this second announcement is made the impact of that announcement on nutrient neutrality in the Poole Harbour catchment is unknown and as such it continues to be necessary to secure offsite mitigation as set out within the 7 September 2023 Committee Report (including Update Sheet) in the form of Section 106 Agreements with the landowners of the mitigation sites, the developer and Dorset Council.</p> <p>Should there be a change in legislation which no longer requires the proposed mitigation to be secured, the resolution of the 7 September 2023 Committee allows for the nutrient neutrality obligation to be amended or removed. In such a scenario an alternative credit-based solution may be acceptable subject to consideration by officers and Natural England and a further Habitats Regulations Assessment.</p>
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20 July 2023 Committee Report		
<p>Housing Land Supply and Housing Delivery Test</p>	<p>15.4 The Council’s latest published 5 year housing land supply position reflecting the 1 April 2022 base date is 5.34 years. In a recent appeal decision (APP/D1265/W/22/3291668) an Inspector considered that the Council had a 5.25 year supply, bearing in mind the evidence that was presented to them earlier in 2023 before the publication of the 1 April 2022 base date position. However, the Inspector in that same decision stated that for a number of reasons the supply may be greater than 5.25 years but less than that stated by the Council at the time of the appeal which was 5.75 years. The fact that the Council stated a position of 5.34 years in April this year is considered to be consistent with the Inspector’s statement that supply could be greater than 5.25 but less than 5.75 years and as such the position remains at 5.34 years supply as of the 1 April 2022 base date. Given the former West Dorset, Weymouth and Portland area is currently able to demonstrate a 5 year housing land supply and meet the Housing Delivery Test, the proposal for a mixed market and affordable development is not acceptable in principle.</p>	<p>In November 2023 Dorset Council published a Joint West Dorset, Weymouth and Portland five year housing land supply report which confirms a housing land supply figure of 5.28 years, similar to that stated in the 20 July 2023 Committee Report (5.34 years). At the time of publication this represented a +0.28 year supply above the five year threshold for applying the presumption in favour of sustainable development (Para. 11), similar to that reported to planning committee (+0.34).</p> <p>Paragraph 77 of the NPPF (December 2023) establishes that <i>“local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years’ worth of housing, or a minimum of four years’ worth of housing if the provisions in paragraph 226 apply”</i>. Paragraph 226 states that <i>“certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years’ worth of housing”</i>, where they <i>“...have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need”</i>.</p> <p>Having reached Regulation 18 stage with the emerging Dorset Council Local Plan (through public</p>

		<p>consultation that included a policies map and housing allocations) the Council is required only to demonstrate a minimum of four years' supply of housing instead of a minimum of five years. Paragraph 055 Reference ID: 68-055-20240205 of the PPG confirms the four year housing land supply should be demonstrated against the authorities' five year housing land supply requirement with the appropriate buffer.</p> <p>Notwithstanding the changes to the buffer, the council is able to demonstrate greater headroom above the revised four year threshold below which the presumption in favour of sustainable development is engaged (+1.28 years) compared to at the time of the planning committee (+0.34 years). The Council is still able to meet the Housing Delivery Test (HDT).</p> <p>Whilst the Council is now able to demonstrate a healthier supply of deliverable sites above the revised target, the changes to the NPPF, PPG and HDT results do not materially affect the conclusions of the Committee Report and the application still falls to be determined on a 'flat balance'.</p>
<p>Exceptions sites</p>	<p>15.8 The NPPF (Para. 78) sets out that Local Planning Authorities should support opportunities to bring forward rural exceptions sites that will provide affordable housing to meet identified local needs. The NPPF defines rural exception sites as <i>"small sites used for affordable housing in</i></p>	<p>N/A. The relevant paragraph from the revised NPPF (Para. 82) has been <u>updated</u> to note that:</p> <p><i>"In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local</i></p>

	<p><i>perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection...</i></p> <p>15.9 The proposal represents a large scale site for housing that would not be of a character and scale appropriate to the location. That would remain if all housing were secured and delivered as affordable. This would not fall within the provision of Policy HOUS2 or NPPF (Para. 78). At up to 80 dwellings with the majority served via one access point there are concerns such an approach would not create a mixed and balanced community. Were 100% affordable housing to be secured, the proposal would not be acceptable as an affordable housing exception site.</p>	<p><i>needs, including proposals for community-led development for housing....</i></p> <p>The proposals do not constitute a community-led development, as defined by the NPPF and the proposals do not fall within the definition of exceptions sites established by Paragraph 73. Accordingly the NPPF does not raise any relevant new material considerations in respect of exceptions sites.</p>
<p>Loss of Agricultural Land</p>	<p>15.12 Policy ENV8 seeks to steer built development towards areas of poorer quality land where it is available. The NPPF (Para. 174) notes decisions should enhance the natural and local environment, including by recognising the wider benefits from natural capital, including the economic and other benefits of the best and most versatile agricultural land. It further states in reference to plan making that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land</p>	<p>N/A. Paragraphs 174 re-numbered to 180. No change to wording.</p> <p>Footnote 58 has been re-numbered to 62 and expanded to state <i><u>“Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. <u>The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.</u>”</u></i></p>

	should be preferred to those of a higher quality (Footnote 58).	As the footnote relates to plan making, the change does not raise any new material considerations in respect of loss of agricultural land.
Highways	15.20 The Highway Authority concludes that, on balance, when judged against the NPPF, it has no objection to the proposed development subject to planning conditions. Subject to these conditions and securing the off-site highway works and Traffic Regulation Order, the proposal is acceptable from a highways perspective and would not have an unacceptable impact on highway safety or have a server impact on the road network (NPPF, Para. 111).	N/A. Paragraph 111 re-numbered as 115. No change to wording.
Affordable Housing	15.26 Neighbour responses raise concern that the housing would provide second homes, holiday lets and/or investment properties rather than homes for first time buyers. There is no policy basis or material considerations to require the market housing element to be restricted to first time buyers only. Affordable housing would meet the definition of affordable housing within the NPPF as “housing for sale or rent, for those whose needs are not met by the market”. It would therefore provide opportunities for a wide range of occupiers and renters, including those on the Housing Register, first time buyers and families thereby helping to meet local housing need.	N/A. The definition of affordable housing has not changed.

<p>AONB</p>	<p>15.28 NPPF (Para.176) states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. Development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. Para. 177 establishes that planning permission should be refused for ‘major development’ (determined by the decision maker) within AONBs other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.</p> <p>15.29 The site lies adjacent to the AONB which follows the western boundary of the site including residential properties along Martel Close together with land to the north. Whilst the proposal for residential development falls entirely outside of the AONB, the associated SANG falls partially within the AONB. The SANG is subject to a separate planning application (P/FUL/2021/05255) which would be linked with the residential proposals via a Section 106 agreement.</p> <p>15.30 For the purposes of NPPF Para. 177, it is relevant to consider whether the combined proposal would represent major development for which exceptional circumstances would need to be demonstrated. Considering the residential and SANG proposals as a whole, the only development proposed within the AONB comprises approximately 40% of the SANG. The SANG</p>	<p>N/A. Paragraphs 176-177 have been re-numbered as 182-183. No change to wording.</p> <p>Amendments to the Clause 85 of the Countryside and Rights of Way Act 2000 (CROW) introduced via Clause 245 of the Levelling-Up and Regeneration Act (LURA) came into force on 26 December 2023. The amendments require relevant authorities (including Local Planning Authorities) to “seek to further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty” (rather than “have regard to...”) in relation to land in an AONB.</p> <p>The application does not include land within the Dorset AONB. As concluded within the Committee Report, the proposal would not harm the special qualities or natural beauty of the AONB.</p>
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	<p>would provide natural open space including landscaping and pedestrian routes. The proposed SANG within the AONB is not considered to be major development for the purposes of NPPF Para 177. Whilst it would be linked to a residential development of up to 80 dwellings, the site of the proposed dwellings is located outside of the AONB. Accordingly, the exceptional circumstances outlined at NPPF Para. 177 are not engaged and do not need to be demonstrated for either development...</p> <p>15.32 It is noted that the site is well-related to the urban area of Broadmayne and there would be limited visibility of the site from the surrounding AONB. This is evident in the short-range views from Broadmayne and longer-range view from the AONB which show the proposals would be seen in the context of Broadmayne. Due to the location and character of the site, the proposals would not harm the sense of tranquillity and remoteness of the AONB through adverse impacts within its setting.</p> <p>15.33 Owing to the location of the site outside of the AONB, sloping topography away from the open countryside and AONB and presence of existing dwellings to the east, south and west, it is considered that, subject to appropriate reserved matters submissions, the proposal would have an acceptable effect on the AONB and would not harm its special qualities or natural beauty.</p>	
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<p>Local landscape, village character and beauty</p>	<p>15.34 Sections 12 and 15 of the NPPF seek to employ high quality inclusive design which respects, and integrates with, its environment. The Framework seeks to ensure decisions contribute to and enhance the natural and local environment by protecting valued landscapes through recognising the intrinsic character and beauty of the countryside.</p> <p>15.35 In particular, Para 127 of the NPPF seeks, amongst other objectives, to ensure decisions are sympathetic to local character and history, including the surrounding built environment and landscape setting.</p>	<p>Section 12 has been <u>updated</u> to refer to achieving well-designed and <u>beautiful places</u>. No changes have been made to Paragraph 127 (now 132).</p> <p>The minor wording changes detailed at Paragraphs 138 (previously 133) and 140 (previously 135) do not materially affect the conclusions of the Committee Report. Given the outline nature of the application, conditions providing visual clarity about the design and approved materials are not relevant.</p> <p>With the exception of footnote 62 (noted above), no wording changes have been made to Section 15 of the NPPF.</p> <p>The references to <i>“the importance of securing well-designed <u>and beautiful</u>, attractive and healthy places”</i> does not materially affect the assessment of the application. The application is in outline with all matters except access reserved for later determination. Matters of beauty would be considered at the Reserved Matters stage.</p>
<p>Heritage</p>	<p>15.52 With no footway along much of Rectory Road, the applicant has sought to address the highway safety issue through off-site mitigation. The mitigation is supported by the Highways Authority. Nevertheless, the off-site highway works would result in the total loss of the Non-Designated Heritage Asset. In accordance with the NPPF (Para. 203) the effect on the significance of the Non Designated Heritage</p>	<p>N/A. No changes have been made to Section 16 of the NPPF. Paragraph 203 re-numbered as 209.</p>

	<p>Asset should be taken into account in determining the application.</p> <p>15.53 The harm to the Non-Designated Heritage Asset is considered to be outweighed by the benefits of the proposals noted in Section 15 of this report; namely the provision of a minimum of 45% affordable housing. As such, the proposal is acceptable in heritage terms and in accordance with the NPPF and Local Plan Policy ENV4.</p> <p>16.5 The loss of the concrete hard standing on the east side of Rectory Road (a Non Designated Heritage Asset) to provide a footway would be outweighed by the benefits of the proposal noted above (NPPF Para. 203).</p>	
Food Risk and Drainage	<p>15.64 The Council's Flood Risk Management Team (as Lead Local Flood Authority) has no in-principle objection to the proposed development or conceptual drainage strategy subject to a pre-commencement condition in respect of detailed design and maintenance. Subject to these conditions, the proposal would be acceptable from a surface water drainage and flood risk perspective in accordance with Policy ENV5 and the NPPF and would also provide off-site betterment as noted above.</p>	<p>N/A. No changes have been made to the flooding and drainage related tests of Section 14 of the NPPF.</p>
Nutrient Neutrality	<p>15.79 An offsite mitigation solution is proposed. This would result in the net reduction in nitrogen and phosphorus through the provision of packaged treatment waste water treatment facilities.</p>	<p>N/A. Paragraphs 179-180 re-numbered as 185-186. No change to wording.</p>

	<p>Together with a planning condition limiting the use of water to 110litres per day, Dorset Council is satisfied that the proposal would not result in an adverse effect on the Poole Harbour. This is confirmed via the Appropriate Assessment undertaken by Dorset Council and reviewed by Natural England. Subject to securing the mitigation, the proposal would therefore accord with Policy ENV2, of the Local Plan, Paragraphs 179-80 of the NPPF and the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended).</p>	<p>It is still necessary to secure offsite mitigation as set out within the 7 September 2023 Committee Report and Update Sheet in the form of Section 106 Agreements with the landowners of the mitigation sites, the developer and Dorset Council.</p> <p>Since the previous planning committees, the government has made an announcement that the Poole Harbour catchment has been designated as a nutrient sensitive catchment. This means that all wastewater treatment works within the catchment that serve 2,000+ population equivalents will need to be upgraded to the technically achievable limit by 2030 subject to any exemptions that the Secretary of State designates. The Council awaits a second announcement in respect of the exemptions which the government has advised will be complete before 1 April 2024.</p> <p>Within Poole Harbour, Dorset Council has been lobbying for the upgrade requirement for phosphorus to apply to all wastewater treatment works that serve 1,000+ population equivalents as this would remove the need for phosphorus mitigation within the catchment. The second announcement could designate more wastewater treatment works for upgrade for phosphorus and/or nitrogen or remove some from the need for upgrade.</p> <p>Until this second announcement is made the impact of that announcement on nutrient neutrality in the Poole Harbour catchment is unknown and as such it</p>
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		<p>continues to be necessary to secure offsite mitigation as set out within the 7 September 2023 Committee Report (including Update Sheet) in the form of Section 106 Agreements with the landowners of the mitigation sites, the developer and Dorset Council.</p> <p>Should there be a change in legislation which no longer requires the proposed mitigation to be secured, the resolution of the 7 September 2023 Committee allows for the nutrient neutrality obligation to be amended or removed. In such a scenario an alternative credit-based solution may be acceptable subject to consideration by officers and Natural England and a further Habitats Regulations Assessment.</p>
<p>SANG Application (P/FUL/2021/05255)</p>		
<p>7 September 2023 Committee Report & Update Sheet</p>		
<p>Loss of Agricultural Land</p>	<p>15.7 Policy ENV8 seeks to steer built development towards areas of poorer quality land where it is available. The NPPF (Para. 174) notes decisions should enhance the natural and local environment, including by recognising the wider benefits from natural capital, including the economic and other benefits of the best and most versatile agricultural land. It further states in reference to plan making that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality (Footnote 58).</p>	<p>N/A, as above. Paragraphs 174 re-numbered to 180. No change to wording.</p> <p>Footnote 58 has been re-numbered to 62 and <u>expanded</u> to state “<i>Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. <u>The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.</u></i>”</p>

		<p>As the footnote relates to plan making, the change does not raise any new material considerations in respect of loss of agricultural land.</p>
<p>AONB</p>	<p>15.10 NPPF (Para.176) states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. Development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. Para. 177 establishes that planning permission should be refused for ‘major development’ (defined by the decision maker) within AONBs other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.</p> <p>15.11 Approximately 40% of the site falls within the Dorset AONB. The associated residential application falls entirely outside of the AONB. However, given the applications would be linked via a Section 106 Agreement it is necessary to consider whether the combined proposals would represent major development for the purposes of NPPF Para. 177.</p> <p>15.12 Considering the residential and SANG proposals as a whole, the only development proposed within the AONB comprises approximately 40% of the SANG. The SANG would provide natural open space including landscaping and pedestrian routes. The proposed SANG within the AONB is not considered to be major development for the purposes of NPPF Para</p>	<p>N/A. Paragraphs 176-177 have been re-numbered as 182-183. No change to wording.</p> <p>Amendments to section 85 of the Countryside and Rights of Way Act 2000 (CROW) i require relevant authorities (including Local Planning Authorities) to “seek to further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty” (rather than “have regard to...”) in relation to land in an AONB.</p> <p>The application falls within the Dorset AONB and the amended statutory duty applies. In line with the statutory duty, the Council has sought to further the purposes of conserving and enhancing the AONB through the determination process of the application. It is concluded that the proposals would further the purposes of conserving and enhancing the natural beauty of the AONB by providing appropriate landscaping and new public access from which the natural beauty of the AONB can be appreciated.</p>

	<p>177. Whilst it would be linked to a residential development of up to 80 dwellings, the site of the proposed dwellings is located outside of the AONB. Accordingly, the exceptional circumstances outlined at NPPF Para. 177 are not engaged and do not need to be demonstrated for either development.</p> <p>15.13 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) with the application which considers the impact of the proposals on the setting of the AONB. Dorset AONB Partnership consider that subject to a sensitive design, the SANG would not be unduly harmful to the character and appearance of the AONB.</p> <p>15.14 The proposals for the SANG are considered compatible with the natural character of the area and not considered to harm the special qualities or natural beauty of the Dorset AONB.</p>	
20 July 2023 Committee Report		
Loss of Agricultural Land	<p>15.7 Policy ENV8 seeks to steer built development towards areas of poorer quality land where it is available. The NPPF (Para. 174) notes decisions should enhance the natural and local environment, including by recognising the wider benefits from natural capital, including the economic and other benefits of the best and most versatile agricultural land. It further states in reference to plan making that where significant development of agricultural</p>	<p>N/A, as above. Paragraphs 174 re-numbered to 180. No change to wording.</p>

	<p>land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality (Footnote 58).</p>	
<p>AONB</p>	<p>15.10 NPPF (Para.176) states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. Development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. Para. 177 establishes that planning permission should be refused for ‘major development’ (defined by the decision maker) within AONBs other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.</p> <p>15.11 Approximately 40% of the site falls within the Dorset AONB. The associated residential application falls entirely outside of the AONB. However, given the applications would be linked via a Section 106 Agreement it is necessary to consider whether the combined proposals would represent major development for the purposes of NPPF Para. 177.</p> <p>15.12 Considering the residential and SANG proposals as a whole, the only development proposed within the AONB comprises approximately 40% of the SANG. The SANG would provide natural open space including landscaping and pedestrian routes. The proposed SANG within the AONB is not considered to be</p>	<p>N/A, as above. Paragraphs 176-177 have been re-numbered as 182-183. No change to wording.</p>

	<p>major development for the purposes of NPPF Para 177. Whilst it would be linked to a residential development of up to 80 dwellings, the site of the proposed dwellings is located outside of the AONB. Accordingly, the exceptional circumstances outlined at NPPF Para. 177 are not engaged and do not need to be demonstrated for either development...</p> <p>... 15.14 The proposals for the SANG are considered compatible with the natural character of the area and not considered to harm the special qualities or natural beauty of the Dorset AONB.</p>	
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Appendix 2 – Residential Officer Report to 20 July 2023 Western and Southern Area Planning Committee

Appendix 3 – Residential Officer Report & Update Sheet to the 7 September 2023 Western and Southern Area Planning Committee

Appendix 4 – SANG Officer Report to 20 July 2023 Western and Southern Area Planning Committee

Appendix 5 – SANG Officer Report & Update Sheet to the 7 September 2023 Western and Southern Area Planning Committee

Application Number:	P/OUT/2021/05309
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Land Adjacent Broadmead Broadmayne
Proposal:	Development of up to 80 residential dwellings, together with open space, allotments and enhanced drainage features (outline application to determine access only)
Applicant name:	Southern Strategic Land LLP
Case Officer:	Matthew Pochin-Hawkes
Ward Member(s):	Cllr. Roland Tarr

1.0 Given the number and scope of comments from consultees and members of the public, the Head of Planning has requested this application be considered by Planning Committee.

2.0 Summary of recommendation:

REFUSE for the following reasons:

1. The proposal would result in the unnecessary development of best and most versatile agricultural land for residential development outside the defined development boundary. Furthermore, it would result in an unsustainable pattern of development which would be disproportionate in scale to the village of Broadmayne and harmful to the countryside and local character through adverse visual effects and impacts on the countryside-edge character of this part of Broadmayne as a result of the quantum, density and scale of the development. The proposal is contrary to Policies SUS2, ENV1 (part iii), ENV8 (part ii), ENV10 and ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF (2021).
2. In the absence of a completed Section 106 legal agreement to secure affordable housing the proposal would be contrary to Policy HOUS1 of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF (2021).
3. In the absence of a completed Section 106 legal agreement to secure provision of a Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) the associated likely significant effects on Dorset Heathlands are not mitigated, contrary to: West Dorset, Weymouth & Portland Local Plan (2015) Policy ENV2; Dorset Heathlands Planning Framework 2020-2025 SPD (2006); National Planning Policy Framework (2021) Paragraphs 174 and 180; and the provisions of the Conservation of Habitats Regulations 2017.
4. In the absence of mitigation to ensure nutrient neutrality the associated likely significant effects on Poole Harbour SSSI, SPA and Ramsar through increased nitrogen and phosphate loads are not mitigated, contrary to: West

Dorset, Weymouth & Portland Local Plan (2015) Policy ENV2; National Planning Policy Framework (2021) Paragraphs 174 and 180; and the provisions of the Conservation of Habitats Regulations 2017.

5. In the absence of a completed Section 106 legal agreement to secure a Locally Equipped Area for Play (LEAP) the proposal would be contrary to Policy COM1 of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF (2021).
6. In the absence of a completed Section 106 legal agreement to secure off-site highway improvement works the proposal would be contrary to Policy COM7 of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF (2021).

3.0 Reason for the recommendation:

3.1 There is a balance to be struck in considering a proposal which would deliver new housing in a location which the Local Plan does not envisage as the most sustainable location for housing.

3.2 The provision of housing outside of the DDB would be contrary to Local Plan Policy SUS2 and there would be local adverse effects caused by residential development of the site. The proposal would fundamentally alter the character and appearance of the site and would erode the countryside-edge character of this part of Broadmayne, an important component of the village’s sense of place. Furthermore, it would sterilise best and most versatile agricultural land. The higher density of the site and provision of 2-storey dwellings across much of the site would contrast with the existing character, height and density of the surrounding area and would not be in harmony with local character. The proposals would also fail to mitigate limited visual impacts from the surrounding public right of way network to the south of Broadmayne.

3.3 The benefits of the proposal are not considered to outweigh the harm of the proposals and in principle conflict with policy. The proposed development fails to comply with the development plan as a whole.

3.4 It is recommended that planning permission be refused due to conflict with Policies SUS2, ENV1 (part iii), ENV8 (part ii), ENV10 and ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015). In addition, in the absence of necessary provision of affordable housing and appropriate mitigation of adverse impacts in respect of Dorset Heathlands and Poole Harbour, provision of a locally equipped area for plan and off-site highway improvement works secured via a Section 106 legal agreement the proposal would conflict with Policies HOUS1, ENV2, COM1 and COM7 of the West Dorset, Weymouth & Portland Local Plan (2015).

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development outside of the DDB and loss of best and most versatile

	agricultural land is unacceptable contrary to Policies SUS2 and ENV8. The proposal represents a disproportionate expansion of Broadmayne compared to the size of the village.
Access, highways and highway safety	No unacceptable impacts on highway safety and the residual impacts on the road network would not be severe. In accordance with Policies COM7, COM9 and the NPPF (Para. 111).
Housing mix and affordable housing	Housing mix, tenure and provision of 45% affordable housing aligns with Policy HOUS3 and exceeds the 35% policy requirement of Policy HOUS1. Whilst the applicant has confirmed an intention to provide all housing as affordable, this cannot be secured by legal agreement and is afforded very limited weight in the planning balance.
Impact on the setting of the AONB	The site is not located within the AONB. The development would have an acceptable effect on the setting of the AONB and would not harm its special qualities or natural beauty.
Impact on local landscape and village character	The development would undermine the prevailing character of the area and have a harmful visual effect in conflict with Policies ENV1, ENV10 and ENV12 of the Local Plan.
Layout, design and open space	The illustrative layout is sufficient to form a basis to indicate that the site can be developed satisfactorily for future residents. A reserved matters layout would require significant changes from the illustrative masterplan.
Heritage impacts	No harm to designated heritage assets. Harm through loss of off-site concrete hard standing on the east side of Rectory Road (a Non Designated Heritage Asset) offset by the benefits of the proposal.
Residential amenity	Significant adverse effects on residential amenity would be avoided.
Flood risk and drainage	The proposals would avoid increases in flood risk and would provide off-site betterment by disconnecting existing highway gullies from the foul sewer network.
Ecology	The proposals would deliver biodiversity net gains and potential adverse effects on Dorset Heathlands and Poole Harbour are capable of mitigation.

Trees	All trees would be retained and impacts on existing trees can be suitably managed by condition.
Archaeology	Impacts on archaeology can be appropriately managed through a planning condition securing the implementation of a programme of archaeological work.
External lighting	Acceptable subject to planning conditions.
Minerals safeguarding	A method statement to be secured via planning condition would avoid sterilisation of sand and gravel resources as far as practicable.
Community Infrastructure Levy	Market housing would be CIL liable in accordance with the West Dorset CIL Charging Schedule.
EIA Regulations	An Environmental Impact Assessment is not required.

5.0 Description of Site

5.1 The site comprises a 4.7ha square shaped agricultural field in the village of Broadmayne. It lies adjacent to the existing developed areas of the village, surrounded on three sides by dwellings and the Defined Development Boundary.

5.2 The southwest of the site is bound by the rear gardens of dwellings along Martel Close, a post-war cul-de-sac of properties of varying ages and sizes sited in generous plots. To the south lie residential properties along Chalky Road, including the residential infill developments of Knights Mayne / No. 6 Chalky Road (six dwellings) and Lytchetts Park / No. 4 Chalky Road (four dwellings). To the east is Littlemead, a 1980s development of modest terraced and semi-detached properties. North of the site is Broadmead, comprising bungalows set in regular plots. To the northwest lies open countryside and the associated Suitable Alternative Natural Greenspace (SANG) site. The surrounding area has an established low density, somewhat suburban, countryside-edge character of 1-2 storey residential properties and open countryside: markedly different to the more compact historic core of the village, approximately 350m to the east.

5.3 The site is in arable agricultural use with a pronounced fall in levels from northwest to southeast (approximately 65m to 55m AOD). The applicant's Agricultural Land Classifications Report (November 2021) identifies the entirety of the site comprises Best and most versatile Agricultural Land (BMV) split approximately 30% Grade 2 (very good) and 70% Grade 3a (good). A post and rail fence along the Broadmead boundary allows clear views over the field towards the residential properties of Martel Close. To the north of the site (within the SANG site) lies a public bridleway (S9/15) which leads west from Bramble Drove into the wider Public Rights of Way network. To the north of the bridleway is a line of mature beech trees. These provide an important landscape feature and field boundary within the adjacent SANG site.

5.4 The southwestern and southern boundaries of the site are enclosed by mature trees sited within the rear gardens of adjacent dwellings and there is established vegetation along the rear of properties along Martel Close. The Dorset AONB boundary includes the properties of Martel Close and follows the western boundary of the site. The site itself does not fall within the AONB.

6.0 Description of Development

6.1 The application seeks outline planning permission to develop the site for up to 80 dwellings with approval for the access point only and all other matters (layout, scale, appearance and landscaping) reserved for future determination.

6.2 The amount of housing has been reduced over the course of determination from a maximum of 90 dwellings (as originally submitted) to 80 dwellings (as proposed). The applicant has also increased the provision of affordable housing from 35% to 45% and confirmed the intention to provide all homes as affordable. 45% of homes are therefore proposed to be affordable. 35% would have a 70:30 split between social / affordable rented and intermediate. The additional 10% (beyond the policy requirement up to 45%) would be shared ownership. The overall housing tenure mix is outlined below:

Table 6.1 Housing Tenure Mix

	Market	Social/Affordable Rented	Intermediate	Total
No. Dwellings	44	20	16	80
% Dwellings	55%	24.5%	20.5%	100%

6.3 Providing Members considered the enhanced affordable housing offer to be necessary to make the development acceptable in planning terms, the provision of affordable housing beyond the policy requirement of 35% could be secured via a Section 106 legal agreement.

6.4 The application is accompanied by a plan (ref. 23054-04-6 Rev B) showing the proposed site access point from Broadmead opposite the cul-de-sac of Nos. 19-45 Broadmead. The site would be served by the single vehicular access point from the public highway. An additional plan (ref. 23054-04-7 Rev B) identifies off-site highway improvement works comprising alteration of the Rectory Road/Broadmead junction and installation of a 2m footway on the east side of Rectory Road between that junction and Chalky Road.

6.5 A series of indicative site plans show how a development of 80 dwellings could be configured:

- P003 and P004 Indicative site layouts
- P005 Indicative site layout proposal – affordability
- P006 Indicative site layout proposal – unit types

- P007 Indicative pavements and roads proposals
- P008 Indicative parking, refuse and cycle strategy proposal
- P009 Indicative boundary treatment plan proposal

6.6 These illustrative drawings are submitted for purely illustrative purposes only. They represent one way in which the development could come forward at the subsequent Reserved Matters stage and intend to show how the detailed design of the site could be configured in an acceptable way to provide 80 dwellings.

6.7 The illustrative drawings show the site could be developed to provide detached bungalows along Broadmead and detached and semi-detached houses throughout the rest of the site. A total of six house types are shown, ranging from 2-bed semi-detached houses through to 4-bed detached houses. The layout shows dwellings set back from the western boundary and existing foul sewer. The illustrative proposals show how a mix of market and affordable dwellings (35%) could be provided on site. Two clusters of affordable rented dwellings are identified within the centre of the site and shared ownership dwellings are dispersed in the west, south and north of the site. Internal access is shown via a central circulatory road.

6.8 Parking is generally shown on-plot to the front or side of dwellings. A parking court is provided within the centre of the site. The illustrative proposals show three areas of public open space within the site:

1. a 7,760sq.m area along the south eastern boundary adjacent to Chalky Road and within the area of surface water flood risk;
2. a central open space of 2,673sq.m; and
3. an area of 2,554sq.m in the north of the site providing links to the adjacent SANG site and existing bridleway.

6.9 In addition, 27 allotments are identified within the north west corner of the site.

6.10 The site lies outside but adjacent to the Defined Development Boundary (DDB) and Dorset AONB. It lies within 5km of protected heathlands, within a mineral safeguarding area, within the river and nutrient catchment area of Poole Harbour and within a groundwater source protection zone. The site falls within Flood Zone 1 (low risk of flooding from river and sea sources) but has an elevated risk of groundwater flooding (+75%). Parts of the southeast of the site adjacent to properties along Chalky Lane also have an elevated risk of flooding from surface water (1 in 30yr, 1 in 100yr and 1 in 1,000 year risk level).

6.11 The site does not fall within a Conservation Area. The closest listed buildings are located approximately 180-200m to the east of the site within the historic core of Broadmayne (various buildings) and the northern end of Bramble Drove (Historic England ref. 1323944). A Scheduled Ancient Monument is located approximately 500m north at Little Mayne Farm (Historic England ref. 1002697). The heritage assets are not visible from the application site. Representations note the concrete section of Rectory Road has historical importance regarding the D-Day landings where it was used for equipment maintenance and the refuelling and parking of heavy vehicles. It has been considered a Non-Designated Heritage Asset for assessment purposes.

6.12 The site lies predominantly within the Chalk Valley and Downland Landscape Character Area which extends to the north west. A central part of the site falls within the Heath/Farmland Mosaic Landscape Character Area which extends to the east and incorporates the historic core of Broadmayne. Nevertheless, the site has a somewhat suburban, countryside-edge character owing to its topography and presence of dwellings on three sides.

7.0 Relevant Planning History

7.1 The relevant planning history for the site is summarised in the table below.

7.2 The most relevant planning history relates to an outline planning application (all matters reserved) submitted in 2014 for redevelopment of the eastern part of the site for up to 30 dwellings together with creation of new vehicular and pedestrian access from Broadmead (WD/D/14/002343). The illustrative drawing submitted with the application showed housing in the northern part of the site with public amenity space provided to the south adjacent to Littlemead. The application was refused in March 2015 for four reasons. In summary:

1. Highway safety impacts on the A352/Rectory Road junction;
2. Adverse impacts on below-ground archaeology;
3. Adverse impacts on Dorset Heathlands; and
4. Affordable housing provision.

7.3 At the time of the decision, the Local Planning Authority could not demonstrate a 5-year housing land supply (5YHLS) meaning the presumption in favour of sustainable development was engaged.

7.4 The historic applications of the 1980s include part of the current planning application site together with adjacent land to the north.

7.5 The live application for change of use of land to the north to provide a SANG (P/FUL/2021/05255) relates to the current outline planning application and is proposed in order to mitigate impacts on Dorset Heathlands.

Table 7.1 Relevant Planning History

Application No.	Proposal	Decision	Date
P/FUL/2021/05255	Change of use of agricultural land to Suitable Alternative Natural Greenspace (SANG) and temporary formation of a construction haul road	Under consideration	N/A
WD/D/14/002343	Residential development of land for up to 30 dwellings and formation of new vehicular and pedestrian access	Refused	11 March 2015

1/E/85/000573	Develop land by the erection of 35 houses and garages, construct estate road	Refused	9 October 1985
1/E/83/000427	Develop land for residential purposes and construct estate roads	Refused	28 February 1984

8.0 List of Constraints

Land Outside Defined Development Boundary

Dorset Heath Designation Buffer 5km

Landscape Character Areas: Open Chalk Downland (South Dorset Downs) and Heath Farmland Mosaic (Crossways Gravel Plateau)

Adjacent to Area of Outstanding Natural Beauty (AONB) to the west

Minerals and Waste Safeguarding Area

Groundwater Source Protection Areas

Poole Harbour Nutrient Catchment Area; Poole Harbour

Risk of Flooding from Surface Water (Extent 1 in 30/100/1000) – within the southern part of the site

Areas Susceptible to Groundwater Flooding; Clearwater (+75%)

SSSI impact risk zone and 5k buffers (Various)

Medium pressure gas pipeline 25m or less from Medium Pressure Pipelines – along the western boundary of the site

Rights of Way: to the north of the site

9.0 Consultations

9.0 There have been three rounds of public consultation on the planning application. The first consultation was undertaken following validation of the application in December 2021. At that stage, the application related to “up to 90 residential units”.

9.1 Following the first round of consultation, the Applicant submitted amended plans and supporting documents. The revised proposal included the reduction in housing to “up to 80 residential units”. The second round of consultation took place between April-May 2022. The Applicant subsequently advised of the intention to provide all housing as affordable housing and submitted a series of new and amended documents. A third round of consultation was undertaken between October-

November 2022. The applicant subsequently increased the provision of affordable housing from 35% to 45%. No further public consultation was undertaken in respect of this change.

9.2 Alongside the public consultations the Applicant has been liaising with Natural England in respect of nutrient neutrality and the proposed off-site mitigation proposed. This has resulted in some delay in reporting the application to planning committee due to the need to undertake the necessary Habitat Regulations Assessment.

9.3 All consultee responses can be viewed in full on the website. A summary is provided below.

Consultees

Natural England

9.4 Natural England's consultation response confirms no objection in principle subject to the mitigation measures in respect of the SANG, SAMM and nutrient neutrality being secured in perpetuity. The response notes further details are required to comply with The Conservation of Habitats and Species Regulations 2017. Natural England note and support the comments of the AONB Team.

9.5 Following review of Dorset Council's Habitat Regulations Assessment, Natural England advised they concur with the assessment conclusions, provided that all mitigation measures including the ongoing SANG management arrangements and associated costs and the agreed nutrient mitigation measures are appropriately secured in any permission given.

Historic England

9.6 Historic England's consultation response confirms Historic England does not wish to offer any comments on the application. Historic England recommend the views of Dorset Council's conservation and archaeological advisors are sought.

Wessex Water

9.7 The response from Wessex Water confirms the location of Wessex Water assets within the Application Site and easement requirements for habitable buildings, landscaping, and drainage to be located sufficient distance away. It notes sewers and water mains must remain located in highway or public open space as Wessex Water requires unrestricted access for maintenance and repair. The response acknowledges the application is submitted in outline application and places a "holding objection on the layout" until the Applicant has demonstrated how the easements will be accommodated.

9.8 The response notes the proposed surface water drainage strategy and states no surface water runoff or land drainage will be accepted into the public foul sewer.

Southern Gas Networks (SGN) – No comments received.

Dorset Clinical Commissioning Group (CCG) – No comments received.

Dorset Area of Outstanding Natural Beauty Partnership

9.9 The response from Dorset AONB Partnership notes the location of the dwellings outside of the AONB boundary. The response acknowledges Dorset Council was unable to demonstrate a five-year supply of deliverable housing sites and that the 'tilted balance' in favour of sustainable development did not apply in a number of sensitive locations, including AONBs.

9.10 Dorset AONB Partnership note guidance within the NPPF and draw attention to what is defined as a 'major' application in the context of NPPF Para. 177 is a matter for the planning authority to evaluate. The response requests the Local Planning Authority to consider whether the proposal could constitute major development within the AONB given the link between the residential element (outside the AONB) and SANG (within the AONB). This assessment is dependent on whether there is a major effect on the character and appearance of the designated areas.

9.11 The response considers the introduction of housing within the site *"is not considered likely to inherently impact upon the rural character of land within the designated area"*. It explains this is due to the location of housing outside the AONB, interface with existing residential areas to the east, south and west and topographic screening of the site. The response highlights key mitigation measures in the form of scale, materials, lighting and planting will need to be carefully designed.

9.12 Dorset AONB Partnership comment on the Landscape Appraisal (see assessment section below) and note the layout, scale and landscaping are important requirements which need further consideration. In respect of density, the response defers to Dorset Council's urban design and landscape consultees.

Dorset and Wiltshire Fire and Rescue

9.13 Dorset and Wiltshire Fire and Rescue note the requirement to meet Building Regulations requirements and draws attention to key recommendations to improve safety and reduce property loss in the event of fire. The response highlights the need to provide access and facilities for fire services and to provide water supplies for firefighting.

Dorset Police - Crime Prevention Design Engineers – No comments received.

Planning Policy

9.14 The Planning Policy Team identify the relevant policies for the site and comment on the principle of development, housing land supply and the 'major development test' for development within AONB.

9.15 Policy SUS2 restricts development outside DDBs to a limited range of uses including market housing through the re-use of existing rural buildings or affordable housing as exception sites. Given the related SANG site falls within AONB, the response recommends consideration is given to whether the combined residential and SANG proposals constitute 'major development' under Para. 177 of the NPPF.

9.16 Following the submission of evidence challenging the council's stated 5YHLS position, the Planning Policy Team provided an updated response drawing attention to the need to assess the proposals against Policy HOUS2 (affordable housing exception sites) and the NPPF (Para. 78). The Planning Policy Team reiterated that the council is able to demonstrate a 5YHLS and has a Housing Delivery Test result of 114% for the plan area.

9.17 Following the intention to provide 100% affordable housing, the Planning Policy Team commented to note the decision maker will need to be satisfied that the proposal qualifies as an affordable housing exception site by meeting all of the criteria detailed at Policy HOUS2 to be acceptable in principle. They also noted assessment under Para. 78 of the NPPF would be required.

Housing Enabling Team

9.18 The Housing Enabling Team note community engagement has indicated to the applicant that 2-3 bedroom dwellings are desired locally. The response confirms the affordable housing provision (35%) is policy compliant although any additional affordable housing would be welcomed.

9.19 It is desirable that affordable housing should be proportionate to the scale and mix of market housing, be well-integrated and designed to the same high quality resulting in a balanced community of housing that is 'tenure neutral'.

9.20 The housing register demonstrates that there is a significant need for quality affordable family housing with a high demand for a range of dwelling sizes and tenures which this development will assist in meeting.

9.21 The Housing Enabling Team did not provide a further consultation response following confirmation by the applicant that they intend to provide all housing as affordable.

Landscape

9.22 The Landscape Officer provided comments to the initial consultation and second consultation. The latest comments maintain the objection to the proposal and request further information.

9.23 The Landscape Officer has no in-principle objection to development on the site. However, whilst the quantum of development has been reduced from 90 to 80 dwellings, the indicative layout does not demonstrate that this scale of development can be appropriately accommodated on site.

9.24 The density and indicative layout does not comply with Policy ENV 12: “i) *Development will achieve a high quality of sustainable and inclusive design. It will only be permitted where it complies with national technical standards and where the siting, alignment, design, scale, mass, and materials used complements and respects the character of the surrounding area or would actively improve legibility or reinforce the sense of place.*”

9.25 The main issues are summarised as follows:

1. Housing density and dominance of street parking and the parking courtyard has a suburban character inappropriate in the area.
2. The layout does not adequately address the easement along NW/SE border. Drainage requirements may reduce the housing capacity of the site.
3. Landscape Strategy - Inadequate strategic mitigation particularly to NW/SE/NE boundary Landscape mitigation is unclear. Proposal is over-reliant on off-site trees for mitigation.
4. The allotment provision remains squeezed into the site detached from the community and with insufficient parking. Suggest relocating the allotments close to the SANG carpark.
5. Note potential for pleasant pedestrian route along the western boundary subject to significant rearrangement of the layout.
6. Play provision has not been provided. A Locally Equipped Area for Play is required in the area. Provision may reduce the housing capacity of the site.
7. The illustrative masterplan does not demonstrate that the quantum of 80 dwellings can be accommodated appropriately.

9.25 The response notes a Landscape Management Plan would be required at Reserved Matters stage that relates specifically to landscape strategy objectives and the landscape maintenance.

9.26 The Landscape Officer further notes the updated LVA (May 2022) does not assess the worst case scenario given it contains a winter view from View Point (VP)

1 within the site only, and not the VP3 highlighted in the officer's earlier objection. Nevertheless, the Landscape Officer considers VP3 would afford more open view of the site as the existing mature trees are deciduous and notes the LVA states the level of effect on visual amenity as a result of the development from VP3 is major/moderate in year 1 and moderate in year 10.

Urban Design

9.27 The Urban Design Officer's comments on the latest proposals note that although there are aspects of the illustrative layout that should not be carried through to the Reserved Matters stage, the reduction in density from 90 to 80 dwellings would allow these issues to be overcome at a more detailed design phase.

9.28 The Urban Design Officer makes a number of comments on the illustrative proposals acknowledging that a number of the issues raised are not for detailed consideration at this outline planning stage but will need to be addressed at the Reserved Matters stage:

1. The provision of single storey dwellings along the north eastern boundary responds to the character of Broadmead.
2. Revised illustrative proposal shows increased natural surveillance from dwellings towards footpaths. Footpath along the S/SW boundary has been re-routed as recommended. The provision of a pedestrian network with direct and well-surveyed links throughout the site would be a key consideration for the Reserved Matters.
3. The orientation of dwellings adjacent to open spaces are generally shown to be fronting towards these areas. In instances where this isn't the case, the layout could be tweaked at a more detailed design stage to achieve this. Some dwellings should be re-orientated to face the street.
4. Support Landscape Officer's comments (summarised above) that the allotments should be relocated.
5. Request Locally Equipped Area for Play (LEAP) is provided and included within the illustrative plans to demonstrate Fields In Trust guidance is met.
6. Major concerns with public open space proposed as the buffer between the site and existing housing at Martel Close. Recommend this part of the site is reconfigured to back development onto the boundary using plots with deep rear gardens to utilise the foul sewer easement. Suggest larger detached and some semi-detached dwellings would better reflect the character of the wider area in line with Martel Close.

7. Boundaries have been significantly improved. SANG boundary could be optimised at the Reserved Matters stage to allow more dwellings to front toward the SANG with less visible plot boundaries.
8. Introduction of flint/brick to the materials palette is a welcome addition reflective of Broadmayne.
9. Illustrative layout shows parking provision could be sufficiently accommodated subject to detailed design. Garages to bungalows facing Broadmead supported.

Conservation Officer

9.29 No objection. The proposals are not considered to have the potential to affect the significance of any built designated heritage assets owing to distance and/or substantial intervening development.

Natural Environment Team (NET)

9.30 NET provided a Certificate of Approval in respect of the Landscape and Ecological Management Plan (LEMP) on 8 February 2022. The certificate confirms the LEMP adequately addresses the impact on biodiversity. The response notes the LEMP is considered to provide reasonable ecological mitigating and enhancement measures to meet the NERC Act 2006 duty. NET request the full implementation of the LEMP is secured by planning condition.

9.31 The response recommends consultation with Dorset AONB Partnership and Natural England. It also notes the proximity to European Wildlife Sites, SSSI and within 5km of designated heathland.

Highways

9.32 On balance, when judged against the parameters of the NPPF, given the proposed highway alterations/mitigation measures and the analysis of the Chalky Road/A352 junction, the Highway Authority has no objection subject to planning conditions related to: estate road construction; visibility splays; off-site highway works; and construction traffic management plan.

9.33 The proposed access points to the residential development and the SANG car park have sufficient vehicular visibility provision and comply with local and government guidance. The position of the accesses within the highway and in relation to other highway features is acceptable. The width of the access is compliant and allows appropriate refuse vehicle access.

9.34 As with previous applications, the Highway Authority remain concerned regarding any proposals that would see an intensification of use of the Rectory

Road/A352 junction due to the existing substandard vehicular visibility splays available. The current application has acknowledged this concern and seeks to mitigate it through alterations and improvements to the public highway in the vicinity of the site. The proposed alterations and improvements are as follows:

- No entry for vehicles along Rectory Road northbound of the junction with Conway Drive - retaining access southbound from the A352 into Rectory Road
- Alteration to the arrangement and priority of the Broadmead / Rectory Road junction, including improved pedestrian facilities
- Alterations to the Rectory Road/Chalky Road junction - providing an improved pedestrian environment and informal crossing point with tactile paving
- Associated pedestrian improvements - tactile paving provision at St Martins Close; providing the missing sections of footway along Chalky Road, from its junction with the A352 to that of Rectory Road
- Access only signage to Bramble Drove, which is a private road

9.35 Junction analysis of the Chalky Road/A352 junction has been undertaken and shows that the junction currently operates well within capacity. The analysis goes on to show that the additional traffic expected to be associated with the proposed development and that created by the proposed restriction of exiting traffic from the Rectory Road/A352 junction can be comfortably accommodated. This analysis has been tested at current levels and using forecast growth figures (TEMPRO Growth Rates), a recognised methodology which is a standard practice and is considered robust. Visibility at the junction is in excess of standard, given the speed limit of the road. With the above in mind, it is considered that the junction is compliant with Department for Transport standards and has sufficient capacity to accommodate the increase in traffic associated with the proposal.

Lead Local Flood Authority

9.36 No in-principle objection to the proposed scheme or conceptual drainage strategy subject to the pre-commencement planning conditions in respect of detailed design and maintenance.

Minerals and Waste Policy

9.37 There is potential for sand and gravel under part of the site falling within the Mineral Safeguarding Area as designated by Policy SG1 of the Minerals Strategy 2014. It is expected that it may be possible for some mineral to be removed from the site and re-used in some capacity within the housing site should permission be granted. Planning condition seeking re-use of sand and gravels recommended.

Building Control West Team

9.38 Building Control raise no objection and note Building Regulations Approval will be required.

Dorset Waste Partnership – No comments received.

Trees – No comments received.

Economic Development and Tourism – No comments received.

Environmental Services – Protection

9.39 Dorset Council's Environmental Health team recommend planning conditions in respect of land contamination.

Archaeology

9.40 Following liaison with the Applicant's archaeological consultant, and noting the potential for archaeological remains on the site, the council's archaeologist raises no objection subject to conditions.

Libraries – No comments received.

Street Lighting Team

9.41 Any of the new estate being proposed for adoptable as public highway must be lit, as per Dorset Council Street Lighting Policy POLS900, for areas where most roads are already lit. Mature tree canopy sizes should be plotted to allow further assessment of street lighting compatibility.

9.42 The shared surface areas (roads without any pavements) provide no safe locations for street lighting to be installed. Safety legislation requires a minimum separation of vehicles from highway electrical apparatus which, for lighting columns, is taken as 800mm from a full height kerb. These necessary kerbed and raised islands around each light will reduce the useable width of the highway significantly and conflict with pedestrians and vehicle movements.

9.43 The use of a vertical traffic calming features will require permanent all-night street lighting, to comply with the Road Hump Regulations, rather than part night street lighting which would otherwise apply to the estate if horizontal or other measures were employed.

Adult social care – No Comments received.

Public Rights of Way Strategic Access Development

9.44 The Strategic Outdoor Access Development Officer provided a response in respect of PRow and countryside access matters. The Officer notes PRow S9/15 through the SANG site would be affected by the development and its character would change from crossing an open field to running adjacent to the residential development. The response requests further details and clarifications and notes that increased footfall and cycling on Bridleway 19/15 and the wider PRow network should be considered to ensure it functions effectively as a bridleway and better integrates with the development. Concerns raised with construction of the haul road across the PRow and request planning conditions to mitigate impacts.

Broadmayne Parish Council

9.45 Broadmayne Parish Council provided objections at all consultation stages. The latest response maintains the objection and states the revised proposal (100% affordable) would exacerbate many of the issues identified within the earlier objections. In summary, the objections raise the following points:

1. Development would be out of scale with Broadmayne and would conflict with Policy SUS2 as a large scale residential development outside the DDB;
2. 80 affordable dwellings would be wholly inappropriate for the rural location given the lack of local employment, healthcare, retail and community facilities within the village coupled with the poor bus service;
3. The proposal would not qualify as an affordable housing exception site because only 35% of dwellings would be affordable, no assessment of local needs has been carried out and the scheme is not of a character, scale and design appropriate to the location;
4. Concerns with highway impacts, including: underestimation of impacts; lack of safe cycling routes; highway safety concerns with additional traffic; junction capacity at Chalky Road/A352; impacts of making Rectory Road one-way; effectiveness of 'access only' signage on Bramble Drove; loss of on-street parking areas; insufficient parking provision for residents; adverse impacts on road surfacing; conflict with Policy COM7 and the NPPF (Paras. 105 and 112);
5. Planning history shows a series of refused developments and should not be relied upon to justify the proposed development;
6. Adverse impacts on the character of Broadmayne and nearby ANOB;
7. Adverse amenity impacts through loss of outlook, overbearing impact and external lighting;

8. Loss of concrete strip along Rectory Road which has historic significance preceding D-Day when the village hosted many US military personnel;
9. Loss of best and most versatile agricultural land; and
10. Flooding and surface water drainage concerns.

Winterborne and Broadmayne Ward Councillors – Roland Tarr

9.46 Request that the applications be considered by Planning Committee. Note support to Broadmayne Parish Council’s comments and states the Local Plan should be adhered to given Broadmayne is a small village adjoining the Dorset AONB. The village Infrastructure for active travel across the village and to places of education and work such as Dorchester is currently unsatisfactory and dangerous and a certain amount of public and/or private investment, goodwill and discussion with other stakeholders in the area would be required to rectify this problem.

West Knighton Parish Council – No comments received.

Whitcombe Parish Council – No comments received.

Representations Received

9.47 At the time of writing a total of 169 representations have been received. Of these 144 comprise objections, 13 make comments and 12 support the application. It should be noted that in a number of instances multiple representations have been submitted by the same residents. These representations have been taken into account fully and carefully in assessing the proposal. Comments received were wide-ranging. In summary, the following key themes of the representations are as follows:

Topic	Comments
Comments of Support	
Housing	<ul style="list-style-type: none"> - Development would provide affordable housing in an area of high prices. - Affordable housing is much needed. - Some shared ownership homes should be ring-fenced for applicants with a village connection. - Affordable housing supported subject to: increasing the low-cost element to 50%; ensuring the development is viable; and viability review mechanisms - Bungalows will provide suitable housing for an aging population and allow local people to stay local.
Socio-Economic Benefits	<ul style="list-style-type: none"> - New houses will support facilities within the village and allow them to grow and thrive. - Proposals will attract young people to village.

Renewable energy	- Support renewable energy generation.
Comments of Objection	
Principle	<ul style="list-style-type: none"> - Development is outside of the DDB. - Brownfield sites should be prioritised before greenfield. - Site is not allocated for development. - Development is not required. - Other locations within the village would be more appropriate for village expansion. - Proposal is not a small scale rural exception site. - Loss of best and most versatile productive farmland. - Loss of open land. - Site is not a sustainable location due to limited local services, employment opportunities and poor public transport provision.
AONB	- Increased urbanisation within the setting of the AONB will harm the AONB.
Local character and visual amenity	<ul style="list-style-type: none"> - Harm to village character through development of an urban housing estate disproportionate to the scale of the village. - Harm to visual amenity from existing open views along Broadmead and form surrounding houses. - Development would be out of character with dwellings along Martel Close, a number of which are chalet bungalows and bungalows. - Development would not be in harmony with adjacent properties. - Detrimental impacts on visual, physical and social character of village. - Proposals would fundamentally change the character from rural to suburban.
Scale and density	<ul style="list-style-type: none"> - 90 dwellings is too dense for a village of c. 600 dwellings. - 15-20% increase in the number of dwellings would totally alter village character and would be a disproportionately large increase to a small village. - Density would far exceed that in Martel Close (10dph) or Broadmead (13dph). - Broadmayne is only suitable for small-scale in-fill development. - Concern design and materials would be out of keeping with village. Should be similar to properties in Martel Close and Broadmead (reconstituted stone).
Housing (including affordable housing)	<ul style="list-style-type: none"> - Inadequate assurances on affordable housing. - Houses will be unaffordable to young families of Broadmayne. - Concerns housing would provide second homes, holiday lets and/or investment properties rather than first homes. - Housing will not meet local needs. - Absence of social housing.

	<ul style="list-style-type: none"> - Percentage of homes should be safeguarded for locals during an initial sales period. - Mixed tenure development on a smaller scale would be far more appropriate to maintain the character of Broadmayne. - Proposal for 100% affordable housing would not create a mixed and balanced community.
Heritage	<ul style="list-style-type: none"> - Concrete section in Rectory Road proposed to be removed would destroy the historical importance regarding D Day. - Development would harm archaeology.
Residential amenity	<ul style="list-style-type: none"> - Increased noise and disruption from traffic. - Major disruption during construction phase. - Loss of privacy to residents of Martel Close and Littlemead. - Overshadowing of existing homes. - Harm to peaceful enjoyment and private family life (Human Rights Act). - Proposals would result in a loss of property value.
Highway safety	<ul style="list-style-type: none"> - Rectory Road/A352 junction is substandard and has poor visibility. Existing safety concerns would be exacerbated. - Rectory Road/Chalky Road has no footpath or streetlighting and has poor visibility. Additional traffic causes pedestrian safety concerns. - Bramble Drove and Bramble Drove/A352 junction is not suitable. - Rectory Road / Broadmead junction is dangerous and not wide enough to support increase in traffic. - Street parking would restrict visibility splays. - Absence of footpaths throughout village (inc. Rectory Road) causes pedestrian safety concerns due to additional traffic. - Increased traffic would be a danger to vulnerable road users, including children, elderly, cyclists and horse riders. - Street lighting needs to be considered and provided along rectory road.
Highways (including public transport and sustainable travel)	<ul style="list-style-type: none"> - Increased traffic from dwellings and users of SANG. - Highway impacts will be severe. - Chalky Road/A352 junction is too busy. - Impacts have been underestimated due to surveys during Covid lockdowns. - Temporary haul road should be made permanent and used by residents for main access. This would relieve pressure of village roads. - Bus service improvements should be secured and funded by the developer. Existing provision is poor. - Inadequate provision of cycle routes.
Parking	<ul style="list-style-type: none"> - Increased parking on street would cause parking stress. - Parking should be provided for allotments.

	<ul style="list-style-type: none"> - Inadequate parking for dwellings. - Proposals would reduce existing on street parking.
Biodiversity and trees	<ul style="list-style-type: none"> - Harm to wildlife through loss of habitat, including: hares, owls, bats, foxes, voles, hedgehogs, deer and reptiles. - Loss of trees caused by construction of haul road. - Tree report inaccurately plots existing trees. - Adverse impacts on Poole Harbour through additional nutrient loading. - Some proposed tree species would be unsuitable for the calcareous soils.
Flood risk	<ul style="list-style-type: none"> - Existing flooding issue at Rectory Road/Broadmead needs to be fully addressed. - Proposal would make existing flooding issues worse and increase flood risk to adjacent homes especially in Knights Mayne.
Air quality and noise	<ul style="list-style-type: none"> - Increased air pollution and noise caused by increased traffic and construction works.
Lighting	<ul style="list-style-type: none"> - Light pollution caused by street lighting. - Loss of dark sky environment.
Community Infrastructure	<ul style="list-style-type: none"> - Pressure on health and leisure facilities and public services (education, police, healthcare and council services). - Existing facilities within village are limited. There isn't a doctors surgery or dentist within the village. - Loss of amenity provided by bench immediately opposite the proposed entrance to the estate.
Utilities	<ul style="list-style-type: none"> - Development could adversely affect existing water mains through vibrations. - Transformer sub-station at Rectory Road could be liable to damage in the event of an accident at the Rectory Road/Broadmead junction. - Waste water sewage system are inadequate and should be upgraded.
Climate Change and Sustainability	<ul style="list-style-type: none"> - Increased carbon emissions due to urbanisation and use of vehicle movements. - Proposals won't tackle the climate emergency declared by Dorset Council. - Commitment to carbon neutral dwellings is supported. - Development on greenfield site is not appropriate.
Socio-Economic Benefits	<ul style="list-style-type: none"> - Benefits would be limited.
Emerging Dorset Local Plan	<ul style="list-style-type: none"> - Proposal does not comply with emerging new Local Plan.

Land Ownership	- Site boundary includes land and trees within the rear gardens of properties along Martel Close.
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10.0 Relevant Policies

Development Plan

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise. The following policies are considered to be relevant to this proposal:

West Dorset and Weymouth & Portland Local Plan (2015) (LP) Policies

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV3 - Green infrastructure network
- ENV4 - Heritage assets
- ENV5 - Flood risk
- ENV8 - Agricultural land and farming resilience
- 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
- ENV13 - Achieving high levels of environmental performance
- ENV15 - Efficient and appropriate use of land
- ENV 16 - Amenity
- SUS1 - The level of economic and housing growth
- SUS2 - Distribution of development
- HOUS1 - Affordable housing
- HOUS2 - Affordable housing exception sites
- HOUS3 - Open market housing mix
- HOUS4 - Development of flats, hostels and houses in multiple occupation
- COM1 - Making sure new development makes suitable provision of community infrastructure
- COM7 - Creating a safe & efficient transport network
- COM9 - Parking standards in new development
- COM10 - The provision of utilities service infrastructure

Bournemouth, Dorset and Poole Minerals Strategy (2014)

- SG1 - Mineral Safeguarding Area

Other Material Considerations

Emerging Dorset Council Local Plan

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

National Planning Policy Framework (NPPF)

Relevant NPPF sections include:

- Section 4. Decision-making: 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...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.
- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply.
- Section 8 'Promoting healthy and safe communities' aims to make places healthy, inclusive and safe.
- Section 9 'Promoting sustainable transport' requires appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location, safe and suitable access to the site can be achieved for all users, the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46 and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- Section 11 ‘Making effective use of land’. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- Section 12 ‘Achieving well designed places.’
 Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (para 30).
- Section 14 ‘Meeting the challenges of climate change, flooding and coastal change’. The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- Section 15 ‘Conserving and Enhancing the Natural Environment’ - In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Supplementary Planning Documents/Guidance

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Dorset Heathlands Planning Framework 2020-2025 SPD (2006)

Dorset Heathlands Interim Air Quality Strategy (2021)

Nitrogen Reduction in Poole Harbour SPD (2017)

Dorset Waste Storage, Collection, and Management – Guidance notes for residential developments (2020)

West Dorset Planning Obligations SPD (2010)

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

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 Public Sector Equalities Duty.

- Access; arrangements can be made to ensure people with disabilities or mobility impairments or pushing buggies can be accommodated (off road footpath links and crossing points). There will be improved footpath links.
- Officers have not identified any specific impacts arising from the development on those persons with protected characteristics.

13.0 Financial benefits

What	Amount / value
Material Considerations	
Total housing	Up to 80 dwellings
Affordable housing	Minimum 45% (36 dwellings based on maximum of 80 dwellings)
Market housing	Maximum of 55% (52 dwellings based on maximum of 80 dwellings)
Quantum of open space and play space, based on indicative proposals and associated SANG application.	- SANG: 8.9ha - Public open space within residential parcel: 12,985sq.m (including LEAP)

	- 400sq.m Locally Equipped Area for Play (LEAP) in accordance with Fields In Trust Guidance
Implementation of Landscape Environment Management Plan	A wide range of biodiversity and landscape enhancements which would deliver biodiversity net gains
Non-Material Considerations	
Council Tax	According to value of each property
New Homes Bonus	A proportion of provisional 2023/24 allocation of £1,824,767
Community Infrastructure Levy (CIL)	According to CIL Regulations and in line with West Dorset CIL Charging Schedule.

14.0 Climate Implications

14.1 The proposal would lead to additional CO2 emissions from construction of the dwellings and from the activities of future residents.

14.2 The construction phase would include the release of CO2 emissions from construction workers vehicles during the construction process. CO2 emission would be produced as a result of the production and transportation of the building materials and during the construction process.

14.3 This has to be balanced against the benefits of providing housing in a moderately sustainable location and should be offset against factors including the provision of electric car charging and the dwellings being reasonably energy efficient as required by Building Regulations.

14.4 Under the council's current Validation Checklist (updated 12 December 2022), a Sustainability Statement demonstrating how sustainable design and construction have been addressed, including reducing energy consumption and carbon emissions taking into account adaptation to climate change would be required at the Reserved Matters stage.

15.0 Planning Assessment

Principle of development

Redevelopment outside of the DDB

15.1 The site is currently in arable agricultural use. It adjoins the DDB of Broadmayne on three sides to the east, south and west. Although outside of the DDB, the site is well-related to the surrounding settlement of Broadmayne.

15.2 Policy SUS2 of the Local Plan sets the spatial strategy confirming a greater proportion of development will be distributed to larger and more sustainable settlements. Broadmayne falls within the third tier of the settlement hierarchy and is one of the larger villages wherein Policy SUS2 advises development should take place at an appropriate scale to the size of the settlement. The proposed development of up to 80 homes would be disproportionate to the size of the

settlement representing around a 14% uplift in the existing number of households within the village (approximately 560).

15.3 Policy SUS2 confirms development will be strictly controlled, having particular regard to the need for the “protection of the countryside and environmental constraints” (assessed below). The stated criteria where development outside DDBs may be permitted include “affordable housing” (bullet 4) and “open market housing through the re-use of existing rural buildings” (bullet 6).

15.4 The Council’s latest published 5 year housing land supply position reflecting the 1 April 2022 base date is 5.34 years. In a recent appeal decision (APP/D1265/W/22/3291668) an Inspector considered that the Council had a 5.25 year supply, bearing in mind the evidence that was presented to them earlier in 2023 before the publication of the 1 April 2022 base date position. However, the Inspector in that same decision stated that for a number of reasons the supply may be greater than 5.25 years but less than that stated by the Council at the time of the appeal which was 5.75 years. The fact that the Council stated a position of 5.34 years in April this year is considered to be consistent with the Inspector’s statement that supply could be greater than 5.25 but less than 5.75 years and as such the position remains at 5.34 years supply as of the 1 April 2022 base date. Given the former West Dorset, Weymouth and Portland area is currently able to demonstrate a 5 year housing land supply and meet the Housing Delivery Test, the proposal for a mixed market and affordable development is not acceptable in principle.

15.5 Whilst the provision of market housing on a greenfield site does not comply with Policy SUS2, the site is adjacent to the DDB and is a moderately sustainable location. It is well-related to Broadmayne within walking distance of a range of facilities, including the village hall, shop and public house. Broadmayne First School is located approximately 1.1km to the north. It is also served by limited bus services into Dorchester, which takes 10 minutes. The increased number of households would help to support the limited local facilities within the village. These factors would not overcome the scale of development which would be disproportionate to the size of Broadmayne.

15.6 Notwithstanding the restrictive policy basis for market housing, the site was considered in the Strategic Housing Land Availability Assessment (SHLAA) (2021) and found to be a “suitable site with potential as an affordable housing exception site subject to identified need”. The applicant and their housing association partner (Abri) has confirmed the *intention* to deliver 100% affordable housing on the site. Homes England corroborates this intention and confirms Abri secured a total grant allocation of £250m to deliver over 3,000 new affordable homes by March 2028. Homes England has confirmed the site is included in Abri’s Strategic Partnership development pipeline.

15.7 Policy HOUS2 of the Local Plan allows for the provision of affordable homes through ‘exception sites’ i.e. affordable housing on sites that would not normally be granted planning permission for open market housing. It allows for small sites adjoining DDBs to provide 100% affordable housing without a fundamental policy objection. Affordable homes on such sites should remain available to meet local housing needs in perpetuity and appropriate arrangements to ensure this will be

expected. The policy requires that the scheme is of a character, scale and design appropriate to the location (assessed in sections below). To avoid an unbalanced community mix, large sites are not encouraged through the exception site approach.

15.8 The NPPF (Para. 78) sets out that Local Planning Authorities should support opportunities to bring forward rural exceptions sites that will provide affordable housing to meet identified local needs. The NPPF defines rural exception sites as *“small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection...”*

15.9 The proposal represents a large scale site for housing that would not be of a character and scale appropriate to the location. That would remain if all housing were secured and delivered as affordable. This would not fall within the provision of Policy HOUS2 or NPPF (Para. 78). At up to 80 dwellings with the majority served via one access point there are concerns such an approach would not create a mixed and balanced community. Were 100% affordable housing to be secured, the proposal would not be acceptable as an affordable housing exception site.

15.10 The outline application proposes that 45% affordable housing is secured via a Section 106 Agreement. The +10% increase from the policy requirement of 35% has been proposed by the applicant to seek to improve the benefits of the proposal. The intention to provide 100% affordable housing is afforded very limited weight in the decision-making process as the applicant advises it cannot be secured due to funding requirements. The proposal is therefore assessed as a mixed-tenure development. The intention to provide 100% affordable housing has however been assessed and also found not to be acceptable in principle.

15.11 On the basis of the 45% affordable housing proposed to be secured by way of a planning obligation, the proposal is considered unacceptable in principle and would represent a disproportionate expansion compared to the scale of Broadmayne in conflict with Policy SUS2. Nevertheless, the additional +10% affordable housing provision is a significant planning benefit weighed in the planning balance.

Loss of Agricultural Land

15.12 Policy ENV8 seeks to steer built development towards areas of poorer quality land where it is available. The NPPF (Para. 174) notes decisions should enhance the natural and local environment, including by recognising the wider benefits from natural capital, including the economic and other benefits of the best and most versatile agricultural land. It further states in reference to plan making that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality (Footnote 58).

15.13 A number of objections raise concerns with the loss of agricultural land and highlight concerns with food security. The site is currently in arable agricultural use and is assessed as comprising approximately 30% Grade 2 (very good) and 70% Grade 3a (good) agricultural land. The entirety of the 4.7ha site therefore comprises best and most versatile agricultural land (BMV). The proposals would result in the

loss of 4.7ha of agricultural land and the associated economic and food security benefits associated with food production.

15.14 The submitted Agricultural Land Classification Report makes the case that there are no obvious areas of poorer quality agricultural land on the periphery of Broadmayne and therefore any expansion of Broadmayne would result in the loss of some BMV. This argument is accepted. However, given the council is able to demonstrate a 5YHLS and large scale expansion of Broadmayne does not form part of the strategy, there is considered to be sufficient housing land available to negate the need to develop the site for housing. The loss of the land therefore conflicts with Policy ENV8 of the Local Plan and the clear preference of the NPPF.

15.15 The proposed loss of BMV would result in the loss of the moderate natural capital and associated economic and food security benefits. These are considered in the overall planning balance.

Access, highways and highway safety

15.16 The proposal includes a single means of access serving the residential development from Broadmead. The Highway Authority considers that the proposed access provides sufficient vehicular visibility, is a compliant width to accommodate refuse vehicles and is otherwise acceptable from a highways perspective.

15.17 A number of objections consider the temporary construction haul road through the SANG site should be made permanent and used as the main access to the development. Such an approach would not be acceptable as it would fail to integrate the site with the surrounding area and would undermine the function of the SANG.

15.18 The Transport Assessment considers the impact of the proposed development on a number of junctions and outlines a series of works to mitigate the highway impacts and ensure highway safety. The assessment is informed by the previous application on the site (WD/D/14/002343) which was refused for a number of reasons including highway safety impacts on the A352/Rectory Road junction. The proposal seeks to address this concern through a series of alterations and improvements to the public highway in the vicinity of the site comprising:

1. No entry for vehicles along Rectory Road northbound of the junction with Conway Drive - retaining access southbound from the A352 into Rectory Road.
2. Alteration to the arrangement and priority of the Broadmead Rectory Road junction, including improved pedestrian facilities.
3. Alterations to the Rectory Road/Chalky Road junction - providing an improved pedestrian environment and informal crossing point with tactile paving.
4. Associated pedestrian improvements - tactile paving provision at St Martins Close; providing the missing sections of footway along Chalky Road, from its junction with the A352 to that of Rectory Road.
5. Access only signage to Bramble Drove, which is a private road.

15.19 The Highways Authority confirms the junction analysis of the Chalky Road/A352 junction has been undertaken and shows that the junction currently operates well within capacity. The analysis within the Transport Assessment shows that the additional traffic expected to be associated with the proposed development

and that created by the proposed restriction of exiting traffic from the Rectory Road/A352 junction can be comfortably accommodated. Visibility at the junction is in excess of standard, given the speed limit of the road. With the above in mind, the Highways Authority considers the junction is compliant with Department for Transport standards and has sufficient capacity to accommodate the increase in traffic associated with the proposal.

15.20 The Highway Authority concludes that, on balance, when judged against the NPPF, it has no objection to the proposed development subject to planning conditions. Subject to these conditions and securing the off-site highway works and Traffic Regulation Order, the proposal is acceptable from a highways perspective and would not have an unacceptable impact on highway safety or have a severe impact on the road network (NPPF, Para. 111).

Housing mix and affordable housing

15.21 Policy HOUS3 states that residential developments should include a mix in the size, type and affordability of dwellings proposed, taking into account the current range of house types and sizes and likely demand in view of the changing demographics of an area. Policy HOUS1 requires the provision of 35% affordable housing with a 70:30 split between social/affordable rented and intermediate tenures. The affordable housing type, size and mix is expected to address the identified and prioritised housing needs of an area and should be proportionate to the scale and mix of market housing.

15.22 The illustrative proposals include a mix of 2, 3 and 4-bed detached, semi-detached houses and bungalows. The mix is informed by community engagement carried out by the applicant which indicates 2-3 bedroom dwellings are desired locally.

15.23 The illustrative proposal shows 28 dwellings (35%) as affordable of which 19 dwellings (68%) would be provided as affordable rented and 9 dwellings (32%) would be provided as shared ownership. This indicative mix broadly complies with Policy HOUS1. The applicant has since increased the affordable housing offer to 45% and confirmed the additional 10% would be provided as shared ownership. Such additional affordable housing would be a significant benefit of the proposal.

15.24 The Council's Housing Enabling Team's comments note that the housing register demonstrates there is a significant level of recorded housing need for affordable family homes across the area although a variety of dwelling sizes are required across the range of sizes. They conclude the affordable housing provision is policy compliant and welcome any additional affordable housing that could be provided beyond 35%.

15.25 Notwithstanding the proposal for 45% affordable housing, the Planning Statement confirms the intention to provide all housing as affordable and the Affordable Housing Addendum confirms the intention to provide a 50:50 tenure split between affordable rented and shared ownership tenures. Whilst the applicant has provided a clear intention to deliver additional affordable homes, this is afforded very limited weight in the determination of this application given the provision is not committed to and the applicant advises the maximum that can be secured by way of a

planning obligation is 45%. The applicant advises this is due to funding restrictions whereby if additional affordable housing is secured via a Section 106 legal agreement further funding to provide 100% affordable housing would not be available. As noted above, there are concerns that such a large scale affordable housing development would be disproportionate to the size of the village and would not foster a mixed and balanced community.

15.26 Neighbour responses raise concern that the housing would provide second homes, holiday lets and/or investment properties rather than homes for first time buyers. There is no policy basis or material considerations to require the market housing element to be restricted to first time buyers only. Affordable housing would meet the definition of affordable housing within the NPPF as “housing for sale or rent, for those whose needs are not met by the market”. It would therefore provide opportunities for a wide range of occupiers and renters, including those on the Housing Register, first time buyers and families thereby helping to meet local housing need.

15.27 As this is an outline application the precise housing provision has not yet been agreed. A Section 106 agreement would ensure 45% of the eventual number would be for affordable housing at an appropriate mix comprising a minimum of 70% social / affordable rent for 35% with the remainder being shared ownership. Such enhanced affordable housing provision beyond the policy requirement could only be secured if Members considered the additional +10% provision necessary to make the development acceptable due to the benefits of the proposal (including enhanced affordable housing provision) outweighing the disbenefits. Provision of onsite affordable housing +10% above the policy compliant level of affordable housing (to 45%) is a significant benefit weighing in favour of the proposed development.

Impact on AONB setting

15.28 NPPF (Para.176) states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. Development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. Para. 177 establishes that planning permission should be refused for ‘major development’ (determined by the decision maker) within AONBs other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

15.29 The site lies adjacent to the AONB which follows the western boundary of the site including residential properties along Martel Close together with land to the north. Whilst the proposal for residential development falls entirely outside of the AONB, the associated SANG falls partially within the AONB. The SANG is subject to a separate planning application (P/FUL/2021/05255) which would be linked with the residential proposals via a Section 106 agreement.

15.30 For the purposes of NPPF Para. 177, it is relevant to consider whether the combined proposal would represent major development for which exceptional circumstances would need to be demonstrated. Considering the residential and SANG proposals as a whole, the only development proposed within the AONB comprises approximately 40% of the SANG. The SANG would provide natural open space including landscaping and pedestrian routes. The proposed SANG within the

AONB is not considered to be major development for the purposes of NPPF Para 177. Whilst it would be linked to a residential development of up to 80 dwellings, the site of the proposed dwellings is located outside of the AONB. Accordingly, the exceptional circumstances outlined at NPPF Para. 177 are not engaged and do not need to be demonstrated for either development.

15.31 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) with the application which considers the impact of the proposals on the setting of the AONB. Dorset AONB Partnership consider the development of housing within the site is not likely to inherently impact upon the rural character of land within the designated area. The AONB Partnership explains this is due to the location of housing outside the AONB, interface with existing residential areas to the east, south and west and topographic screening of the site.

15.32 It is noted that the site is well-related to the urban area of Broadmayne and there would be limited visibility of the site from the surrounding AONB. This is evident in the short-range views from Broadmayne and longer-range view from the AONB which show the proposals would be seen in the context of Broadmayne. Due to the location and character of the site, the proposals would not harm the sense of tranquillity and remoteness of the AONB through adverse impacts within its setting.

15.33 Owing to the location of the site outside of the AONB, sloping topography away from the open countryside and AONB and presence of existing dwellings to the east, south and west, it is considered that, subject to appropriate reserved matters submissions, the proposal would have an acceptable effect on the AONB and would not harm its special qualities or natural beauty.

Impact on local landscape and village character

15.34 Sections 7 and 15 of the NPPF seek to employ high quality inclusive design which respects, and integrates with, its environment. The Framework seeks to ensure decisions contribute to and enhance the natural and local environment by protecting valued landscapes through recognising the intrinsic character and beauty of the countryside.

15.35 In particular, Para 127 of the NPPF seeks, amongst other objectives, to ensure decisions are sympathetic to local character and history, including the surrounding built environment and landscape setting.

15.36 Local Plan Policy ENV10 concerns the landscape and townscape setting and requires that new development should maintain and enhance local identity and distinctiveness and be informed by existing character. Policy ENV12 concerns the design and positioning of buildings and that new developments should be high quality and promote an inclusive design, comply with national technical standards and respect the character of the surrounding area. The position of the building on its site should relate positively to adjoining buildings, routes, open areas, streams and other features that contribute to the character of the area.

15.37 The majority of the site falls within the Chalk Valley and Downland Landscape Character Area (LCA). The south east corner of the site falls within the Heath/Farmland Mosaic LCA. The site is in arable agricultural use and makes a

positive contribution to local visual amenity. At approximately 200m width between Broadmead and the rear gardens of properties along Martel Close, the site defines the countryside-edge setting of the surrounding dwellings on three sides (as shown in Landscape and Visual Appraisal viewpoints 1 and 2). The surrounding area has an established low density, somewhat suburban, countryside-edge character of 1-2 storey residential properties. Due to the sloping topography of the site, there is limited visual connectedness with open countryside to the north.

15.38 The submitted Landscape and Visual Appraisal identifies that the site can be seen in occasional middle-distance views from the north and south. From viewpoint 3 from a bridleway to the south of Broadmayne (S9/10) within the AONB the development is found to have a major/moderate adverse effect in year 1 and a moderate effect in year 10 through the urbanisation of the site. The site is not readily visible from other medium to long range views in the surrounding area (viewpoints 4 – 10).

15.39 Whilst the Council's Senior Landscape Officer has no in-principle objection to development of the site, they consider the illustrative proposals do not demonstrate the scale of development can be appropriately accommodated on site. This is due to: the lack of strategic landscape mitigation to the north west, south east and north east boundaries; the layout not adequately addressing easements; the location of the allotments; and the housing density and street parking which would have a suburban character considered to be inappropriate in the area. A number of the matters raised by the Senior Landscape Officer are detailed matters which cannot be confirmed at this outline stage. However, in considering this application, the Council must assess the impacts of developing the site for up to 80 dwellings.

15.40 Whilst the illustrative proposals represent one way in which up to 80 dwellings could be provided on the site, the illustrative masterplan shows how the detailed design of the site could be undertaken. It shows how the northern edge of the site could, subject to detailed design, be designed to provide an appropriate interface with open countryside to the north through provision of public open space, landscaping and allotments. There is capacity to incorporate play space within the areas of public open space shown within the site. The dwellings around the perimeter of the site would provide a suburban character similar to that experienced along Rectory Road or Conway Drive, albeit at a higher residential density. Bungalows provided along Broadmead could help to better integrate the eastern edge of the development with the surrounding dwellings on the east side of Broadmead. In the absence of strategic landscaping the proposals would have an adverse visual effect on views from the south.

15.41 There is no doubt that the redevelopment of the site for residential would fundamentally alter the character and appearance of the site from an agricultural field to a suburban housing estate as demonstrated by viewpoints 1 and 2. This would inevitably result in the erosion of the existing countryside-edge character of this part of Broadmayne which is important to sense of place. The visual connection with the surrounding countryside would be diminished and only readily experienced at the northern end of Broadmead adjacent to the proposed SANG car park. The higher density of the site and provision of 2-storey dwellings across much of the site

would contrast with the existing character, height and density of the surrounding area.

15.42 The loss of the countryside-edge character of the site and surrounding area through redevelopment of the site with higher density development of 80 dwellings would not respect the character of the surrounding area and would not actively improve legibility or reinforce sense of place. The proposal would fail to mitigate the adverse visual effects identified in the applicant's Landscape and Visual Appraisal. The development would undermine the prevailing character of the area and have a harmful visual effect in conflict with Policies ENV1, ENV10 and ENV12 of the Local Plan.

Layout, design and open space

15.43 Policy ENV11 concerns the pattern of streets and spaces and notes housing should have provision for bins, recycling, drying, cycle parking, mobility scooters, private amenity/gardens and associated storage. Policy ENV15 states that development should optimise the potential of a site and make efficient use of land, subject to the limitations inherent in the site and impact on local character.

15.44 It must be noted that the submitted layout is illustrative only; its role is to indicate one way in which the proposed development could be developed having regard to site constraints. Matters relating to layout, scale, appearance and landscaping would be reserved as it is only the means of access which is currently sought. The illustrative proposal shows how the layout, scale and landscaping might be provided for 80 dwellings.

15.45 Alongside the 80 dwellings, the illustrative layout includes: three areas of public open space within the north, central and southern parts of the site: 27 allotments; retained trees and hedgerows along the western boundary; tree planting throughout the site. The general design approach shows the majority of dwellings would be two storey with the exception of the dwellings fronting Broadmead, which would be bungalows. Each dwelling would be provided with private amenity and parking would be provided either on-plot or within the central shared parking court. This would assist in addressing concerns that the proposals would lead to increased on street parking.

15.46 In response to comments from the Urban Design Officer requesting that a Locally Equipped Area for Play (LEAP) be incorporated into the proposals, the Applicant advises play space can be provided in accordance with the Fields in Trust guidance. Whilst this is not shown on the illustrative proposal, there appears to be suitable space to accommodate play space within either the central or southern open spaces. Suitable play provision and compliance with guidance could be secured via planning obligation and planning condition. Similarly, parking serving the allotments could be incorporated at the detailed design stage and could be secured via planning condition. However, in this instance, the allotments are not considered necessary to make the development acceptable in planning terms and would not be secured via planning obligation or planning condition.

15.47 The proposals result in a density of approximately 17.5 dwellings per hectare (dph). This is comparable to the density of the existing dwellings to the east of the

site (approximately 15dph) but materially higher than the density of dwellings to the west along Martel Close (approximately 10dph). Subject to detailed design, the proposals could provide appropriate on-site amenity while retaining the capacity for up to 80 dwellings. However, the resultant design would not be comparable with local character (as identified in the assessment sections above).

15.48 In summary, notwithstanding the identified adverse impacts on local character, the illustrative layout is considered sufficient to form a basis to indicate that the site can be developed satisfactorily for future residents of the development.

Heritage impacts

15.49 There are several listed buildings within Broadmayne, the majority of which are located within the village core along Main Street (A352). The closest listed building is the Grade II listed Sunnyside cottage, located at 2 Main Street approximately 190m north east of the site (Listing Entry: 1323944).

15.50 It is not considered that the proposals have the potential to affect the significance of any built designated heritage assets owing to the distance from the application site and presence of substantial intervening development.

15.51 A number of objections have raised concerns with the removal of the concrete hard standing on the east side of Rectory Road in order to create a new 2m footway. Rectory Road has historical importance regarding the D-Day landings where it was used for equipment maintenance and the refuelling and parking of heavy vehicles. It is considered to be a Non-Designated Heritage Asset for assessment purposes as result of this historical significance.

15.52 With no footway along much of Rectory Road, the applicant has sought to address the highway safety issue through off-site mitigation. The mitigation is supported by the Highways Authority. Nevertheless, the off-site highway works would result in the total loss of the Non-Designated Heritage Asset. In accordance with the NPPF (Para. 203) the effect on the significance of the Non Designated Heritage Asset should be taken into account in determining the application.

15.53 The harm to the Non-Designated Heritage Asset is considered to be outweighed by the benefits of the proposals noted in Section 15 of this report; namely the provision of a minimum of 45% affordable housing. As such, the proposal is acceptable in heritage terms and in accordance with the NPPF and Local Plan Policy ENV4.

Residential amenity

Existing Residents

15.54 The properties surrounding the site have benefitted from views out on to the undeveloped field since their construction and from the responses received clearly value the open amenity of the site.

15.55 The development of the site would inevitably impact on the outlook from surrounding properties. Due to the position of neighbours, predominantly with rear gardens facing onto the application site, it would be possible to design the

development to avoid significant adverse impacts on the residential amenity of existing residents through overlooking, loss of privacy and loss of sunlight/daylight. It would also be possible to ensure that any new dwellings would not result in an overbearing impact on existing dwellings or result in unacceptable overshadowing through careful control of the layout and design at the reserved matters stage.

15.56 It is accepted that the outlook for surrounding neighbours would change as a result of the proposals. The result of the proposal would be that surrounding neighbours would view the proposed residential properties from across surrounding roads (properties along Broadmead) or their rear gardens (properties along Martel Close, Chalky Road and Littlemead). This relationship would be an ordinary suburban relationship similar to other parts of Broadmayne.

15.57 Objectors also raise concerns the proposals could result in a loss of property value. This is not a material planning consideration and cannot be considered in the determination of this application.

15.58 Adverse impacts on residential amenity through the construction process (including noise, light spill and vehicle movements) would be temporary and could be satisfactorily controlled by a suitably worded planning condition requiring a Construction Environmental Management Plan.

Future Residents

15.59 At the proposed density, appropriate amenity for further residents is considered capable of being provided and adverse impacts through loss of privacy, overlooking, daylight/sunlight and overshadowing are capable of being resolved at the detailed design stage.

15.60 In respect of noise, there are limited sources of noise close to the application site. The closest potential source of noise is the A352, located approximately 200m from the site to the north east and separated by intervening residential development and the ridge on the SANG site. Due to the separation distance, suitable residential amenity from a noise perspective is achievable and no mitigation measures are required.

15.61 In summary, it is considered that the proposal is likely to be acceptable in residential amenity terms subject to appropriate design and layout.

Flood risk and drainage

15.62 The application site falls entirely within Flood Zone 1 (low risk of fluvial flooding) as indicated by the Environment Agency's (EA) indicative mapping of fluvial flood risk. However, parts of the southeast of the site adjacent to properties along Chalky Lane also have elevated risk of flooding from surface water (1 in 30yr, 1 in 100yr and 1 in 1,000 year risk level). Within this area of elevated surface water flood risk, the illustrative proposal shows that housing would be located outside of the area at risk of surface water flooding.

15.63 The application is supported by a comprehensive Flood Risk Assessment (FRA), which incorporates a preliminary/conceptual drainage strategy. The concept drainage strategy utilises SUDS to manage surface water run off from the site. It

includes a series of soakaways, permeable paving and tree pits. A large soakaway is proposed with the central public open space which drains into the flow path at the southern end of the site. As part of the drainage strategy, a new highway drainage soakaway would be provided from Broadmead. This would allow existing highway gullies to be disconnected from the public foul sewer network which would represent a betterment to off-site flood risk at Rectory Close.

15.64 The Council's Flood Risk Management Team (as Lead Local Flood Authority) has no in-principle objection to the proposed development or conceptual drainage strategy subject to a pre-commencement condition in respect of detailed design and maintenance. Subject to these conditions, the proposal would be acceptable from a surface water drainage and flood risk perspective in accordance with Policy ENV5 and the NPPF and would also provide off-site betterment as noted above.

15.65 Foul waste is proposed to be disposed of by the public foul sewer. Wessex Water has not raised an objection subject to ensuring development is located outside the necessary easements. Subject to detailed design, the development can be located outside of Wessex Waters' easements.

Ecology

Biodiversity

15.66 As an agricultural field, the site currently provides modest ecological value.

15.67 The Landscape and Ecological Management Plan (LEMP) considers the ecological impacts of the proposal and outlines mitigation measures to deliver biodiversity gains. The LEMP identifies a series of mitigation measures for reptiles, bats and badgers alongside a schedule of works for the first five years. Biodiversity measures include:

1. Adoption of sensitive lighting scheme;
2. Creation of approximately 1.3ha of tussocky grassland within the southern part of the site, close to properties along Chalky Road;
3. Creation of amenity grassland;
4. Tree and hedgerow planting;
5. Provision of bat boxes to at least 50% of houses;
6. Provision of bird boxes to at least 50% of houses;
7. Installation of two bee bricks to each house;
8. Installation of four hedgehog houses; and
9. Creation of wildlife pond.

15.68 Having regard to the submitted LEMP and the associated certificate of approval from NET the proposal would not have an adverse impact on biodiversity interests and would deliver biodiversity net gains compared to the existing arable use. Planning conditions would be capable of securing the mitigation measures as set out in the LEMP and for details of external lighting to be submitted and approved prior to installation (see below). Management of ecology in accordance with the LEMP would be secured via a Section 106 legal agreement.

Heathland mitigation

15.69 The proposed residential development site lies within 400m and 5km of Warmwell Heath, part of the internationally protected Dorset Heathlands, and

therefore mitigation is required as set out in the Dorset Heathlands Planning Framework 2020- 2025 SPD. The proposal for up to 80 dwellings, in combination with other plans and projects and in the absence of avoidance and mitigation measures, is likely to have a significant effect on the site. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected site, in view of the site's conservation objectives.

15.70 The appropriate assessment has concluded that the mitigation measures set out in the Dorset Heathlands 2015-2020 SPD can prevent adverse impacts on the integrity of the site. The SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). In relation to this development a SANG on adjoining land to the north would be provided as a HIP. The SANG is proposed in detail as part of the related planning application P/FUL/2021/05255 and is subject to a separate officer report.

15.71 In summary, the SANG provision is approximately 9 hectares, and results from the requirements and guidance of the Dorset Heathlands 2015-2020 SPD. Appendix E of the Dorset Heathlands SPD contains guidelines for the quality of SANGs and includes a checklist of requirements, such as the provision of vehicle parking arrangements; pedestrian access; the design and length of walking routes; the provision of signage; advertising of the SANG to ensure members of the public are aware of it; inclusion of habitats; ensuring sites have a semi-natural character; connections to the public right of way network; and the provision of adequate space for the exercise of dogs.

15.72 Natural England is satisfied that the proposals are sufficient to meet the requirements of the SPD and to ensure the SANG is useable by those who will occupy the proposed development. The proposed SANG is within walking distance of the proposed development and would contain visitor parking spaces.

15.73 SAMM, which forms the second strand of the strategy, requires that contributions be secured via Section 106 from all development where there is a net increase in dwellings. The strategic approach to access management is necessary to ensure that displacement does not occur across boundaries.

15.74 A Section 106 legal agreement would need to secure:

- the implementation, maintenance and management of the proposed SANG area
- the payment of a SANG Maintenance Sum (to safeguard the Council against deficiencies in the owner's management)
- a SAMM contribution of towards Strategic Access Management and Monitoring in accordance with the Dorset Heathlands SPD.

15.75 A Habitat Regulations Assessment of the proposal concluded that, with the above mitigation secured the development will not result in an adverse effect on the integrity of the designated sites so in accordance with Regulation 70 of the Habitats Regulations 2017 planning permission can be granted.

Poole Harbour

15.76 The proposed development site falls within the catchment area of Poole Harbour, an internationally protected site. Mitigation is therefore required.

15.77 Increased wastewater from new development, including new residential developments, has the potential to increase levels of phosphorus and nitrogen within Poole Harbour. The proposed development has the potential to result in adverse impacts on water quality via enrichment, given the addition of up to 80 new dwellings.

15.78 The applicant has submitted a Nutrient Neutrality Technical Note which assesses the residential and SANG applications in combination. It demonstrates the proposal would be nitrogen neutral. In respect of phosphorus, the assessment concludes the proposal would generate approximately 88kg of phosphorus per year which would contribute to an increase in phosphorous loading within the water environment and Poole Harbour in the absence of mitigation.

15.79 An offsite mitigation solution is proposed. This would result in the net reduction in nitrogen and phosphorus through the provision of packaged treatment waste water treatment facilities. Together with a planning condition limiting the use of water to 110litres per day, Dorset Council is satisfied that the proposal would not result in an adverse effect on the Poole Harbour. This is confirmed via the Appropriate Assessment undertaken by Dorset Council and reviewed by Natural England. Subject to securing the mitigation, the proposal would therefore accord with Policy ENV2, of the Local Plan, Paragraphs 179-80 of the NPPF and the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended).

Trees

15.80 Landscaping is a reserved matter. Nevertheless, the LEMP confirms all trees, hedgerows and bramble scrub will be retained and protected by minimum 2m buffer areas during construction. The LEMP confirms approximately 50 trees would be planted.

15.81 A number of objections from neighbouring residents raise concerns with the accuracy of trees plotted on the Tree Survey and state a number of the trees fall within the residential gardens of properties along Martel Close rather than within the boundary of the site.

15.82 Given the outline nature of the application and commitment for all trees to be retained, impacts on trees are considered to be acceptable subject to planning conditions requiring an Arboricultural Method Statement to be prepared at the detailed design stage.

Archaeology

15.83 The site is not a Scheduled Ancient Monument (SAM) and does not have any archaeological designations. However, the site has high potential for archaeological remains as noted within the Applicant's Archaeological Evaluation Report and Archaeological and Heritage Assessment. South of the site there are large numbers of prehistoric remains with numerous bronze-age round and bank barrows along the inland ridgeway. Closer to the centre of the village there are the remains of a shrunken medieval village around the village core. There is no evidence of

intervening development on the application site although archaeological potential on the site is considered high.

15.84 The Council's Archaeologist has commented that due to the potential sensitivity, an examination of the archaeological potential of the site is necessary before development can proceed. This is required to include archaeological fieldwork together with post-excavation work. Subject to a planning condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation the proposal is acceptable from an archaeological perspective.

External Lighting

15.85 No details of external lighting are proposed at this outline stage. Nevertheless, street lighting is expected and the Council's Street Lighting Team identifies that a number of alterations to the illustrative proposals would be required to accommodate the necessary street lighting for highway adoption. A planning condition requiring details of external lighting would be sufficient to ensure the suitable provision of external lighting at the Reserved Matters stage and minimisation of light pollution and impacts on ecology.

Minerals safeguarding

15.86 Part of the north west of the site is designated as a Mineral Safeguarding Area (MSA) and identified as having potential for sand and gravel. Within MSAs, Policy SG1 of the Minerals Plan seeks to avoid sterilisation as far as possible and encourages prior extraction where practicable.

15.87 The Minerals Planning Authority recommends that the feasibility of extraction is investigated via a method statement. Subject to the imposition of the recommended condition, the proposed development would be acceptable from a minerals safeguarding perspective.

Community Infrastructure Levy

15.88 The adopted charging schedule 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. The development proposal is CIL liable. Should planning permission be granted on appeal, the development would be CIL liable. Associated CIL payments would contribute to associated community infrastructure, such as: healthcare; education; and play space which would address the community infrastructure related concerns raised by objectors. The proposal accords with Local Plan Policy COM1.

Environmental Impact Assessment

15.89 Following consideration of the relevant selection criteria for screening Schedule 2 development presented in Schedule 3 of the EIA regulations, it is concluded that the proposed development is unlikely to result in significant environmental impacts. Therefore, an EIA is not required in this instance.

16.0 Conclusion

16.1 The site comprises a 4.7ha agricultural field in the village of Broadmayne. It lies adjacent to the existing developed areas of the village, surrounded on three sides by dwellings.

16.2 The applicant has advised of the *intention* to provide all dwellings (up to 80) as affordable with a 50:50 split between affordable rented and intermediate. Whilst this is commendable, the application is assessed on the basis of 45% affordable housing given the intention to provide 100% affordable cannot be committed to or secured via planning obligation. The intention is therefore afforded very limited weight in the planning balance. Nevertheless, this report considers the principle of both the proposal as a mixed tenure development and potential as a solely affordable (rural exception site) and concludes that the principle of either option would not be acceptable.

16.3 There is a balance to be struck in considering a proposal which would deliver new housing in a location which the Local Plan does not envisage as the most sustainable location for housing. The provision of housing outside of the DDB would be contrary to Local Plan Policy SUS2 and there would be local adverse effects caused by residential development of the site. The proposal would fundamentally alter the character and appearance of the site and would erode the countryside-edge character of this part of Broadmayne, an important component of the village's sense of place, and sterilise best and most versatile agricultural land. The higher density of the site and provision of 2-storey dwellings across much of the site would contrast with the existing character, height and density of the surrounding area and would not be in harmony with local character. The proposals would also fail to mitigate limited visual impacts from the surrounding public right of way network to the south of Broadmayne.

16.4 Notwithstanding this policy conflict, the proposal would deliver a number of notable benefits, including:

1. Provision of much needed affordable housing +10% above the policy requirement;
2. Provision of public open space within and adjacent to the site (the SANG) including children's play space;
3. Associated socio-economic benefits generated by new residents and through the construction of the development, including spending within the local economy;
4. Off-site improvements to surface water drainage by removing existing highway gullies from sewer network; and
5. Off-site highway safety improvements to introduce new footways;

16.5 The loss of the concrete hard standing on the east side of Rectory Road (a Non Designated Heritage Asset) to provide a footway would be outweighed by the benefits of the proposal noted above (NPPF Para. 203).

16.6 For the avoidance of doubt, the enhanced affordable housing provision beyond the policy requirement could only be secured if Members considered the additional

+10% provision necessary to make the development acceptable due to the benefits of the proposal (outlined above) outweighing the disbenefits.

16.7 Overall, the sum of the benefits is not considered sufficient to overcome the unacceptable principle of development, harm to local character and loss of best and most versatile agricultural land. In the absence of a completed S106 legal agreement there are also additional reasons for refusal relating to affordable housing provision, SANG and SAMMS provision and the resulting impact on Dorset Heathlands, significant impacts on Poole Harbour, lack of provision of a locally equipped area for play and off-site highway impacts.

17.0 Recommendation

- 1 The proposal would result in the unnecessary development of best and most versatile agricultural land for residential development outside the defined development boundary. Furthermore, it would result in an unsustainable pattern of development which would be disproportionate in scale to the village of Broadmayne and harmful to the countryside and local character through adverse visual effects and impacts on the countryside-edge character of this part of Broadmayne as a result of the quantum, density and scale of the development. The proposal is contrary to Policies SUS2, ENV1 (part iii), ENV8 (part ii), ENV10 and ENV12 of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF (2021).
- 2 In the absence of a completed Section 106 legal agreement to secure affordable housing the proposal would be contrary to Policy HOUS1 of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF (2021).
- 3 In the absence of a completed Section 106 legal agreement to secure provision of a Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) the associated likely significant effects on Dorset Heathlands are not mitigated, contrary to: West Dorset, Weymouth & Portland Local Plan (2015) Policy ENV2; Dorset Heathlands Planning Framework 2020-2025 SPD (2006); National Planning Policy Framework (2021) Paragraphs 174 and 180; and the provisions of the Conservation of Habitats Regulations 2017.
- 4 In the absence of mitigation to ensure nutrient neutrality the associated likely significant effects on Poole Harbour SSSI, SPA and Ramsar through increased nitrogen and phosphate loads are not mitigated, contrary to: West Dorset, Weymouth & Portland Local Plan (2015) Policy ENV2; National Planning Policy Framework (2021) Paragraphs 174 and 180; and the provisions of the Conservation of Habitats Regulations 2017.
- 5 In the absence of a completed Section 106 legal agreement to secure a Locally Equipped Area for Play (LEAP) the proposal would be contrary to Policy COM1 of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF (2021).
- 6 In the absence of a completed Section 106 legal agreement to secure off-site highway improvement works the proposal would be contrary to Policy COM7

of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF (2021).

Informatives

1. National Planning Policy Framework

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 did not take the opportunity to enter into pre-application discussions.

-The applicant was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these concerns.

-The applicant was offered the opportunity to submit amended plans to overcome concerns identified by the case officer but chose not to do so.

-The applicant and council have worked together to minimise the reasons for refusal.

2. If planning permission is subsequently granted for this development at appeal, it will be subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL liability notice will then be issued by the Council that requires a financial payment, full details of which will be explained in the notice.

3. The plans considered as part of this application comprise:

- Location Plan P0001
- Proposed Broadmead Site Access General Arrangement 23054-04-6 Rev B
- Proposed Broadmead Site Access Rectory Road Junction Alterations and Footway Works 23054-04-7 Rev B

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Application Number:	P/OUT/2021/05309
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Land Adjacent Broadmead Broadmayne
Proposal:	Development of up to 80 residential dwellings, together with open space, allotments and enhanced drainage features (outline application to determine access only)
Applicant name:	Southern Strategic Land LLP
Case Officer:	Matthew Pochin-Hawkes
Ward Member(s):	Cllr. Roland Tarr

1.0 This application has been brought to committee in accordance with member's minded to resolution at the 20 July 2023 Western and Southern Area Planning Committee, to consider planning conditions and S106 legal agreement requirements.

2.0 Summary of recommendation:

Recommendation A: Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of S106 Legal Agreements to secure the following:

1. 36 affordable dwellings (45% of total dwellings) to be provided in accordance with an agreed Affordable Housing Scheme. 28 affordable dwellings (35% of total dwellings) to provide a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing). 8 affordable dwellings (10% of total dwellings) to be intermediate affordable housing.
2. Local Area for Play (LAP) comprising a minimum of 100sq.m and complying with Fields in Trust Guidance for Outdoor Sport and Play (2020), including management in perpetuity.
3. Off-site highway improvement works as shown on Drawings 23054-04-6 Rev B and 23054-04-7 Rev B and comprising:
 - i. No entry for vehicles along Rectory Road northbound of the junction with Conway Drive - retaining access southbound from the A352 into Rectory Road;
 - ii. Alteration to the arrangement and priority of the Broadmead Rectory Road junction, including improved pedestrian facilities;
 - iii. Alterations to the Rectory Road/Chalky Road junction - providing an improved pedestrian environment and informal crossing point with tactile paving;

- iv. Associated pedestrian improvements - tactile paving provision at St Martins Close; providing the missing sections of footway along Chalky Road, from its junction with the A352 to that of Rectory Road; and
 - v. Access only signage to Bramble Drove, which is a private road.
4. Phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG Management Plan and Step In Contribution.
 5. Off-site nutrient neutrality mitigation at two sites comprising replacement and ongoing maintenance of septic tanks with more efficient package treatment plants in accordance with the submitted Nutrient Neutrality Assessment and Mitigation Strategy dated 15 February 2023. Upgrades to be provided prior to the occupation of any new dwellings.

And the conditions detailed at Section 9 of this Report.

Recommendation B: Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to refuse planning permission for the reasons set out at Section 9 of this Report if the S106 Legal Agreement is not completed by 7 March 2024 (6 months from the date of committee) or such extended time as agreed by the Head of Planning and the Service Manager for Development Management and Enforcement:

3.0 Reason for the recommendation:

Further to the resolution of the 20 July Western and Southern Area Planning Committee, the planning obligations and conditions detailed within this report are considered necessary to make the development acceptable in planning terms.

4.0 Key planning issues / Section 106 Heads of Terms

Section 106 Heads of Terms	Conclusion
Affordable housing	Provision of 45% affordable housing accords with resolution of 20 July Committee and exceeds the 35% policy requirement of Policy HOUS1. Provision to be secured via a Section 106 Agreement.
Play space	On site provision of a Local Area for Play is necessary to make the development acceptable in planning terms.
Access, highways and highway safety	No unacceptable impacts on highway safety and the residual impacts on the road network would not be severe subject to planning conditions and securing off-site works.
SANG	Provision of a SANG is required to mitigate adverse impacts on Dorset Heathlands.
Nutrient Neutrality	Off-site mitigation required to be secured via the S106 legal agreement.

5.0 Background

5.1 At the 20 July 2023 Western and Southern Area Planning Committee Member's considered the application provided a positive contribution to much needed housing in the area and the 45% on-site provision of affordable housing would benefit the local housing market. Members resolved that the application be deferred to a subsequent committee meeting for Members to consider the wording of planning conditions given that the committee were minded to approve the application subject to the completion of a legal agreement and suitably worded planning conditions.

5.2 This report outlines the Section 106 Heads of Terms and planning conditions considered necessary to make the development acceptable in planning terms having regard to the resolution of the 20 July 2023 Western and Southern Area Planning Committee.

5.3 Please refer to the Officer Report to the 20 July 2023 Western and Southern Planning Committee (Appendix 1) for: a description of the site; overview of the proposed development; summary of planning history; list of constraints; summary of consultations; schedule of relevant planning policies and material considerations; consideration of human rights, Public Sector Equalities Duty and climate implications; and assessment of the proposed development (including commentary on planning conditions).

5.4 In accordance with the Council's Protocol for Councillors and Officers dealing with Planning Matters, correspondence from the Applicant issued to some Members ahead of the 20 July committee has been shared with Officers and added to the Council's online Planning Register. The correspondence comprised two documents providing a Committee Briefing Document and an affordable housing note. The documents note the applicant's intention to provide a 100% affordable housing development as reiterated in their verbal update to committee and considered in the Officer Report.

6.0 Financial benefits

What	Amount / value
Material Considerations	
Total housing	Up to 80 dwellings.
Affordable housing	Minimum 45% (36 dwellings based on maximum of 80 dwellings).
Market housing	Maximum of 55% (52 dwellings based on maximum of 80 dwellings).
Quantum of open space and play space, based on indicative proposals and associated SANG application.	- SANG: 8.9ha - Public open space within residential parcel: 12,985sq.m (including play space) - 100sq.m Local Area for Play (LAP) in accordance with Fields In Trust Guidance
Implementation of Landscape Environment Management Plan	A wide range of biodiversity and landscape enhancements which would deliver biodiversity net gains.
Non-Material Considerations	
Council Tax	According to value of each property.

New Homes Bonus	A proportion of provisional 2023/24 allocation of £1,824,767.
Community Infrastructure Levy (CIL)	According to CIL Regulations and in line with West Dorset CIL Charging Schedule.

7.0 Planning Assessment

7.1 This assessment is structured around the proposed Section 106 Heads of Terms. The proposed Heads of Terms relate to:

1. Affordable housing provision
2. Play space provision
3. Off-site highway improvements
4. Provision of a Suitable Alternative Natural Greenspace (SANG)
5. Nutrient neutrality

7.2 Each is considered in turn.

Affordable Housing Provision:

7.3 As reported in the 20 July Committee Report (Para. 15.25) the proposal is for 45% affordable housing which is the maximum that can be secured by way of a planning obligation. The applicant advises this is due to funding restrictions whereby if additional affordable housing is secured via a Section 106 legal agreement further funding to provide 100% affordable housing would not be available.

7.4 As this is an outline application the precise housing provision has not yet been agreed. A Section 106 agreement would ensure 45% of the eventual number would be for affordable housing at an appropriate mix comprising a minimum of 70% social / affordable rent for 35% of the provision, with the remainder being shared ownership.

7.5 As reported in the 20 July Committee Report (Para. 15.25) enhanced affordable housing provision beyond the policy requirement of 35% can be secured given Members considered the additional +10% provision necessary to make the development acceptable due to the benefits of the proposal (including enhanced affordable housing provision) outweighing the disbenefits.

7.6 The recommended affordable housing related planning obligation would secure:

“36 affordable dwellings (45% of total dwellings) to be provided in accordance with an agreed Affordable Housing Scheme. 28 affordable dwellings (35% of total dwellings) to provide a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing). 8 affordable dwellings (10% of total dwellings) to be intermediate affordable housing.”

7.7 The detailed Section 106 Agreement would require all affordable housing units to be occupied by Local Needs Persons defined as persons in housing need who are registered on the Council’s Housing Register. Preference would be given to persons who have a local connection to the area.

Play space provision:

7.8 The 20 July Committee Report reported (Para. 15.46) that the Urban Design Officer requested a Locally Equipped Area for Play (LEAP) be incorporated into the proposals and identified provision of a 400sq.m LEAP as a benefit (Section 13). The report also noted the applicant advises play space can be provided in accordance with the Fields in Trust Guidance for Outdoor Sport and Play (November 2020). Whilst this is not shown on the illustrative proposal, there appears to be suitable space to accommodate play space within either the central or southern open spaces. Suitable play provision and compliance with guidance could be secured via planning obligation and planning condition.

7.9 The proposed provision of play space has been considered further, since the July committee meeting. Field in Trust Guidance recommends Local Areas for Play (LAPs) are provided within 100m walk of developments of up to 200 dwellings and Locally Equipped Areas for Play (LEAPs) are provided within 400m of development of up to 200 dwellings.

7.10 Within Broadmayne a children's play area is located to the south of Chalky Road. It provides a variety of equipment for children aged 2-12 years and includes toddler and junior swings, a tunnel, roundabout and a larger piece of multi-play equipment featuring a climbing board, rope bridge and a slide.

7.11 Given the proximity of the play area within 400m of the application site, on site provision of a LEAP is not considered necessary to make the development acceptable in planning terms. This is due to children having suitable access to nearby play facilities. Notably access to the existing facilities would be improved through the off-site highway improvements which would provide footways on route to the play area. Nevertheless, any Community Infrastructure Levy (CIL) contributions could support enhanced provision of existing facilities.

7.12 A LAP would be required to make the development acceptable in accordance with Fields in Trust Guidance. Such provision is proposed to be secured via the Section 106 and would be expected to provide a minimum activity zone of 100sq.m and accord with the minimum separation distances with nearby dwellings.

7.13 The recommended play space related planning obligation would secure:

“Local Area for Play (LAPs) comprising a minimum of 100sq.m and complying with Fields in Trust Guidance for Outdoor Sport and Play (2020), including management in perpetuity.”

7.14 The detailed wording of the Section 106 would provide flexibility for the play space to be managed by the applicant, a third party or adopted by Dorset Council.

Off-site highway improvements:

7.15 The 20 July Committee Report reported noted the Highways Authority had no objection to the proposed development subject to planning conditions and securing the off-site highway works and Traffic Regulation Order.

7.16 Accordingly, the following are proposed to be secured via planning obligation:

“Off-site highway improvement works as shown on Drawings 23054-04-6 Rev B and 23054-04-7 Rev B and comprising:

- i. No entry for vehicles along Rectory Road northbound of the junction with Conway Drive - retaining access southbound from the A352 into Rectory Road;*
- ii. Alteration to the arrangement and priority of the Broadmead Rectory Road junction, including improved pedestrian facilities;*
- iii. Alterations to the Rectory Road/Chalky Road junction - providing an improved pedestrian environment and informal crossing point with tactile paving;*
- iv. Associated pedestrian improvements - tactile paving provision at St Martins Close; providing the missing sections of footway along Chalky Road, from its junction with the A352 to that of Rectory Road; and*
- v. Access only signage to Bramble Drove, which is a private road.”*

7.17 The detailed wording of the Section 106 would include timescales for delivery before any dwellings are occupied.

Provision of a Suitable Alternative Natural Greenspace (SANG):

7.18 As set out within the 20 July Committee Report, the provision of a SANG is necessary to mitigate the impacts of development on Dorset Heathland as required by the Dorset Heathlands Planning Framework 2020- 2025 SPD.

7.19 The SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). In relation to this development a SANG on adjoining land to the north would be provided as a HIP. The SANG is proposed in detail as part of the related planning application P/FUL/2021/05255 and is subject to a separate officer report. Within West Dorset, SAMM would be secured through CIL.

7.20 The provision of a SANG is considered to provide appropriate mitigation in accordance with the Dorset Heathlands Planning Framework 2020- 2025 SPD. The SANG related planning obligation would secure:

“Phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG Management Plan and Step In Contribution.”

7.21 The detailed wording of the Section 106 would secure the implementation, maintenance and management of the proposed SANG area and a payment of a SANG Step In Contribution (to safeguard the Council against deficiencies in the owner’s management). Wording would be worked up in collaboration with the council’s Natural Environment Team.

Nutrient neutrality:

7.22 The 20 July Planning Committee Report identified (Para. 15.79) that an offsite mitigation solution is proposed to deliver nutrient neutrality. This is necessary to ensure compliance with Policy ENV2 of the Local Plan, Paragraphs 179-80 of the NPPF and the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended).

7.23 The offsite mitigation is required to be delivered prior to occupation of the development. The proposed planning obligation to be secured via separate Section 106 Agreements would secure:

“Off-site nutrient neutrality mitigation at two sites comprising replacement and ongoing maintenance of septic tanks with more efficient package treatment plants in accordance with Nutrient Neutrality Assessment and Mitigation Strategy dated 15 February 2023. Upgrades to be provided prior to the occupation of any new dwellings.”

7.24 Given the obligation would relate to two off-site sites, it is proposed that separate Section 106 Agreements be agreed. Parties to each agreement would comprise the landowners, developer and Dorset Council.

7.25 On 29 August 2023 the Government announced it would amend the Levelling Up and Regeneration Bill to allow for the delivery of homes held up by nutrient neutrality requirements. To allow flexibility to respond to changing requirements, the Section 106 Agreements would include clauses for revised mitigation should current requirements to achieve nutrient neutrality be amended.

8.0 Conclusion

8.1 At the 20 July 2023 Western and Southern Area Planning Committee Members considered the application provided a positive contribution to much needed housing in the area and the 45% on-site provision of affordable housing would benefit the local housing market. Members resolved that the application be deferred to a subsequent meeting for Members to consider the wording of planning conditions given that the committee were minded to approve the application subject to the completion of a legal agreement and suitably worded planning conditions.

8.2 The Section 106 Heads of Terms identified above are considered to meet the Regulation 122(2) tests of the Community Infrastructure Regulations (2010), being: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

8.3 Planning conditions discussed in the 20 July Committee Report (Appendix 1) are also proposed.

9.0 Recommendation

9.1 Further to the resolution of the 20 July Western and Southern Area Planning Committee, the planning obligations and conditions detailed within this report are considered necessary to make the development acceptable in planning terms.

Recommendation A: Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of S106 Legal Agreements to secure the following:

1. 36 affordable dwellings (45% of total dwellings) to be provided in accordance with an agreed Affordable Housing Scheme. 28 affordable dwellings (35% of total dwellings) to provide a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing). 8 affordable dwellings (10% of total dwellings) to intermediate affordable housing.
2. Local Area for Play (LAPs) comprising a minimum of 100sq.m and complying with Fields in Trust Guidance for Outdoor Sport and Play (2020), including management in perpetuity.
3. Off-site highway improvement works as shown on Drawings 23054-04-6 Rev B and 23054-04-7 Rev B and comprising:
 - i. No entry for vehicles along Rectory Road northbound of the junction with Conway Drive - retaining access southbound from the A352 into Rectory Road;
 - ii. Alteration to the arrangement and priority of the Broadmead Rectory Road junction, including improved pedestrian facilities;
 - iii. Alterations to the Rectory Road/Chalky Road junction - providing an improved pedestrian environment and informal crossing point with tactile paving;
 - iv. Associated pedestrian improvements - tactile paving provision at St Martins Close; providing the missing sections of footway along Chalky Road, from its junction with the A352 to that of Rectory Road; and
 - v. Access only signage to Bramble Drove, which is a private road.
4. Phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG Management Plan
5. Off-site nutrient neutrality mitigation at two sites comprising replacement and ongoing maintenance of septic tanks with more efficient package treatment plants in accordance with Nutrient Neutrality Assessment and Mitigation Strategy dated 15 February 2023. Upgrades to be provided prior to the occupation of any new dwellings.

And subject to the planning conditions below:

Approved Plans

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan P0001

- Proposed Broadmead Site Access General Arrangement 23054-04-6 Rev B
- Proposed Broadmead Site Access Rectory Road Junction Alterations and Footway Works 23054-04-7 Rev B

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

Approval of Reserved Matters

2. No part of the development hereby approved shall commence until details of all reserved matters (layout, scale, appearance and landscaping) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

Timescales – Reserved Matters

3. Application(s) for approval of all reserved matters must be made not later than the expiration of three years beginning with the date of this permission.

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

Timescales – Commencement of Development

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).

Access, Highway Layout, Turning and Parking Areas

5. Notwithstanding the information shown on the plans approved by this application, no development must commence until precise details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Planning Authority.

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

Visibility Splays

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

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

Construction Traffic Management Plan

7. Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Planning Authority. The CTMP must include:
 - a) construction vehicle details (number, size, type and frequency of movement)
 - b) a programme of construction works and anticipated deliveries
 - c) timings of deliveries so as to avoid, where possible, peak traffic periods
 - d) a framework for managing abnormal loads
 - e) contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
 - f) wheel cleaning facilities
 - g) vehicle cleaning facilities
 - h) Inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
 - i) a scheme of appropriate signing of vehicle route to the site
 - j) a route plan for all contractors and suppliers to be advised on
 - k) temporary traffic management measures where necessary

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

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

Construction Environmental Management Plan

8. Prior to the commencement of development on the site, a Construction Environmental Management Plan (CEMP) must be submitted to and approved in writing by the Local Planning Authority. The CEMP must include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs
- The development shall take place strictly in accordance with the approved CEMP.

Reason: To protect biodiversity during the construction phase.

Landscape and Ecological Management Plan

9. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Landscape and Ecological Management Plan (LEMP) dated 8 February 2022 and certified by the Dorset Council Natural Environment Team on 16 March 2022 must be strictly adhered to during the carrying out of the development.

The development hereby approved must not be first brought into use unless and until:

- a) the mitigation, compensation and enhancement/net gain measures detailed in the approved LEMP have been completed in full, unless any modifications to the approved LEMP as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority; and
- b) evidence of compliance has been supplied to the Local Planning Authority.

Thereafter the approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

Samples of Materials

10. Prior to development above damp proof course level, details and samples of all external facing materials for the wall(s) and roof(s) shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

Surface Water Management Scheme

11. 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, and providing clarification of how drainage is to be managed during construction and a timetable for implementation, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the approved details and timetable.

Reason: To prevent the increased risk of flooding and to protect water quality.

Surface Water Maintenance and Management

12. 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. These shall 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. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

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

Land Contamination

13. 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 detailing ground conditions, a 'conceptual model' of all potential pollutant linkages, and incorporating risk assessment. 3) a detailed scheme for any necessary remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed. 4) where necessary, a detailed phasing scheme for the development and remedial works (including a time scale). 5) where necessary, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby permitted first comes in to use or is occupied. On completion of the remediation works written confirmation that all works were completed in accordance with the agreed details shall be submitted to the Local Planning Authority.

Reason: To ensure potential land contamination is addressed.

14. Prior to the first occupation of the development a verification report to confirm that the development is fit for purpose following any remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall be prepared in accordance with the latest

Environment Agency guidance, currently Land Contamination Risk Management: Stage 3 Remediation and Verification (19 April 2021).

Reason: To ensure potential land contamination is addressed.

15. 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 (as amended). Should any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. The approved remediation scheme shall be carried out within the approved timescale. 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.

Archaeology

16. No works shall take place until the applicant has carried out a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted by the applicant to, and approved by the Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results.

Reason: To safeguard and/or record the archaeological interest on and around the site.

Arboricultural Method Statement

17. Prior to the commencement of any development hereby approved a detailed Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details of how the existing trees are to be protected and managed before, during and after development and shall include information on traffic flows, phased works and construction practices near trees. The development shall thereafter accord with the approved Statement.

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

Minerals Safeguarding

18. Prior to commencement of development a Feasibility and Method Statement for the re-use of aggregate material raised during site preparation/construction works shall be submitted to and approved in writing by the Local Planning Authority. The Feasibility and Method Statement shall provide:

- a. A field evaluation to establish the presence, extent and nature/quality of any underlying sand and gravel deposits;
- b. An appraisal to determine the practicality of recovering and re-using on site, a quantity of usable material;
- c. A Construction Management Plan detailing how the prior extraction of materials would take place, including the anticipated quantum of minerals that could be reused.

The development shall thereafter accord with the approved Feasibility and Method Statement. Within three months of the substantial completion of groundworks a report setting out the quantum of material re-used on site shall be submitted to the Local Planning Authority.

Reason: To comply with national and local policy on mineral safeguarding and to ensure that any suitable materials raised during construction are put to their highest and best use, while minimising the need to import aggregate materials from beyond the site, in the interests of sustainability.

Lighting Strategy

19. Prior to commencement of work on the site, a lighting strategy which reflects the need to avoid harm to protected species and to minimise light spill, shall be submitted to and approved in writing by the Local Planning Authority. There shall be no lighting of the site other than in accordance with the approved strategy.

Reason: In the interests of biodiversity (and the character of the area)

Cycle Parking

20. Prior to use or occupation of development hereby approved, a scheme showing details of the proposed cycle parking facilities shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved facilities shall be installed and maintained, kept free from obstruction and available for the purpose specified.

Reason: To ensure provision of adequate cycle parking to support sustainable transport; in the interests of highway safety and residential amenity.

Water Usage

21. Details of measures to limit the water use of the dwelling(s) in accordance with the optional requirement in regulation 36(2)(b) and the Approved Document for Part G2 of the Building Regulations 2010 (or any equivalent regulation revoking and/or re-enacting that Statutory Instrument) shall be submitted to and approved in writing by the Local Planning Authority before the dwellings are occupied. The submitted details shall include a water consumption calculation for each dwelling in accordance with the Approved Documents referred to above. The approved measures shall be

implemented prior to occupation and maintained in accordance with the approved details thereafter.

Reason: To ensure nutrient neutrality in Poole Harbour catchment in the interests of protected habitats.

Informatives:

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating 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.
- The application was acceptable as submitted and no further assistance was required.

2. Informative: This permission is subject to a agreements made pursuant to Section 106 of the Town and Country Planning Act 1990 dated ## ## relating to affordable housing, play space, off-site highway improvement works, SANG provision and off-site nutrient neutrality mitigation.

3. Informative: The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. The amount of levy due will be calculated at the time the reserved matters application is submitted.

4. Informative: The Council is responsible for street naming and numbering within our district. This helps to effectively locate property for example, to deliver post or in the case of access by the emergency services. You need to register the new or changed address by completing a form. You can find out more and download the form from our website www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering

5. Informative: The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under Section 38 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@dorsetcc.gov.uk, or in writing at Development team, Infrastructure Service, Dorset Council, County Hall, Dorchester, DT1 1XJ.

6. Informative: The applicant is advised that the granting of planning permission does not override the need for existing rights of way affected by the development to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed. Developments, in so far as it affects a right of way should not be started until the necessary order for the diversion has come into effect.

Recommendation B: Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to refuse planning permission for the reasons set out below if the S106 Legal Agreement is not completed by 7 March 2024 (6 months from the date of committee) or such extended time as agreed by the Head of Planning and the Service Manager for Development Management and Enforcement:

- 1 In the absence of a completed Section 106 legal agreement to secure affordable housing the proposal would be contrary to Policy HOUS1 of the West Dorset, Weymouth & Portland Local Plan (2015).
- 2 In the absence of a completed Section 106 legal agreement to secure provision of a Suitable Alternative Natural Greenspace (SANG) the associated likely significant effects on Dorset Heathlands are not mitigated, contrary to: West Dorset, Weymouth & Portland Local Plan (2015) Policy ENV2; Dorset Heathlands Planning Framework 2020-2025 SPD (2006); National Planning Policy Framework (2021) Paragraphs 174 and 180; and the provisions of the Conservation of Habitats Regulations 2017.
- 3 In the absence of mitigation to ensure nutrient neutrality the associated likely significant effects on Poole Harbour SSSI, SPA and Ramsar through increased nitrogen and phosphate loads are not mitigated, contrary to: West Dorset, Weymouth & Portland Local Plan (2015) Policy ENV2; National Planning Policy Framework (2021) Paragraphs 174 and 180; and the provisions of the Conservation of Habitats Regulations 2017.
- 4 In the absence of a completed Section 106 legal agreement to secure a Local Area for Play (LAP) the proposal would be contrary to Policy COM1 of the West Dorset, Weymouth & Portland Local Plan (2015).
- 5 In the absence of a completed Section 106 legal agreement to secure off-site highway improvement works the proposal would be contrary to Policy COM7 of the West Dorset, Weymouth & Portland Local Plan (2015).

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Application Number:	P/FUL/2021/05255
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Land Adjacent Broadmead, Broadmayne
Proposal:	Change of use of agricultural land to Suitable Alternative Natural Greenspace (SANG) and temporary formation of a construction haul road
Applicant name:	Southern Strategic Land LLP
Case Officer:	Matthew Pochin-Hawkes
Ward Member(s):	Cllr. Roland Tarr

1.0 Given the number and scope of comments from consultees and members of the public, the Head of Planning has requested this application be considered by Planning Committee.

2.0 Summary of recommendation:

REFUSE for the following reasons:

1. The proposal would result in the unnecessary development of Best and Most Versatile agricultural land and is not required in the absence of associated residential development (P/OUT/2021/05309) for which the proposal would mitigate adverse effects on Dorset Heathlands and Poole Harbour SSSI, SPA and Ramsar. The proposal is contrary to Policy ENV8 (part ii) of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF (2021).

3.0 Reason for the recommendation:

3.1 The proposed SANG is necessary to mitigate the adverse impacts of the associated residential development (P/OUT/2021/05309) on Dorset Heathlands and Poole Harbour SSSI, SPA and Ramsar.

3.2 However, whilst the proposed SANG would provide sufficient mitigation for the associated development, the associated development is not recommended for approval. Accordingly, the SANG is not acceptable in principle given the unnecessary loss of Best and Most Versatile agricultural land.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development outside of the DDB is acceptable. The principle of loss of Best and Most Versatile agricultural land is unacceptable contrary to Policy ENV8.

Impact on the setting of the AONB	The proposals for the SANG are considered compatible with the natural character of the area and not considered to harm the special qualities or natural beauty of the Dorset AONB.
Impacts on landscape and local character	The development would be consistent with local landscape character and would conserve, enhance and restore locally distinctive landscape features in accordance with Policies ENV1 and ENV10.
Ecology	The proposals would deliver biodiversity net gains and would mitigate adverse impacts related to the associated residential application to the south of the site through heathland and nutrient mitigation.
Trees	Adverse impacts on existing trees can be avoided.
Impact on amenity	Significant adverse effects on residential amenity would be avoided.
Access and Parking	Parking is appropriate, highway impacts would not be severe and the proposed access is acceptable.
Archaeology	Impacts on archaeology can be appropriately managed through a planning condition securing the implementation of a programme of archaeological work.
Minerals safeguarding	Acceptable subject to conditions.
EIA Regulations	An Environmental Impact Assessment is not required.

5.0 Description of Site

- 5.1 The site comprises a 8.9ha rectangular shaped agricultural field to the north of the village of Broadmayne.
- 5.2 The site lies partly adjacent to the existing developed areas of the village with the Defined Development Boundary adjacent to the south eastern boundary along Bramble Drove. The eastern boundary adjoins the A352 and a vehicle access is located in the north east corner of the site. The field immediately to the south is the application site for the associated residential development. All other boundaries adjoin surrounding farmland and are enclosed by hedgerows which form field boundaries.
- 5.3 The site is in arable agricultural use with a pronounced change in levels across the site. Levels fall away to the north and south of a line of mature beech trees which runs east to west across the site. The applicant's Agricultural Land Classifications Report (November 2021) identifies the entirety of the site as comprises Best and Most Versatile Agricultural Land (BMV) of Grade 2 (very good) and Grade 3a (good).
- 5.4 A public bridleway (S9/15) leads west from Bramble Drove into the wider Public Rights of Way network. It runs east to west through the site approximately 30m south of the line of beech trees.

- 5.5 Approximately 40% of the site falls within the Dorset AONB. The AONB boundary runs north to south through the site and includes the properties of Martel Close (to the south).

6.0 Description of Development

- 6.1 The application seeks full planning permission to change the use of agricultural land to a Suitable Alternative Natural Greenspace (SANG) and temporary formation of a construction haul road. The proposals include an 11 space car park in the south east corner of the site off Broadmead. The SANG would include species rich grass, mown paths, scrub and tree planting, a pond, benches and an information board. A 1.2m fence would follow the southern boundary of the beech trees and the SANG area to the north would be enclosed by a new 1.2m fence. The intention is that the SANG would provide mitigation in respect of adverse impacts on Dorset Heathlands for new residents of the associated proposed residential development to the south of the application site.
- 6.1 The temporary construction haul road would route from the A352 through the site to the southern boundary. The applicant proposes that the temporary haul road be removed upon occupation of the 70th dwelling, at which point the full extent of the SANG would become available.

7.0 Relevant Planning History

- 7.1 There is no relevant planning history for the application site.
- 7.2 The live application for residential development of land to the south for up to 80 dwellings (P/OUT/2023/05309) is associated this SANG application.

8.0 List of Constraints

Land Outside Defined Development Boundary

Dorset Heath Designation Buffer 5km

Landscape Character Areas: Heath Farmland Mosaic (Crossways Gravel Plateau) and Open Chalk Downland (South Dorset Downs)

Partly within the Dorset Area of Outstanding Natural Beauty (AONB)

Minerals and Waste Safeguarding Area

Groundwater Source Protection Areas

Poole Harbour Nutrient Catchment Area; Poole Harbour

Areas Susceptible to Groundwater Flooding; Clearwater (+75%)

SSSI impact risk zone and 5k buffers (Various)

Medium pressure gas pipeline 25m or less from Medium Pressure Pipelines

Rights of Way: Public bridleway (S9/15)

9 Consultations

9.1 All consultee responses can be viewed in full on the website. A summary is provided below.

Consultees

Natural England

9.2 Natural England's consultation response confirms no objection in principle subject to the mitigation measures in respect of the SANG and SAMM being secured in perpetuity. The response notes the phased approach to bring forward the SANG, the first involving the temporary haul road and has no objection to the approach. Natural England confirm that the area of land available and the location and proposed quality of the enhancements to planting and biodiversity proposed are sufficient to allow the authority to be certain that the land will provide the necessary mitigation for the associated residential development in relation to recreational impacts on nearby designated heathland sites. The fencing and hard infrastructure are noted to be at an appropriate level for the intended function of the land and the Phase 2 planting scheme and use of high value fruiting trees are welcomed. Natural England request further details are required to comply with The Conservation of Habitats and Species Regulations 2017.

9.3 Following review of Dorset Council's Habitat Regulations Assessment, Natural England advised they concur with the assessment conclusions, provided that all mitigation measures including the ongoing SANG management arrangements and associated costs and the agreed nutrient mitigation measures are appropriately secured in any permission given.

Historic England

9.4 Historic England's consultation response confirms Historic England does not wish to offer any comments on the application. Historic England recommend the views of Dorset Council's conservation and archaeological advisors are sought.

Southern Gas Networks (SGN) – No comments received.

Dorset Area of Outstanding Natural Beauty Partnership

9.5 Dorset AONB Partnership note guidance within the NPPF and draw attention to what is defined as a 'major' application in the context of NPPF Para. 177 is a matter for the planning authority to evaluate. The response requests the Local Planning Authority to consider whether the proposal could constitute

major development within the AONB given the link between the residential element (outside the AONB) and SANG (within the AONB). This assessment is dependent on whether there is a major effect on the character and appearance of the designated areas.

- 9.6 The response notes the statutory purpose of the AONB designation does not require the promotion of recreation as an objective in its own right. However, demand for recreation should be met in the AONB so far as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses. In the case of the SANG, it is considered that subject to a sensitive design, the feature would not be unduly harmful to the character and appearance of the AONB. Furthermore, there may be opportunities to achieve biodiversity enhancements through the management of the site. The AONB Partnership's interest is to ensure that the character of the SANG is compatible with the 'natural' character of the area, which is best achieved through the use of native tree species, minimising surfaced paths and limiting urbanising features, including furniture and lighting. Given that the concept for the SANG appears to be to introduce clusters of native trees and shrubs within a species rich grassland, with mown paths, a limited number of wooden benches and an information board, the AONB Partnership does not consider that the approach would significantly conflict with the landscape and scenic qualities that underpin the area's designation.
- 9.7 The alignment of the temporary haul road appears to have the potential to affect an outlying group of three beech trees (T27g), which the tree survey notes to be in reasonable condition. The group forms a disconnected section of a wider avenue of beech trees to the east that are recognised as a valued landscape feature. Due to the proximity of the haul route, it is necessary to clarify the method that will be used to safeguard the roots of the trees and any overhanging branches.

Dorset Police - Crime Prevention Design Engineers – No comments received.

Planning Policy

- 9.8 The Planning Policy Team identify the relevant policies for the site and comment on the principle of development and the 'major development test' for development within AONB.
- 9.9 Policy SUS2 restricts development outside DDBs to a limited range of uses. Consider the SANG complies with Policy SUS2 in that it represents recreation or leisure-related development outside of the development boundary.

- 9.10 Given the related SANG site falls within AONB, the response recommends consideration is given to whether the combined residential and SANG proposals constitute 'major development' under Para. 177 of the NPPF.

Landscape

- 9.11 The Landscape Officer supports the principle of the location of the SANG.
- 9.12 Note the planting design of the area should reflect the openness of the existing rural character of the wider chalk landscape setting. Consider the scattered placement of trees shown on the soft landscaping proposals does not adequately reflect the open character and that the design requires more careful placement of tree groupings which are focused more towards the boundaries particularly to the east and south east to maintain future openness. Recommend some changes to tree species and note the circular path should connect to and include improvements to the existing bridleway.

Urban Design

- 9.13 The Urban Design Officer supports the proposed location of the SANG and notes the approach could successfully facilitate the circular nature trail subject to comments on connectivity. Notes the nature trail has strong support within the village as documented within the Broadmayne Parish Plan.

Natural Environment Team (NET)

- 9.14 NET note the proposed SANG should adequately mitigate against the local heathlands when assessed against the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document. NET make a series of recommendations for the detailed design and management of the SANG and haul road.
- 9.15 The response recommends consultation with Dorset AONB Partnership and Natural England. It also notes the proximity to European Wildlife Sites, SSSI and within 5km of designated heathland.

Highways

- 9.16 No objection to the principle of using the existing access onto the A352 for construction or to the temporary formation of a construction haul road. Not the access has policy compliant visibility splays for the speed of the road.
- 9.17 Request planning conditions related to: construction vehicle access; access and haul road details; and visibility splays.

Lead Local Flood Authority

- 9.18 No objection. Note the conditions recommended in relation to the associated outline planning application do not need to be imposed on the SANG. Surface water considerations associated with the SANG are adequately explained within the supporting documents.

Minerals and Waste Policy

- 9.19 There is potential for sand and gravel under part of the site falling within the Mineral Safeguarding Area as designated by Policy SG1 of the Minerals Strategy 2014. It is expected that it may be possible for some mineral to be removed from the site and re-used in some capacity as part of the SANG proposals or associated housing site should permission be granted. Planning condition seeking re-use of sand and gravels recommended.

Trees – No comments received.

Economic Development and Tourism – No comments received.

Archaeology

- 9.20 Following liaison with the Applicant's archaeological consultant, and noting the potential for archaeological remains on the site, the council's archaeologist raises no objection subject to conditions.

Public Rights of Way – Senior Ranger

- 9.21 No objection. Note the full width of the public footpath must remain open and available to the public, with no materials or vehicles stored on the route. Recommend a speed limit for the haul road.

Public Rights of Way – Strategic Access Development

- 9.22 The Strategic Outdoor Access Development Officer provided a response in respect of PRow and countryside access matters. The Officer notes PRow S9/15 through the SANG site would be affected by the development and its character would change from crossing an open field to running adjacent to the residential development. The response requests further details and clarifications and notes that increased footfall and cycling on Bridleway 19/15 and the wider PRow network should be considered to ensure it functions effectively as a bridleway and better integrates with the development. Concerns raised with construction of the haul road across the PRow and request planning conditions to mitigate impacts.

Broadmayne Parish Council

- 9.23 Broadmayne Parish Council object to the proposal and raise the following points related to the SANG:
1. The need for the SANG and haul road is wholly dependent on the granting of permission for the residential development. Request that the residential application is determined prior to the SANG application;
 2. Concerns with highway impacts from additional vehicle movements associated with SANG visitors;
 3. Note the haul road is proposed as a direct result of concerns about construction traffic expressed by the public during the applicant's consultation exercise. Raise safety concerns in relation to the access of the haul road from the A352 access and the crossing over bridleway S9/15. Raise highway concerns associated with construction following closure of the temporary haul road;
 4. Request detailed planting regime and management compatible with the soil and landscape type potentially including meadow grassland;
 5. Request creation of a further bridleway is considered parallel to the A352 to link the SANG to Bridleway S9/12 at Sunnymead in order to address existing safety concerns associated with walking or riding on the A352.
- 9.24 Broadmayne Parish Council note their objection to the SANG would not stand if the residential proposals are approved.

Winterborne and Broadmayne Ward Councillors – Roland Tarr

- 9.25 Request that the applications be considered by Planning Committee. Note support to Broadmayne Parish Council's comments and states the Local Plan should be adhered to given Broadmayne is a small village adjoining the Dorset AONB. The village Infrastructure for active travel across the village and to places of education and work such as Dorchester is currently unsatisfactory and dangerous and a certain amount of public and/or private investment, goodwill and discussion with other stakeholders in the area would be required to rectify this problem.

West Knighton Parish Council – No comments received.

Whitcombe Parish Council – No comments received.

Representations Received

9.26 At the time of writing 49 representations have been received. Of these 43 comprise objections and 6 make comments. It should be noted that in a number of instances multiple representations have been submitted by the same residents. These representations have been taken into account fully and carefully in assessing the proposal. In summary, the following key themes of the representations are as follows:

Topic	Comments
SANG	
Principle	- SANG is not required. - Loss of agricultural land.
Local Character	- Harm to local character.
Highways and parking	- SANG will increase road traffic and footfall in Broadmead. - Highway safety concerns with proposed haul road, including crossing public rights of way. - Location of proposed access is inappropriate. - Parking should be located by A352
Ecology	- Loss of habitat.
Trees	- Loss of trees due to construction of haul road.
Climate Change	- Associated carbon emissions of visitors using cars.

10.0 Relevant Policies

Development Plan

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise. The following policies are considered to be relevant to this proposal:

West Dorset and Weymouth & Portland Local Plan (2015) (LP) Policies

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV3 - Green infrastructure network
- ENV8 - Agricultural land and farming resilience
- ENV10 - The landscape and townscape setting
- SUS2 - Distribution of development
- COM7 - Creating a safe & efficient transport network

COM9 - Parking standards in new development

Bournemouth, Dorset and Poole Minerals Strategy (2014)

SG1 - Mineral Safeguarding Area

Other Material Considerations

Emerging Dorset Council Local Plan

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

National Planning Policy Framework (NPPF)

Relevant NPPF sections include:

- Section 4. Decision-making: 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...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.
- Section 8 'Promoting healthy and safe communities' aims to make places healthy, inclusive and safe.
- Section 9 'Promoting sustainable transport' requires appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location, safe and suitable access to the site can be achieved for all users, the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code and any significant impacts from the development on the transport

network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- Section 12 'Achieving well designed places.

Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (para 30).

- Section 15 'Conserving and Enhancing the Natural Environment' - In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Supplementary Planning Documents/Guidance

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Dorset Heathlands Planning Framework 2020-2025 SPD (2006)

Nitrogen Reduction in Poole Harbour SPD (2017)

West Dorset Planning Obligations SPD (2010)

West Dorset Design & Sustainable Development Planning Guidelines (2009)

West Dorset Landscape Character Assessment (2009)

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

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:

1. moving or minimising disadvantages suffered by people due to their protected characteristics
2. Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
3. 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 Public Sector Equalities Duty.

12.3 Access arrangements can be made to ensure people with disabilities or mobility impairments or pushing buggies can be accommodated. There will be improved footpath links. Due to the contours and countryside location of the site partially within the Dorset AONB on site hard standing areas are not possible as these would erode the openness and the ecological value of the site.

12.4 Officers have not identified any specific impacts arising from the development on those persons with protected characteristics.

13.0 Financial benefits

What	Amount / value
Material Considerations	
Quantum of open space	SANG: 8.9ha
Implementation of Landscape Environment Management Plan	A wide range of biodiversity and landscape enhancements which would deliver biodiversity net gains
Non-Material Considerations	
N/A	N/A

14.0 Climate Implications

14.1 The proposed development will bring benefits from a climate perspective by providing a suitable recreation area within close proximity to Broadmayne thereby minimising impacts upon protected heathlands and reducing the need to use motorised vehicles for outdoor recreational activity.

15.0 Planning Assessment

Principle of development

Development outside DDB

15.1 Policy SUS2 establishes that new recreational development is acceptable in principle having particular regard to the need for the protection of the countryside and environmental constraints.

15.2 The provision of the SANG would be required to mitigate the adverse effects of new residents within the associated residential application to the south of the site. This is required given the increase in dwellings within 5km of protected heathlands.

15.3 The guiding principle of The Dorset Heathlands Planning Framework Supplementary Planning Document (SPD) is that there should be no net increase in urban pressures on internationally important heathland as a result of additional development. The SPD facilitates the delivery of mitigation measures for the heathlands in ways consistent with national and local planning policy. For large greenfield sites and urban extensions, the expectation is that SANGs will be provided as part of the avoidance and mitigation strategy.

15.4 The supporting text to Policy ENV2 explains that in the case of large scale development, a bespoke mitigation package agreed with Natural England including the delivery of a SANG is required for developments within 400m and 5km of protected heathland. Mitigation measures are expected to be provided in perpetuity and operational before the occupation of new development.

15.5 The SANG would be delivered in two phases. The first phase of the SANG (including the temporary haul road) would be delivered prior to occupation of any dwellings within the associated residential development to the south. Prior to occupation of the 70th dwelling, the temporary haul road would be removed and the remainder of the SANG would be created.

15.6 The SANG is appropriately located to serve the associated residential development to the south and Natural England has confirmed that it is possible for the proposed SANG to provide mitigation for the associated dwellings. Notwithstanding the acceptability or otherwise of the associated residential development to the south, the principle of the development in order to mitigate the associated residential development is acceptable.

Loss of Agricultural Land

15.7 Policy ENV8 seeks to steer built development towards areas of poorer quality land where it is available. The NPPF (Para. 174) notes decisions should enhance the natural and local environment, including by recognising the wider benefits from natural capital, including the economic and other benefits of the best and most versatile agricultural land. It further states in reference to plan making that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality (Footnote 58).

15.8 A number of objections raise concerns with the loss of agricultural land and highlight concerns with food security. The site is currently in arable agricultural use and is assessed as comprising Grade 2 (very good) and Grade 3a (good) agricultural land. The entirety of the 8.9ha site therefore comprises best and most versatile agricultural land (BMV). Given the SANG would be required to be secured in

perpetuity, the proposals would result in the loss of 8.9ha of agricultural land and the associated economic and food security benefits associated with food production.

15.9 In relation to the associated application for residential development, the submitted Agricultural Land Classification Report makes the case that there are no obvious areas of poorer quality agricultural land on the periphery of Broadmayne and therefore any expansion of Broadmayne would result in the loss of some BMV. This argument is accepted. However, given the council is able to demonstrate a 5YHLS and large scale expansion of Broadmayne does not form part of the strategy, there is considered to be sufficient housing land available to negate the need to develop the adjacent site for housing and the application site for a SANG. The loss of the land therefore conflicts with Policy ENV8 of the Local Plan and the clear preference of the NPPF.

Impact on the setting of the AONB

15.10 NPPF (Para.176) states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. Development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. Para. 177 establishes that planning permission should be refused for 'major development' (defined by the decision maker) within AONBs other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

15.11 Approximately 40% of the site falls within the Dorset AONB. The associated residential application falls entirely outside of the AONB. However, given the applications would be linked via a Section 106 Agreement it is necessary to consider whether the combined proposals would represent major development for the purposes of NPPF Para. 177.

15.12 Considering the residential and SANG proposals as a whole, the only development proposed within the AONB comprises approximately 40% of the SANG. The SANG would provide natural open space including landscaping and pedestrian routes. The proposed SANG within the AONB is not considered to be major development for the purposes of NPPF Para 177. Whilst it would be linked to a residential development of up to 80 dwellings, the site of the proposed dwellings is located outside of the AONB. Accordingly, the exceptional circumstances outlined at NPPF Para. 177 are not engaged and do not need to be demonstrated for either development.

15.13 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) with the application which considers the impact of the proposals on the setting of the AONB. Dorset AONB Partnership consider that subject to a sensitive design, the SANG would not be unduly harmful to the character and appearance of the AONB.

15.14 The proposals for the SANG are considered compatible with the natural character of the area and not considered to harm the special qualities or natural beauty of the Dorset AONB.

Impacts on landscape and local character

15.15 The proposals have been amended over the course of determination to respond to comments from the Landscape Officer and Natural Environment Team (NET).

15.16 Specifically, the soft landscaping has been revised to reflect the openness and existing rural character of the landscape setting. The tree planting has been revised to provide smaller tree groupings which are positioned closer to the boundaries of the site and to the north of the existing bridleway.

15.17 The development would be consistent with local landscape character and would conserve, enhance and restore locally distinctive landscape features in accordance with Policies ENV1 and ENV10.

Ecology

Biodiversity and heathland mitigation

15.18 As an agricultural field, the site currently provides modest ecological value. The ecological value of the site would be improved through: the provision of species rich grassland; scrub and tree planting; and the creation of a pond. Together, the soft landscaping works would deliver biodiversity net gains.

15.19 As noted above, the SANG is required to mitigate adverse impacts on heathland. The Dorset Heathlands 2015-2020 SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). In relation to this development the SANG would form a HIP in order to mitigate the associated residential development to the south.

15.20 The SANG provision is approximately 9 hectares, and results from the requirements and guidance of the Dorset Heathlands 2015-2020 SPD. Appendix E of the Dorset Heathlands SPD contains guidelines for the quality of SANGs and includes a checklist of requirements, such as the provision of vehicle parking arrangements; pedestrian access; the design and length of walking routes; the provision of signage; advertising of the SANG to ensure members of the public are aware of it; inclusion of habitats; ensuring sites have a semi-natural character; connections to the public right of way network; and the provision of adequate space for the exercise of dogs.

15.21 Natural England is satisfied that the proposals are sufficient to meet the requirements of the SPD and to ensure the SANG is useable by those who will occupy the proposed development. The proposed SANG is within walking distance of the associated development and would also contain visitor parking spaces.

15.22 SAMM, which forms the second strand of the strategy, requires that contributions be secured via S106 from all development where there is a net increase in dwellings. The strategic approach to access management is necessary to ensure that displacement does not occur across boundaries.

15.23 A S106 legal agreement would secure:

- the implementation, maintenance and management of the proposed SANG area
- the payment of a SANG Maintenance Sum (to safeguard the Council against deficiencies in the owner's management)
- a SAMM contribution of towards Strategic Access Management and Monitoring in accordance with the Dorset Heathlands SPD.

15.24 A Habitat Regulations Assessment of the proposal concluded that, with the above mitigation secured the development will not result in an adverse effect on the integrity of the designated sites so in accordance with Regulation 70 of the Habitats Regulations 2017 planning permission can be granted.

Poole Harbour

15.25 The associated residential development site falls within the catchment area of Poole Harbour, an internationally protected site.

15.26 The associated residential development to the south has the potential to result in adverse impacts on water quality via enrichment, given the addition of up to 80 new dwellings.

15.27 The submitted Nutrient Neutrality Technical Note assesses the residential and SANG applications in combination and concludes that the development would be nutrient neutral through the provision off-site mitigation and the removal of land from agricultural use (including the SANG site). Dorset Council is satisfied that the associated residential proposal would not result in an adverse effect on the Poole Harbour. This is confirmed via the Appropriate Assessment undertaken by Dorset Council and reviewed by Natural England. Subject to securing the mitigation, the proposal would therefore accord with Policy ENV2, of the Local Plan, Paragraphs 179-80 of the NPPF and the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended).

Trees

15.28 There is potential for adverse impacts on trees through the construction works associated with creation of the SANG and provision and use of the temporary haul road. A planning condition requiring an Arboricultural Method Statement is necessary to ensure adverse impacts on trees are avoided.

Impact on amenity

15.29 Residential properties are located in close proximity to the south east of the site and adjacent to the proposed car park off Broadmead. Given the nature of the proposed use, the proposed development would not have a significant adverse impact on residential amenity.

15.30 The proposed haul road would reduce adverse construction impacts associated with the related residential development by routing construction vehicles

through the SANG site rather than via Broadmead. This would assist in minimising adverse construction impacts during the majority of the construction period until access from Broadmead is required (following occupation of the 70th dwelling).

15.31 Overall, there would be no significant adverse impacts on residential amenity and the proposals comply with Policy ENV16.

Access and Parking

15.32 The proposal is primarily intended to serve the local community. An existing public Right of Way (bridleway S9/15) runs through the site. The Senior Ranger raises no objection subject to the existing public right of way remaining open and available to the public, with no materials or vehicles stored on the route. This matter could be controlled via a suitably worded planning condition.

15.33 Whilst the SANG is anticipated to be used primarily by the new residents of the associated residential development and existing residents within Broadmayne, a small parking area is proposed to enable increased access and useability of the site by visitors. The provision would not result insignificant traffic movements. The Highways Authority raises no objection to the proposals and notes that the proposed haul road access is suitable from a highway safety perspective subject to conditions.

Archaeology

15.34 The site is not a Scheduled Ancient Monument (SAM) and does not have any archaeological designations. However, the site has high potential for archaeological remains as noted within the Applicant's Archaeological Evaluation Report and Archaeological and Heritage Assessment.

15.35 The Council's Archaeologist has commented that due to the potential sensitivity, an examination of the archaeological potential of the site is necessary before development can proceed. This is required to include archaeological fieldwork together with post-excavation work. Subject to a planning condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation the proposal is acceptable from an archaeological perspective.

Minerals safeguarding

15.36 Part of the site is designated as a Mineral Safeguarding Area (MSA) and identified as having potential for sand and gravel. Within MSAs, Policy SG1 of the Minerals Plan seeks to avoid sterilisation as far as possible and encourages prior extraction where practicable.

15.37 The Minerals Planning Authority recommends that the feasibility of extraction is investigated via a method statement. Subject to the imposition of the recommended condition, the proposed development would be acceptable from a minerals safeguarding perspective.

EIA Regulations

15.38 Following consideration of the relevant selection criteria for screening Schedule 2 development presented in Schedule 3 of the EIA regulations, it is concluded that the proposed development is unlikely to result in significant environmental impacts. Therefore, an EIA is not required in this instance.

16.0 Conclusion

16.1 The proposed SANG is necessary to mitigate the adverse impacts of the associated residential development on Dorset Heathlands and Poole Harbour.

16.2 However, whilst the proposed SANG would provide sufficient mitigation for the associated development, the associated development is not recommended for approval. Accordingly, the SANG is not acceptable in principle given the unnecessary loss of Best and Most Versatile agricultural land.

16.3 It is recommended that planning permission be refused for the reasons set out below.

17.0 Recommendation

REFUSE for the following reason:

1. The proposal would result in the unnecessary development of best and most versatile agricultural land and is not required in the absence of associated residential development (P/OUT/2021/05309) for which the proposal would mitigate adverse effects on Dorset Heathlands and Poole Harbour SSSI, SPA and Ramsar. The proposal is contrary to Policy ENV8 (part ii) of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF (2021).

Informatives

1. National Planning Policy Framework

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 did not take the opportunity to enter into pre-application discussions.

-The applicant was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these concerns.

-The applicant was offered the opportunity to submit amended plans to overcome concerns identified by the case officer but chose not to do so.

-The applicant and council have worked together to minimise the reasons for refusal.

2. Plans considered as part of this application.

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Application Number:	P/FUL/2021/05255
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Land Adjacent Broadmead, Broadmayne
Proposal:	Change of use of agricultural land to Suitable Alternative Natural Greenspace (SANG) and temporary formation of a construction haul road
Applicant name:	Southern Strategic Land LLP
Case Officer:	Matthew Pochin-Hawkes
Ward Member(s):	Cllr. Roland Tarr

1.0 Given the number and scope of comments from consultees and members of the public, the Head of Planning has requested this application be considered by Planning Committee.

2.0 Summary of recommendation:

Recommendation A: Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of a S106 Legal Agreement with the following heads of terms:

1) Phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG Management Plan and Step In Contribution. SANG to be linked to the associated residential development (P/OUT/2021/05309).

And subject to the planning conditions detailed at Section 17 of this report.

Recommendation B: Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to refuse planning permission for the reasons set out below if the S106 Legal Agreement is not completed by 7 March 2024 (6 months from the date of committee) or such extended time as agreed by the Head of Planning and the Service Manager for Development Management and Enforcement:

1. In the absence of a satisfactory completed legal agreement to secure the phased provision of a SANG including SANG Management Plan and link to the associated residential development (P/OUT/2021/05309) the proposal would result in the unnecessary development of Best and Most Versatile agricultural land and is not required in the absence of associated residential development. The proposal is contrary to Policy ENV8 (part ii) of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF (2021).

3.0 Reason for the recommendation:

3.1 The proposed SANG is necessary to mitigate the adverse impacts of the associated residential development (P/OUT/2021/05309) on Dorset Heathlands and Poole Harbour SSSI, SPA and Ramsar.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development outside of the DDB is acceptable. Some policy conflict with the use of best and most versatile agricultural land.
Impact on the setting of the AONB	The proposals for the SANG are considered compatible with the natural character of the area and not considered to harm the special qualities or natural beauty of the Dorset AONB.
Impacts on landscape and local character	The development would be consistent with local landscape character and would conserve, enhance and restore locally distinctive landscape features in accordance with Policies ENV1 and ENV10.
Ecology	The proposals would deliver biodiversity net gains and would mitigate adverse impacts related to the associated residential application to the south of the site through heathland and nutrient mitigation.
Trees	Adverse impacts on existing trees can be avoided.
Impact on amenity	Significant adverse effects on residential amenity would be avoided.
Access and Parking	Parking is appropriate, highway impacts would not be severe and the proposed access is acceptable.
Archaeology	Impacts on archaeology can be appropriately managed through a planning condition securing the implementation of a programme of archaeological work.
Minerals safeguarding	Acceptable subject to conditions.
EIA Regulations	An Environmental Statement is not required.

5.0 Description of Site

- 5.1 The site comprises a 8.9ha rectangular shaped agricultural field to the north of the village of Broadmayne.
- 5.2 The site lies partly adjacent to the existing developed areas of the village with the Defined Development Boundary adjacent to the south eastern boundary along Bramble Drove. The eastern boundary adjoins the A352 and a vehicle access is located in the north east corner of the site. The field immediately to the south is the application site for the associated residential development. All other boundaries adjoin surrounding farmland and are enclosed by hedgerows which form field boundaries.
- 5.3 The site is in arable agricultural use with a pronounced change in levels across the site. Levels fall away to the north and south of a line of mature beech trees which runs east to west across the site. The applicant's Agricultural Land Classifications Report (November 2021) identifies the entirety of the site as comprising Best and Most Versatile Agricultural Land (BMV) of Grade 2 (very good) and Grade 3a (good).
- 5.4 A public bridleway (S9/15) leads west from Bramble Drove into the wider Public Rights of Way network. It runs east to west through the site approximately 30m south of the line of beech trees.

5.5 Approximately 40% of the site falls within the Dorset AONB. The AONB boundary runs north to south through the site and includes the properties of Martel Close (to the south).

6.0 Description of Development

6.1 The application seeks full planning permission to change the use of agricultural land to a Suitable Alternative Natural Greenspace (SANG) and temporary formation of a construction haul road. The proposals include an 11 space car park in the south east corner of the site off Broadmead. The SANG would include species rich grass, mown paths, scrub and tree planting, a pond, benches and an information board. A 1.2m fence would follow the southern boundary of the beech trees and the SANG area to the north would be enclosed by a new 1.2m fence. The intention is that the SANG would provide mitigation in respect of adverse impacts on Dorset Heathlands for new residents of the associated proposed residential development to the south of the application site.

6.2. The temporary construction haul road would route from the A352 through the site to the southern boundary. The applicant proposes that the temporary haul road be removed upon occupation of the 70th dwelling, at which point the full extent of the SANG would become available.

7.0 Relevant Planning History

7.1 There is no relevant planning history for the application site.

7.2 The live application for residential development of land to the south for up to 80 dwellings (P/OUT/2023/05309) is associated this SANG application. At the 20 July 2023 Western and Southern Area Planning Committee Members considered that the application provided a positive contribution to much needed housing in the area and the 45% on-site provision of affordable housing would benefit the local housing market. Members resolved that the application be deferred to a subsequent committee meeting for Members to consider the wording of planning conditions given that the committee were minded to approve the application subject to the completion of a legal agreement and suitably worded planning conditions.

7.3 Given the resolution on the associated residential application, the SANG application (this application) was deferred for consideration at the 7 September Western and Southern Area Planning Committee to allow the Officer Report (Appendix 2) to be reviewed.

7.4 In accordance with the Council's Protocol for Councillors and Officers dealing with Planning Matters, correspondence from the Applicant issued to some Members ahead of the 20 July committee has been shared with Officers and added to the council's online Planning Register. The correspondence comprised two documents providing a Committee Briefing Document and an affordable housing note. The Briefing Document noted the provision of a SANG and the community benefits it would provide.

8.0 List of Constraints

Land Outside Defined Development Boundary

Dorset Heath Designation Buffer 5km

Landscape Character Areas: Heath Farmland Mosaic (Crossways Gravel Plateau) and Open Chalk Downland (South Dorset Downs)

Partly within the Dorset Area of Outstanding Natural Beauty (AONB)

Minerals and Waste Safeguarding Area

Groundwater Source Protection Areas

Poole Harbour Nutrient Catchment Area; Poole Harbour

Areas Susceptible to Groundwater Flooding; Clearwater (+75%)

SSSI impact risk zone and 5k buffers (Various)

Medium pressure gas pipeline 25m or less from Medium Pressure Pipelines

Rights of Way: Public bridleway (S9/15)

9.0 Consultations

- 9.1 All consultee responses can be viewed in full on the website. A summary is provided below.

Consultees

Natural England

- 9.2 Natural England's consultation response confirms no objection in principle subject to the mitigation measures in respect of the SANG and SAMM being secured in perpetuity. The response notes the phased approach to bring forward the SANG, the first involving the temporary haul road and has no objection to the approach. Natural England confirm that the area of land available and the location and proposed quality of the enhancements to planting and biodiversity proposed are sufficient to allow the authority to be certain that the land will provide the necessary mitigation for the associated residential development in relation to recreational impacts on nearby designated heathland sites. The fencing and hard infrastructure are noted to be at an appropriate level for the intended function of the land and the Phase 2 planting scheme and use of high value fruiting trees are welcomed. Natural England request further details are required to comply with The Conservation of Habitats and Species Regulations 2017.
- 9.3 Following review of Dorset Council's Habitat Regulations Assessment, Natural England advised they concur with the assessment conclusions, provided that all mitigation measures including the ongoing SANG management arrangements and associated costs and the agreed nutrient mitigation measures are appropriately secured in any permission given.

Historic England

- 9.4 Historic England's consultation response confirms Historic England does not wish to offer any comments on the application. Historic England recommend the views of Dorset Council's conservation and archaeological advisors are sought.

Southern Gas Networks (SGN) – No comments received.

Dorset Area of Outstanding Natural Beauty Partnership

- 9.5 Dorset AONB Partnership note guidance within the NPPF and draw attention to what is defined as a 'major' application in the context of NPPF Para. 177 is a matter for the planning authority to evaluate. The response requests the Local Planning Authority to consider whether the proposal could constitute major development within the AONB given the link between the residential element (outside the AONB) and SANG (within the AONB). This assessment is dependent on whether there is a major effect on the character and appearance of the designated areas.
- 9.6 The response notes the statutory purpose of the AONB designation does not require the promotion of recreation as an objective in its own right. However, demand for recreation should be met in the AONB so far as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses. In the case of the SANG, it is considered that subject to a sensitive design, the feature would not be unduly harmful to the character and appearance of the AONB. Furthermore, there may be opportunities to achieve biodiversity enhancements through the management of the site. The AONB Partnership's interest is to ensure that the character of the SANG is compatible with the 'natural' character of the area, which is best achieved through the use of native tree species, minimising surfaced paths and limiting urbanising features, including furniture and lighting. Given that the concept for the SANG appears to be to introduce clusters of native trees and shrubs within a species rich grassland, with mown paths, a limited number of wooden benches and an information board, the AONB Partnership does not consider that the approach would significantly conflict with the landscape and scenic qualities that underpin the area's designation.
- 9.7 The alignment of the temporary haul road appears to have the potential to affect an outlying group of three beech trees (T27g), which the tree survey notes to be in reasonable condition. The group forms a disconnected section of a wider avenue of beech trees to the east that are recognised as a valued landscape feature. Due to the proximity of the haul route, it is necessary to clarify the method that will be used to safeguard the roots of the trees and any overhanging branches.

Dorset Police - Crime Prevention Design Engineers – No comments received.

Planning Policy

- 9.8 The Planning Policy Team identify the relevant policies for the site and comment on the principle of development and the 'major development test' for development within AONB.
- 9.9 Policy SUS2 restricts development outside DDBs to a limited range of uses. Consider the SANG complies with Policy SUS2 in that it represents recreation or leisure-related development outside of the development boundary.

- 9.10 Given the related SANG site falls within AONB, the response recommends consideration is given to whether the combined residential and SANG proposals constitute 'major development' under Para. 177 of the NPPF.

Landscape

- 9.11 The Landscape Officer supports the principle of the location of the SANG.
- 9.12 Note the planting design of the area should reflect the openness of the existing rural character of the wider chalk landscape setting. Consider the scattered placement of trees shown on the soft landscaping proposals does not adequately reflect the open character and that the design requires more careful placement of tree groupings which are focused more towards the boundaries particularly to the east and south east to maintain future openness. Recommend some changes to tree species and note the circular path should connect to and include improvements to the existing bridleway.

Urban Design

- 9.13 The Urban Design Officer supports the proposed location of the SANG and notes the approach could successfully facilitate the circular nature trail subject to comments on connectivity. Notes the nature trail has strong support within the village as documented within the Broadmayne Parish Plan.

Natural Environment Team (NET)

- 9.14 NET note the proposed SANG should adequately mitigate against the local heathlands when assessed against the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document. NET make a series of recommendations for the detailed design and management of the SANG and haul road.
- 9.15 The response recommends consultation with Dorset AONB Partnership and Natural England. It also notes the proximity to European Wildlife Sites, SSSI and within 5km of designated heathland.

Highways

- 9.16 No objection to the principle of using the existing access onto the A352 for construction or to the temporary formation of a construction haul road. Note the access has policy compliant visibility splays for the speed of the road.
- 9.17 Request planning conditions related to: construction vehicle access; access and haul road details; and visibility splays.

Lead Local Flood Authority

- 9.18 No objection. Note the conditions recommended in relation to the associated outline planning application do not need to be imposed on the SANG. Surface water

considerations associated with the SANG are adequately explained within the supporting documents.

Minerals and Waste Policy

9.19 There is potential for sand and gravel under part of the site falling within the Mineral Safeguarding Area as designated by Policy SG1 of the Minerals Strategy 2014. It is expected that it may be possible for some mineral to be removed from the site and re-used in some capacity as part of the SANG proposals or associated housing site should permission be granted. Planning condition seeking re-use of sand and gravels recommended.

Trees – No comments received.

Economic Development and Tourism – No comments received.

Archaeology

9.20 Following liaison with the Applicant's archaeological consultant, and noting the potential for archaeological remains on the site, the council's archaeologist raises no objection subject to conditions.

Public Rights of Way – Senior Ranger

9.21 No objection. Note the full width of the public footpath must remain open and available to the public, with no materials or vehicles stored on the route. Recommend a speed limit for the haul road.

Public Rights of Way – Strategic Access Development

9.22 The Strategic Outdoor Access Development Officer provided a response in respect of PRow and countryside access matters. The Officer notes PRow S9/15 through the SANG site would be affected by the development and its character would change from crossing an open field to running adjacent to the residential development. The response requests further details and clarifications and notes that increased footfall and cycling on Bridleway 19/15 and the wider PRow network should be considered to ensure it functions effectively as a bridleway and better integrates with the development. Concerns raised with construction of the haul road across the PRow and request planning conditions to mitigate impacts.

Broadmayne Parish Council

9.23 Broadmayne Parish Council object to the proposal and raise the following points related to the SANG:

1. The need for the SANG and haul road is wholly dependent on the granting of permission for the residential development. Request that the residential application is determined prior to the SANG application;
2. Concerns with highway impacts from additional vehicle movements associated with SANG visitors;

3. Note the haul road is proposed as a direct result of concerns about construction traffic expressed by the public during the applicant's consultation exercise. Raise safety concerns in relation to the access of the haul road from the A352 access and the crossing over bridleway S9/15. Raise highway concerns associated with construction following closure of the temporary haul road;
4. Request detailed planting regime and management compatible with the soil and landscape type potentially including meadow grassland;
5. Request creation of a further bridleway is considered parallel to the A352 to link the SANG to Bridleway S9/12 at Sunnymead in order to address existing safety concerns associated with walking or riding on the A352.

9.24 Broadmayne Parish Council note their objection to the SANG would not stand if the residential proposals are approved.

Winterborne and Broadmayne Ward Councillors – Roland Tarr

9.25 Request that the applications be considered by Planning Committee. Note support to Broadmayne Parish Council's comments and states the Local Plan should be adhered to given Broadmayne is a small village adjoining the Dorset AONB. The village Infrastructure for active travel across the village and to places of education and work such as Dorchester is currently unsatisfactory and dangerous and a certain amount of public and/or private investment, goodwill and discussion with other stakeholders in the area would be required to rectify this problem.

West Knighton Parish Council – No comments received.

Whitcombe Parish Council – No comments received.

Representations Received

9.26 At the time of writing 49 representations have been received. Of these 43 comprise objections and 6 make comments. It should be noted that in a number of instances multiple representations have been submitted by the same residents. These representations have been taken into account fully and carefully in assessing the proposal. In summary, the following key themes of the representations are as follows:

Topic	Comments
SANG	
Principle	- SANG is not required. - Loss of agricultural land.
Local Character	- Harm to local character.
Highways and parking	- SANG will increase road traffic and footfall in Broadmead. - Highway safety concerns with proposed haul road, including crossing public rights of way. - Location of proposed access is inappropriate. - Parking should be located by A352
Ecology	- Loss of habitat.

Trees	- Loss of trees due to construction of haul road.
Climate Change	- Associated carbon emissions of visitors using cars.

10.0 Relevant Policies

Development Plan

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise. The following policies are considered to be relevant to this proposal:

West Dorset and Weymouth & Portland Local Plan (2015) (LP) Policies

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV3 - Green infrastructure network
- ENV8 - Agricultural land and farming resilience
- ENV10 - The landscape and townscape setting
- SUS2 - Distribution of development
- COM7 - Creating a safe & efficient transport network
- COM9 - Parking standards in new development

Bournemouth, Dorset and Poole Minerals Strategy (2014)

- SG1 - Mineral Safeguarding Area

Other Material Considerations

Emerging Dorset Council Local Plan

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

National Planning Policy Framework (NPPF)

Relevant NPPF sections include:

- Section 4. Decision-making: 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...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.
- Section 8 'Promoting healthy and safe communities' aims to make places healthy, inclusive and safe.
- Section 9 'Promoting sustainable transport' requires appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location, safe and suitable access to the site can be achieved for all users, the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- Section 12 'Achieving well designed places.'
Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (para 30).
- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Supplementary Planning Documents/Guidance

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Dorset Heathlands Planning Framework 2020-2025 SPD (2006)

Nitrogen Reduction in Poole Harbour SPD (2017)

West Dorset Planning Obligations SPD (2010)

West Dorset Design & Sustainable Development Planning Guidelines (2009)

West Dorset Landscape Character Assessment (2009)

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

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:

1. moving or minimising disadvantages suffered by people due to their protected characteristics;
2. Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
3. 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 Public Sector Equalities Duty.

12.3 Paths within the SANG would comprise 3-4m wide mown paths. This may cause challenging surfacing conditions for wheelchair users, people with mobility issues and people pushing buggies. However, due to the contours and countryside location of the site partially within the Dorset AONB on site hard standing areas are not desirable as these would erode the openness and the ecological value of the site.

13.0 Financial benefits

What	Amount / value
Material Considerations	
Quantum of open space	SANG: 8.9ha
Implementation of Landscape Environment Management Plan	A wide range of biodiversity and landscape enhancements which would deliver biodiversity net gains.
Non-Material Considerations	
N/A	N/A

14.0 Climate Implications

14.1 The proposed development will bring benefits from a climate perspective by providing a suitable recreation area within close proximity to Broadmayne thereby minimising impacts upon protected heathlands and reducing the need to use motorised vehicles for outdoor recreational activity.

15.0 Planning Assessment

Principle of development

Development outside DDB

15.1 Policy SUS2 establishes that new recreational development is acceptable in principle having particular regard to the need for the protection of the countryside and environmental constraints.

15.2 The provision of the SANG would be required to mitigate the adverse effects of new residents within the associated residential application to the south of the site. This is required given the increase in dwellings within 5km of protected heathlands.

15.3 The guiding principle of The Dorset Heathlands Planning Framework Supplementary Planning Document (SPD) is that there should be no net increase in urban pressures on internationally important heathland as a result of additional development. The SPD facilitates the delivery of mitigation measures for the heathlands in ways consistent with national and local planning policy. For large greenfield sites and urban extensions, the expectation is that SANGs will be provided as part of the avoidance and mitigation strategy.

15.4 The supporting text to Policy ENV2 explains that in the case of large scale development, a bespoke mitigation package agreed with Natural England including the delivery of a SANG is required for developments within 400m and 5km of protected heartland. Mitigation measures are expected to be provided in perpetuity and operational before the occupation of new development.

15.5 The SANG is intended to be delivered in two phases. The first phase of the SANG (including the temporary haul road) would be delivered prior to occupation of any dwellings within the associated residential development to the south. Prior to occupation of the 70th dwelling, the temporary haul road would be removed and the remainder of the SANG would be created.

15.6 The SANG is appropriately located to serve the associated residential development to the south and Natural England has confirmed that it is possible for the proposed SANG to provide mitigation for the associated dwellings. The principle of the development in order to mitigate the associated residential development is acceptable.

Loss of Agricultural Land

15.7 Policy ENV8 seeks to steer built development towards areas of poorer quality land where it is available. The NPPF (Para. 174) notes decisions should enhance the natural and local environment, including by recognising the wider benefits from natural capital, including the economic and other benefits of the best and most versatile agricultural land. It further states in reference to plan making that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality (Footnote 58).

15.8 A number of objections raise concerns with the loss of agricultural land and highlight concerns with food security. The site is currently in arable agricultural use and is assessed as comprising Grade 2 (very good) and Grade 3a (good) agricultural land. The entirety of the 8.9ha site therefore comprises best and most versatile agricultural land (BMV). Given the SANG would be required to be secured in perpetuity, the proposals would result in the loss of 8.9ha of agricultural land and the associated economic and food security benefits associated with food production.

15.9 In relation to the associated application for residential development, the submitted Agricultural Land Classification Report makes the case that there are no obvious areas of poorer quality agricultural land on the periphery of Broadmayne and therefore any expansion of Broadmayne would result in the loss of some BMV. This argument is accepted. However, given the Council is able to demonstrate a 5YHLS and large scale expansion of Broadmayne does not form part of the strategy, there is considered to be sufficient housing land available to negate the need to develop the adjacent site for housing and the application site for a SANG. Accordingly, the loss of agricultural land therefore conflicts with Policy ENV8 of the Local Plan and the clear preference of the NPPF. However, members indicated at the July 2023 meeting of the Southern and Western Area Planning Committee that in considering the associated outline planning application for residential development they were minded to support the proposed development and as such the provision of the SANG would be necessary to mitigate the adverse impacts of the residential development.

Impact on the setting of the AONB

15.10 NPPF (Para.176) states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. Development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. Para. 177 establishes that planning permission should be refused for 'major development' (defined by the decision maker) within AONBs other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

15.11 Approximately 40% of the site falls within the Dorset AONB. The associated residential application falls entirely outside of the AONB. However, given the applications would be linked via a Section 106 Agreement it is necessary to consider whether the combined proposals would represent major development for the purposes of NPPF Para. 177.

15.12 Considering the residential and SANG proposals as a whole, the only development proposed within the AONB comprises approximately 40% of the SANG. The SANG would provide natural open space including landscaping and pedestrian routes. The proposed SANG within the AONB is not considered to be major development for the purposes of NPPF Para 177. Whilst it would be linked to a residential development of up to 80 dwellings, the site of the proposed dwellings is located outside of the AONB. Accordingly, the exceptional circumstances outlined at NPPF Para. 177 are not engaged and do not need to be demonstrated for either development.

15.13 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) with the application which considers the impact of the proposals on the setting of the AONB. Dorset AONB Partnership consider that subject to a sensitive design, the SANG would not be unduly harmful to the character and appearance of the AONB.

15.14 The proposals for the SANG are considered compatible with the natural character of the area and not considered to harm the special qualities or natural beauty of the Dorset AONB.

Impacts on landscape and local character

15.15 The proposals have been amended over the course of determination to respond to comments from the Landscape Officer and Natural Environment Team (NET).

15.16 Specifically, the soft landscaping has been revised to reflect the openness and existing rural character of the landscape setting. The tree planting has been revised to provide smaller tree groupings which are positioned closer to the boundaries of the site and to the north of the existing bridleway.

15.17 The development would be consistent with local landscape character and would conserve, enhance and restore locally distinctive landscape features in accordance with Policies ENV1 and ENV10.

Ecology

Biodiversity and heathland mitigation

15.18 As an agricultural field, the site currently provides modest ecological value. The ecological value of the site would be improved through: the provision of species rich grassland; scrub and tree planting; and the creation of a pond.

15.19 The proposed drawings identify the provision of 86 trees and over 2,300 shrubs across the site. Whilst much of the planting is required for provision of the SANG, the works would deliver a biodiversity net gain.

15.20 As noted above, the SANG is required to mitigate adverse impacts on heathland. The Dorset Heathlands 2015-2020 SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). In relation to this development the SANG would form a HIP in order to mitigate the associated residential development to the south.

15.21 The SANG provision is approximately 9 hectares, and results from the requirements and guidance of the Dorset Heathlands 2015-2020 SPD. Appendix E of the Dorset Heathlands SPD contains guidelines for the quality of SANGs and includes a checklist of requirements, such as the provision of vehicle parking arrangements; pedestrian access; the design and length of walking routes; the provision of signage; advertising of the SANG to ensure members of the public are aware of it; inclusion of habitats; ensuring sites have a semi-natural character; connections to the public right of way network; and the provision of adequate space for the exercise of dogs.

15.22 Natural England is satisfied that the proposals are sufficient to meet the requirements of the SPD and to ensure the SANG is useable by those who will occupy the proposed development. The proposed SANG is within walking distance of the associated development and would also contain visitor parking spaces.

15.23 SAMM, which forms the second strand of the strategy, requires that contributions be secured from all development where there is a net increase in dwellings. The strategic approach to access management is necessary to ensure that displacement does not occur across boundaries. Within West Dorset SAMM is paid for through CIL.

15.24 A S106 legal agreement would secure the implementation, maintenance and management of the proposed SANG area and the payment of a SANG Step In Contribution (to safeguard the Council against deficiencies in the owner's management)

15.25 A Habitat Regulations Assessment of the proposal concluded that, with the above mitigation secured the development will not result in an adverse effect on the integrity of the designated sites so in accordance with Regulation 70 of the Habitats Regulations 2017 planning permission can be granted.

Poole Harbour

15.26 The associated residential development site falls within the catchment area of Poole Harbour, an internationally protected site.

15.27 The associated residential development to the south has the potential to result in adverse impacts on water quality via enrichment, given the addition of up to 80 new dwellings.

15.28 The submitted Nutrient Neutrality Technical Note assesses the residential and SANG applications in combination and concludes that the development would be nutrient neutral through the provision of off-site mitigation and the removal of land from agricultural use (including the SANG site). Dorset Council is satisfied that the associated residential proposal would not result in an adverse effect on the Poole Harbour. This is confirmed via the Appropriate Assessment undertaken by Dorset Council and reviewed by Natural England. Subject to securing the mitigation, the proposal would therefore accord with Policy ENV2, of the Local Plan, Paragraphs 179-80 of the NPPF and the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended).

Trees

15.29 There is potential for adverse impacts on trees through the construction works associated with creation of the SANG and provision and use of the temporary haul road. A planning condition requiring an Arboricultural Method Statement is necessary to ensure adverse impacts on trees are avoided.

Impact on amenity

15.30 Residential properties are located in close proximity to the south east of the site and adjacent to the proposed car park off Broadmead. Given the nature of the proposed use, the proposed development would not have a significant adverse impact on residential amenity.

15.31 The proposed haul road would reduce adverse construction impacts associated with the related residential development by routing construction vehicles through the SANG site rather than via Broadmead. This would assist in minimising adverse construction impacts during the majority of the construction period until access from Broadmead is required (following occupation of the 70th dwelling). Nevertheless, with appropriate planning conditions in place to secure good construction management (including a Construction Traffic Management Plan and Construction Environmental Management Plan) the alternative routing of construction vehicles via Broadmead is not considered to result in significant adverse effects on residential amenity. Therefore the requirement for the haul road to be utilised is not necessary to make the development acceptable in planning terms and cannot be mandated.

15.32 Overall, there would be no significant adverse impacts on residential amenity and the proposals comply with Policy ENV16.

Access and Parking

15.33 The proposal is primarily intended to serve the local community. An existing public Right of Way (bridleway S9/15) runs through the site. The Senior Ranger raises no objection subject to the existing public right of way remaining open and available to the public, with no materials or vehicles stored on the route. This matter could be controlled via a suitably worded planning condition.

15.34 Whilst the SANG is anticipated to be used primarily by the new residents of the associated residential development and existing residents within Broadmayne, a small parking area is proposed to enable increased access and useability of the site by visitors. The provision would not result in insignificant traffic movements. The Highways Authority raises no

objection to the proposals and notes that the proposed haul road access is suitable from a highway safety perspective subject to conditions. The Highways Authority does not require construction traffic to utilise the haul road.

Archaeology

15.35 The site is not a Scheduled Ancient Monument (SAM) and does not have any archaeological designations. However, the site has high potential for archaeological remains as noted within the Applicant's Archaeological Evaluation Report and Archaeological and Heritage Assessment.

15.36 The Council's Archaeologist has commented that due to the potential sensitivity, an examination of the archaeological potential of the site is necessary before development can proceed. This is required to include archaeological fieldwork together with post-excavation work. Subject to a planning condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation the proposal is acceptable from an archaeological perspective.

Minerals safeguarding

15.37 Part of the site is designated as a Mineral Safeguarding Area (MSA) and identified as having potential for sand and gravel. Within MSAs, Policy SG1 of the Minerals Plan seeks to avoid sterilisation as far as possible and encourages prior extraction where practicable.

15.38 The Minerals Planning Authority recommends that the feasibility of extraction is investigated via a method statement. Subject to the imposition of the recommended condition, the proposed development would be acceptable from a minerals safeguarding perspective.

EIA Regulations

15.39 Following consideration of the relevant selection criteria for screening Schedule 2 development presented in Schedule 3 of the EIA regulations, it is concluded that the proposed development is unlikely to result in significant environmental impacts. Therefore, an Environmental Statement is not required in this instance.

16.0 Conclusion

16.1 Whilst there would be some conflict with Policy ENV8 objective of steering development towards areas of poorer quality agricultural land, the SANG is necessary to mitigate the adverse impacts of the associated residential development on Dorset Heathlands and is a suitable location immediately adjacent to the residential development. It is considered that the benefit of mitigating the adverse impact of the residential development and therefore the provision of housing and in particular 45% affordable housing in a moderately sustainable location outweighs the loss of the agricultural land. Weight can also be attached to the biodiversity net gain that can be secured.

16.2 Accordingly, the application is recommended for approval subject to the Section 106 heads of terms and planning conditions noted below.

17.0 Recommendation

Recommendation A: Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to grant subject to the completion of a S106 Legal Agreement with the following heads of terms:

- 1) Phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG Management Plan and Step In Contribution. SANG to be linked to the associated residential development (P/OUT/2021/05309).

Planning conditions:

Time Limit

1. The development to which this permission relates must be begun not later than the expiration of five 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).

Approved Plans

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

- Location Plan (ref: 21031-P001 Rev A)
- Indicative Site Layout Proposal (ref: 21031-003 Rev D)
- Phase 1 SANG: Soft Landscape Proposals (ref: edp7097_d016e)
- Phase 2 SANG: Soft Landscape Proposals (ref: edp7097_d013f)
- Proposed Broadmead Site Access General Arrangement (ref: 23054-04-6 Rev B)

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

Arboricultural Method Statement

3. Prior to the commencement of any development hereby approved, an Arboricultural Method Statement (AMS) prepared by a qualified tree specialist providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted to and approved in writing by the Council. All works must be carried out in accordance with the approved details. In particular, the method statement must provide the following:

- i) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing;
- ii) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012);
- iii) a schedule of tree work conforming to BS3998;
- iv) details of the area for storage of materials, concrete mixing and any bonfires;
- v) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility;
- vi) details of any no-dig specification for all works within the root protection area for retained trees;
- vii) details of the supervision to be carried out by the developers tree specialist.

Reason: This information is required to be submitted and agreed before any work starts on site to ensure that the trees and hedges deemed worthy of retention on-site will not be damaged prior to, or during the construction works.

Access details

4. A scheme showing precise details of the access from the A352 must be submitted to and approved in writing by the Local Planning Authority prior to use of the access commencing for construction purposes. Thereafter the access shall be constructed in accordance with the approved details.

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

Haul road details

5. A scheme showing precise details of the haul road identified on Phase 1 SANG: Soft Landscape Proposals drawing (ref: edp7097_d016e) and programme for use must be submitted to and approved in writing by the Local Planning Authority prior to construction of the haul road and use of the haul road commencing for construction purposes associated with the linked residential development to the south (ref: P/OUT/2021/05309). Thereafter the haul road shall be constructed in accordance with the approved details and maintained for the duration of the specified programme. Thereafter the haul road shall be removed.

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

Vehicle Access Construction

6. Before the development is first utilised the first 20 metres of the vehicle access from Broadmead, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification which shall have first been submitted to and approved in writing by the Local Planning Authority.

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

Visibility Splays

7. Before the development hereby approved is first utilised the relevant visibility splay areas as shown on drawing 23054-04-6 Rev B must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

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

Minerals

8. Prior to commencement of development a Feasibility and Method Statement for the re-use of aggregate material raised during any site reparation/construction works shall be

submitted to and approved in writing by the Local Planning Authority. The Feasibility and Method Statement shall provide:

- i) A field evaluation to establish the presence, extent and nature/quality of any underlying sand and gravel deposits;
- ii) An appraisal to determine the practicality of recovering and re-using on site, a quantity of usable material;
- iii) A Construction Management Plan detailing how the prior extraction of materials would take place, including the anticipated quantum of minerals that could be reused.

The development shall thereafter accord with the approved Feasibility and Method Statement. Within three months of the substantial completion of groundworks a report setting out the quantum of material re-used on site shall be submitted to the Local Planning Authority.

Reason: To comply with national and local policy on mineral safeguarding and to ensure that any suitable materials raised during construction are put to their highest and best use, while minimising the need to import aggregate materials from beyond the site, in the interests of sustainability.

Archaeological Method Statement

9. No works shall take place until an Archaeological Method Statement identifying how the D-shaped enclosure (No. 1) and possible barrow (No. 2) identified at drawing KTD-DJS-Fig11 and KTD-DJS-Fig14 of the Archaeology and Heritage Assessment dated November 2021 (ref: edp7097_r002d) would be protected during the construction and operation of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter development shall proceed in strict accordance with the approved Archaeological Method Statement.

Reason: To safeguard potential archaeological interests on the site.

Informatives

1. Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated [####] relating to phased provision of a 8.9ha Suitable Alternative Natural Greenspace (SANG) including SANG Management Plan and link to the associated residential development (P/OUT/2021/05309).

2. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and

- as appropriate updating 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.

3. Informative: The applicant is advised that the granting of planning permission does not override the need for existing rights of way affected by the development to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed. Development, in so far as it affects a right of way should not be started until the necessary order for the diversion has come into effect.

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

5. Informative: Contact Dorset Highways

The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.

Recommendation B: Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to refuse planning permission for the reasons set out below if the S106 Legal Agreement is not completed by 7 March 2024 (6 months from the date of committee) or such extended time as agreed by the Head of Planning and the Service Manager for Development Management and Enforcement:

1. In the absence of a satisfactory completed legal agreement to secure the phased provision of a SANG including SANG Management Plan and link to the associated residential development (P/OUT/2021/05309) the proposal would result in the unnecessary development of Best and Most Versatile agricultural land and is not required in the absence of associated residential development. The proposal is contrary to Policy ENV8 (part ii) of the West Dorset, Weymouth & Portland Local Plan (2015) and the NPPF (2021).

Application Number:	P/FUL/2023/00324
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Steepleton Manor B3159 Junction A35t To Rew Manor Winterbourne Steepleton Dorset DT2 9LG
Proposal:	Proposed change of use including alterations to form 13 residential flats with ancillary accommodation and communal facilities (red line extended to include grounds and garden of manor)
Applicant name:	Stonehouse Projects
Case Officer:	Bob Burden
Ward Member(s):	Cllr Tarr

1.0 The application has been brought to committee given that there is an outstanding Environment Agency objection which would result in the need to refer the application to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2024 if the committee resolve to grant planning permission.

2.0 Summary of recommendation:

Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to approve subject to:

- 1) satisfactory outcome of referral to Secretary of State (due to Environment Agency objection);
- 2) Completion of satisfactory section 106 agreement to secure affordable housing financial contribution (£132,173); and
- 3) Planning conditions.

3.0 Reason for the recommendation:

- Para 11 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.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable as site close to defined development boundary and no specific local plan policy to retain care homes.
Affordable housing	On site provision not appropriate hence an off-site contribution of £132,172 required.
Effect on heritage assets	Acceptable impacts on listed buildings and conservation area.
Effect on residential amenity	Separation distances and nature of use compatible with residential amenity in locality.
Ecological considerations	Acceptable.
Flood Risk	Environment Agency objection, however, the proposed use is in the same vulnerability class as the former care home, and measures would be effected to help minimise flood-risk.
Highways	Existing vehicular access and largely existing parking areas to be used.
EIA	Not required.

5.0 Description of Site

The site is located on the south side of the B3159 road running through Winterborne Steepleton. It is located approximately 80 metres southwest of the Church of St Michael. The building itself faces onto and is set back approximately 40 metres from the B3159, behind a gated entrance way and walled courtyard. To the west of the courtyard there is access to a separate, ancillary courtyard which contains the former coach house and stable block, with the ground-floor former service wing of the house forming its southern range.

The existing main Manor building has been used as a residential care home up until its closure on 26th October 2023. The Manor sits in extensive lawned and landscaped grounds and there is an adjoining stable/coach house and its courtyard to the west side. The Manor, with attached Courtyard Walls and Gates, and the Stable and Coach house are each separately listed Grade II. These buildings were built about 1870. The building was built for William Charles Lambert who had commissioned the architect T. H. Wyatt to build it. It follows a restrained Gothic style. The Manor is built of rock-faced Portland Stone walls with Hamstone dressings under slate and clay tiled roofs. Fenestration is based on wooden sashes. Gabled dormers are present and a two storey porch at the centre with buttresses and barley sugar finials. The Coach house/stables service building are also of rock-faced masonry walls with Hamstone dressings under clay tiles. Windows have mullions and sashes.

The South Winterborne stream watercourse runs to the north of the site and it also flows across the north-east part of the site grounds.

The north edge of the site is bounded by the road with several dwellings along Mill Lane opposite, and St Michaels and All Angels Church to the north-east. East of the site is open agricultural land, and more agricultural land beyond the south of the site beyond the rising land to the south and the site's wooded edge. Immediately west of the service wing is a dwelling known as Old Manor Cottage. Beyond the western "limb" of the grounds are several dwellings.

The site is almost adjoining (about 100m) from the defined development boundary. It lies within the Winterborne Steepleton Conservation Area and is also within the designated Area of Outstanding Natural Beauty.

6.0 Description of Development

The scheme involves making alterations to the Manor House and to the Stable/coach House wing to convert the former care home to 13 self contained flats with ancillary supporting facilities. There is minimal external alteration but more extensive internal alterations. The existing vehicular access would be retained and the frontage courtyard and coach house courtyard areas would continue to be used for car parking with some added spaces in the coach house courtyard.

7.0 Relevant Planning History

WD/D/15/001810 - Decision: GRA - Decision Date: 02/11/2015

Alterations and renovations to care home premises

WD/D/15/001811 - Decision: GRA - Decision Date: 02/11/2015

Alterations and renovations to care home premises

WD/D/17/000714 - Decision: GRA - Decision Date: 09/10/2017

Demolition of derelict outbuildings

WD/D/17/002278 - Decision: GRA - Decision Date: 06/11/2017

Demolition of derelict outbuildings

WD/D/18/000793 - Decision: GRA - Decision Date: 08/05/2018

Request for confirmation of compliance with condition of 3 planning approval

WD/D/17/000714

WD/D/18/000802 - Decision: GRA - Decision Date: 08/05/2018

Request for confirmation of compliance with condition of 3 planning approval

WD/D/17/002278

WD/D/19/002497 - Decision: GRA - Decision Date: 30/12/2019

T1 Acer Negundo - Fell - potential to fall on car park area

1/E/05/002354 - Decision: GRA - Decision Date: 31/01/2006

Remove studwork partition infill to existing archway. Erect replacement first to second floor staircase together with new fire resistant roller shutter

1/E/06/000645 - Decision: WIT - Decision Date: 24/05/2006

Carry out external and internal alterations

1/E/06/001469 - Decision: GRA - Decision Date: 19/10/2006

Remove internal partitions, screen and stairs. Erect new partitions install new staircase, forming new door opening. Install new raised and floating floors. Install new window and glazed screen altering existing window and door.

1/E/07/001135 - Decision: WIT - Decision Date: 15/08/2007

Erect extension comprising of 16No bedrooms and ancillary facilities. Carry out alterations to form entrance. Repair existing garden walls

1/E/07/001136 - Decision: WIT - Decision Date: 15/08/2007

Erect extension comprising of 16No bedrooms and ancillary facilities. Carry out alterations to form entrance. Repair existing garden walls

1/D/08/000159 - Decision: GRA - Decision Date: 18/04/2008

Erect extension with 16No bedrooms and ancillary facilities. Carry out alterations to form entrance and repair garden walls.

1/D/08/000160 - Decision: GRA - Decision Date: 18/04/2008

Erect extension with 16No bedrooms and ancillary facilities. Carry out alterations to form entrance and repair garden walls

1/D/09/001596 - Decision: WIT - Decision Date: 20/11/2009

Convert first floor bedroom to an assisted bathroom. Relocation of laundry & convert former laundry to assisted bathroom, sluice & dispensary

1/D/09/001966 - Decision: GRA - Decision Date: 03/02/2010

Internal alterations

1/D/10/001429 - Decision: WIT - Decision Date: 18/10/2010

Extend time limit for implementation of 1/D/08/000159 to erect extension with 16No bedrooms and ancillary facilities. Carry out alterations to form entrance and repair garden walls

1/D/11/000262 - Decision: GRA - Decision Date: 28/04/2011

Extend time limit for implementation of 1/D/08/000160 to erect extension with 16No bedrooms and ancillary facilities. Carry out alterations to form entrance and repair garden walls

1/D/11/000220 - Decision: GRA - Decision Date: 28/04/2011

Extend time limit for implementation of 1/D/08/000159 to erect extension with 16No bedrooms and ancillary facilities. Carry out alterations to form entrance and repair garden walls

P/LBC/2022/02096 - Decision: GRA - Decision Date: 18/05/2022

Installation of solar PV panels on detached outbuilding

8.0 List of Constraints

STABLES AND COACH HOUSE 30 METRES NORTH WEST OF STEEPLETON MANOR listed building grade G2. HE Reference: 1229226

BARN 30 METRES SOUTH OF MANOR FARMHOUSE listed building grade G2. HE Reference: 1229314

STEEPLETON MANOR WITH ATTACHED COURTYARD WALLS AND GATES listed building grade G2. HE Reference: 1279269

Grade: II Listed Building: UNIDENTIFIED MONUMENT 8 METRES SOUTH OF CHANCEL OF CHURCH OF ST MICHAEL List Entry: 1279196.0; - Distance: 14.36

Grade: II Listed Building: WHITE MONUMENT 4 METRES SOUTH OF CHANCEL OF CHURCH OF ST MICHAEL List Entry: 1229186.0; - Distance: 19.63

Grade: II* Listed Building: SHERRING MONUMENT 3 METRES SOUTH OF CHANCEL OF CHURCH OF ST MICHAEL List Entry: 1279268.0; - Distance: 20.63

Grade: II Listed Building: HODDER MONUMENT 9 METRES SOUTH WEST OF TOWER OF CHURCH OF ST MICHAEL List Entry: 1229080.0; - Distance: 18.61

Grade: I Listed Building: CHURCH OF ST MICHAEL List Entry: 1229137.0; - Distance: 24.55

Grade: II Listed Building: OLD MANOR COTTAGE List Entry: 1229227.0; - Distance: 11.83

Grade: II Listed Building: COTTAGE 12 METRES EAST OF MANOR FARMHOUSE List Entry: 1229323.0; - Distance: 19.29

Application is within a conservation area

TPO (WDDC/640) - Distance: 0

Important Local Buildings, Record Key = 2327 - Distance: 0

Poole Harbour Nutrient Catchment Area; Poole Harbour - Distance: 0

Groundwater Source Protection Areas; - Distance: 0

Area of Outstanding Natural Beauty; Dorset - Distance: 0

Landscape Character; Open Chalk Downland; South Dorset Downs - Distance: 0

Land Outside DDBs; Distance: 0

Legal Agreements S106 - Distance: 0

Winterbourne Abbas CP - Distance: 929.37

Winterbourne Steepleton CP - Distance: 0

Winterborne St. Martin CP - Distance: 444.52

PROW - Right of Way: Bridleway S59/1; - Distance: 17.35

NG - National Grid Overhead Line AXMINSTER - CHICKERELL - MANNINGTON Operating 400; - Distance: 468.08

NG - National Grid Tower 10034322.0 (height 143.42000000000002); - Distance: 479.53

High Risk of Foul Sewer Inundation - Distance: 0

Risk of Surface Water Flooding Extent 1 in 30 - Distance: 0

Risk of Surface Water Flooding Extent 1 in 100 - Distance: 0

Risk of Surface Water Flooding Extent 1 in 1000 - Distance: 0

Risk of Groundwater Emergence; Groundwater levels are between 0.5m and 5m below the ground surface.; There is a risk of flooding to subsurface assets but surface manifestation of groundwater is unlikely.; - Distance: 0

Risk of Groundwater Emergence; Groundwater levels are between 0.025m and 0.5m below the ground surface.; Within this zone there is a risk of groundwater flooding to both surface and subsurface assets. There is the possibility of groundwater emerging at the surface locally.; - Distance: 0

Risk of Groundwater Emergence; Groundwater levels are either at or very near (within 0.025m of) the ground surface.; Within this zone there is a risk of groundwater flooding to both surface and subsurface assets. Groundwater may emerge at significant rates and has the capacity to flow overland and/or pond within any topographic low spots.; - Distance: 0

Area of Outstanding Natural Beauty (AONB): Dorset; - Distance: 0

Scheduled Monument: Two round barrows on North Hill (List Entry: 1002865); - Distance: 202.56

Flood Zone 3 - Distance: 0

Flood Zone 2 - Distance: 0

RAD - Radon: Class: Less than 1% - Distance: 0

RAD - Radon: Class: 3 - 5% - Distance: 0

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

National Landscapes (Areas 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)

Historic Contaminated Land - Description: Quarrying of sand & clay, operation of sand & gravel pits

9.0 Consultations

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

Consultees

DC - Adult social care- No comments received.

DC - Public Health Dorset - No comments received.

Environmental Assessment Officer- This application is for additional overnight accommodation within the Poole Harbour catchment. Therefore, there is a requirement for the developer to achieve nutrient neutrality for both nitrogen and phosphorus, as explained in the Natural England response. Unless they can demonstrate nutrient neutrality, then we will not be in a position to approve the application. Further information is available here: [Nutrient Neutrality in Poole Harbour - Dorset Council](#)

And subsequently:

An Appropriate Assessment has been carried out due to the site's potential effect on the Poole Harbour SPA and Ramsar. This concludes that the scheme will not have a significant effect on this SPA/Ramsar. It concludes that there is a likely decrease in the occupancy of the building and therefore a likely decrease in the nitrogen and phosphorous discharges. Water efficiency measures may also result in a decrease in nutrient discharges.

DC – Highways- No objection.

DC - Dorset Waste Team- No comments received.

DC - Housing Standards- No objection.

DC - Policy - Urban Design- No comments.

DC - Housing Enabling Team - There are over 4,600 households on the Dorset Council housing register and there is a high need for affordable housing across the area. Affordable Housing Policy HOUS1 of the adopted Local Plan expects on-site provision to be provided. Policy seeks 35% affordable housing, or, if appropriate a suitable financial contribution. It is considered that the this could be dealt with by means of an affordable housing contribution. This is mainly because splitting the flats between open market and affordable housing units tends to be problematic in

practical and management terms. It would be hard to find a Registered Provider prepared to take on on-site affordable housing provision in a development like this. Using the average market housing areas listed on plan 22037 (1094.7m² divided by 13) of 84.2m² there would be a requirement to provide £132,173 in affordable housing contributions. No objection if this is agreed and subject to a s106 agreement.

DC - Env. Services – Protection- No comment.

DC - Building Control West Team - None received.

DC – Senior Conservation Officer - Manor House-

Where the blocking up of openings or removal of partition walls are identified on indicative plans, the retention of historic legibility, by way of forming intentional reveals and the introduction of structural piers and down-stand beams, respectively, is welcomed. As reviewed onsite, in parallel with indicative plan no. 22037 PA 18E, where the limited removal of C19 library shelving is proposed to facilitate a partial-height *en suite*, the top, decorative section of the existing bookcase should be retained and incorporated into the overall *en suite* design, where practicable to do so.

Overall, we consider proposed design alterations, to the existing ground, first and second floor floorplan, to be appropriate in both intention and approach with regard proposed interventions within broader context of the principal house. Furthermore, it is considered that in each instance, where the loss of historic fabric is considered likely, a clear and considered justification has been demonstrated that promotes a pragmatic, low-impact approach, with regard the highest retention level of historic fabric, to realise the maximum possible potential for the proposed extent of each suite.

Former Coach house and Stable Block-

Proposals broadly comprise the removal of modern partitions, to better realise the original, open plan nature of the space, and the replacement of modern windows and door with timber framed, double glazed units. Within the specific context of the application, we consider these works to be appropriate and perceive them to offer a tangible degree of enhancement.

Overall, proposals are considered entirely appropriate in both intention and approach and in demonstrating sensitive, mitigative, and informed interventions that realise a perceived degree of enhancement and promotion toward securing the site's future, viable use.

By virtue of the extent of partial loss of some historic partitions and C19 bookshelves, proposals will result in less than substantial harm to the significance of the heritage asset. However, we consider the degree of historic fabric loss, within the broader context of the building overall, has been clearly and convincingly justified.

Conclusion; No harm to Manor and less than substantial harm to former Coach House and Stables. No harm to conservation area.

DC- Flood-Risk Management - (8/11/23)- I have previously provided responses (the most recent on 15 September 2023) in which I recommended a holding objection. The applicant has submitted the following updated flood risk documentation:

- Report: Flood Risk Assessment, by GeoSmart Information Ltd, ref 79732.02R1, and dated 2/11/23.
- Report: Flood Warning and Evacuation Plan, by GeoSmart Information Ltd, ref 79732R4, and dated 27/10/23.

After review of the above documents, I can re-iterate my previous position. I have stated in previous responses that the proposed development is compatible with the mapped surface water flood risk and other sources of flooding, with the exception of fluvial flooding. The proposed development may or may not be compatible with the fluvial flood risk. The Environment Agency are responsible for assessing the fluvial flood risk.

I have been recommending a holding objection from the LLFA until the EA had provided their support for the proposed development or objection. I maintain this position even though there is no in-principal objection from the LLFA due to the flood risk from non-fluvial sources.

- If the EA remove their objection, then the LLFA will also remove their objection. I am taking this strategy as a 'safety net' rather than removing the LLFA's objection now. But if the LPA consider this is an unnecessary strategy, then the LLFA's holding objection can be removed now. No surface water drainage or flood related conditions are required/recommended from the LLFA.

NHS Dorset (Dorset Integrated Care Board) ICB- No comments received.

Dorset Police Architectural Liaison Officer - No objection.

Dorset and Wiltshire Fire & Rescue Service - No comments received.

Natural England- This proposal potentially affects European Sites vulnerable to nutrient impacts. Please refer to Natural England's overarching advice dated 16th March 2022 and sent to all relevant Local Planning Authorities.

Historic England- Not offering advice. Suggest seek views of specialist conservation/archaeological advisers.

Environment Agency – (summarised)

24/5/23- Advise that the applicant should provide a more detailed FRA to include estimated design flood level data and flood extent, including climate change, together with any necessary mitigation proposals and Emergency Flood Plan. The applicant should take advice from the LLFA who, are the risk management authority for the local watercourses and other sources of flooding, for more local understanding and detailed advice regarding flood risk at this site. Given this we

recommend that detailed comments are provided by both us and the LLFA with respect to flood risk at the site, for the local authority's consideration.

The existing and proposed use vulnerability classifications are both More Vulnerable (NPPF, Annex 3: Flood Risk Vulnerability Classification). In essence the proposal is for a Change of Use from a care home to residential flats. COU applications are not required to satisfy the Sequential Test but they are still required to satisfy the Exception Test, including demonstration of no resultant increase in flood risk to the site or elsewhere by way of a detailed FRA (see [Flood risk and coastal change - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/flood-risk-and-coastal-change)) for more details. Whilst it appears that the flats would not be individually sold (section 4.2 of the Design & Access Statement Rev.C, dated 11 April 2023), the fact remains that the proposal would result in 8 self-contained ground floor flats (which are of particular concern in flood risk areas) for rent. Without a more detailed understanding of flood risk at the site, we are not able to confirm whether we consider the proposal to be acceptable.

Further to the above, we are also concerned that the proposal would provide self-contained ground floor flats, which are at increased risk of flooding. Flats 1 - 6 have direct internal connectivity to the lift and lobby stairwell, so occupants could escape to the first-floor landing, but they would not have access to any private (self-contained access within their own home) internal safe haven. Flats 7 and 8 do not have internal connectivity to the main building. Flat 8 does have an internal self-contained first floor safe haven in the form of a first-floor bedroom, but Flat 7 does not. We advise that if the building is to be subdivided, it should be done in such a way as to provide two storey dwellings, so each individual dwelling has an internal self-contained first floor safe haven, with no ground floor self-contained dwellings provided. Based on the current lack of detailed flood risk evidence we would not support self-contained ground floor dwellings.

9/8/23- Object-The site is shown to fall within fluvial Flood Zone 3. The (revised) FRA has confirmed that raising floor levels to appropriate levels is unlikely to be possible. Therefore in order to deliver safe development we consider it important that dwellings have internal access to an appropriate upper storey refuge. Flats 1 - 6 have direct internal connectivity to the lift and lobby stairwell, so occupants could escape to the first-floor landing, but they would not have access to any private (self-contained access within their own home) internal safe haven. Flat 8 does have internal self-contained first floor safe haven, but Flat 7 does not have any access to an upper floor refuge. We maintain that if the building is to be subdivided, it should be done in such a way as to provide two storey dwellings, so each individual dwelling has an internal self-contained first floor safe haven in line with that provided for flat 8, with no ground floor self-contained dwellings provided. Based on the current flood risk evidence we would not support self-contained ground floor dwellings.

Overcoming our objection:

The applicant should submit a revised proposal which addresses the points highlighted above. Please re-consult us on any revised FRA submitted. If you are minded to approve the application contrary to our objection, we request you contact us prior to a decision being made to allow us to make further representations.

Should our objection be removed, we may recommend the inclusion of conditions on any subsequent approval.

21/12/23 - We maintain our objection, as the proposed development is providing insufficient flood risk mitigation to keep the development dry for its lifetime. We agree that the estimated internal flood depth to the proposed dwellings of 0.09m is shallow, so not considered to be a danger to life. We also concur with the Local Planning Authority that access/egress through water of less than 0.3m is not considered to be a danger to life, but we do remain concerned that the development will be provided with a known and unmitigated internal flood risk. We welcome the use of the flood barrier boards to Suite 7's external doors, however this may not be sufficient on its own to ensure a dry development due to the potential of permeability of the existing walls or floors. We also welcome any flood mitigation measures that can be provided to any of the buildings that would help ensure a dry development, however we understood from the submitted Flood Risk Assessment (FRA) that this was not possible. If we misunderstood this, we would be pleased to see a flood mitigation strategy.

Overcoming our objection:

To overcome our objection the applicant should submit a comprehensive flood mitigation strategy including structural integrity for example solid floor and flood proofing to wall/entrances. For guidance please see [Improving the Flood Performance of New Buildings \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk). Please note that the strategy needs to meet building control regulations. If any flood risk mitigation strategy is submitted, please re-consult us. Please be aware that if you are minded to approve the application against our objection you are required to consult the Secretary of State.

Winterborne and Broadmayne Ward - No Local Member comments

Winterbourne Steepleton PC- The Parish Council welcomes the fact that this building will receive very much needed maintenance work and repairs. Local employment will be slightly reduced and the much needed nursing facility for the area lost. We are pleased that the external facades are not being affected. We would comment on the need for adequate on site parking - cars park on the church layby at present and car numbers will increase due to the self contained flats. Possible light pollution issues must also be taken into account with any added parking areas. The walled garden area should be preserved and not altered in any way.

Representations received

3 letters of objection/comment: The main planning related points include-

No bus service; all dependent on private car.

Concern that car parking on-site may be inadequate; vehicles may park on road/by church.

Concern parking may extend into lawned grounds of the Manor, causing visual intrusion to conservation area.

Light pollution of parking areas - potentially detrimental to bats foraging, and visual harm. Any lighting would need careful design.

Pleased to see investment in the building to improve condition.

Regrettable loss of nursing facility and employment.

Query financial viability of scheme.

Walled garden should not be altered.

A neighbour comments: I live next door to this property and if flood waters ever reached the floor level of the Manor, my cottage would be under 1m of water! I think this is an over reaction as the valley as a whole drains to the east and Steepleton is some 6m above Martinstown - I cannot see how water levels would ever get this high. The EA maps are misleading - a site visit would confirm my above statements.

10.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 16 requires that in considering whether to grant listed building consent, special regard is to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Section 85 of the Countryside and Rights of Way Act (2000) requires that regard is had to the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty (National Landscapes).

11.0 Relevant Policies

Development Plan Policies

Adopted West Dorset and Weymouth & Portland Local Plan:

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

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV4 - Heritage assets
- ENV5 - Flood risk
- ENV10 - The landscape and townscape setting
- ENV 12 - The design and positioning of buildings

- ENV 16 - Amenity
- SUS2 - Distribution of development
- SUS3 - Adaptation and re-use of buildings outside defined development boundaries
- COM7 - Creating a safe & efficient transport network
- COM9 - Parking provision
- HOUS1 - Affordable housing

Neighbourhood Plan – N/a

National Planning Policy Framework 2023

Section 4 – Decision taking

Section 5 - Delivering a sufficient supply of homes

Section 6 - Building a strong competitive economy

Section 11 - Making effective use of land

Section 12 - Achieving well-designed places

Section 14 - Meeting the challenges of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment

Other material considerations

Supplementary Planning Document/Guidance

Dorset AONB Landscape Character Assessment

AONB Management Plan 2019-2024

Nitrogen Reduction in Poole Harbour SPD Adopted

Consultation Report - Nitrogen Reduction in Poole Harbour SPD

Consultation Statement - Nitrogen Reduction in Poole Harbour SPD

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

Supplementary Planning Documents/Guidance For West Dorset Area:

WDDC Design & Sustainable Development Planning Guidelines (2009)

Landscape Character Assessment February 2009 (West Dorset)

Conservation Area Appraisals:

Winterborne Steepleton Conservation Area Appraisal

12.0 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.

13.0 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 Public Sector Equalities Duty. The scheme includes lifts to facilitate access for any persons with mobility issues and conveniently located car parking relative to the residential units.

14.0 Financial benefits

Material considerations

Affordable housing financial contribution £132,173

A number of full and part-time jobs likely to be created.

Non material considerations

CIL contributions

15.0 Environmental Implications

There are various internal changes which will entail use of tools producing emissions, albeit at a likely relatively low level. Use of any non-electric private cars will produce emissions. However, this must be balanced against the fact that the former care home use would have generated significant vehicle movements in any event, and that the scheme alterations would enhance the character of the listed building.

16.0 Planning Assessment

Principle of development-

The applicant states:

The proposed scheme aims to internally renovate the building and rationalise the internal layout to remove some of the additions thereby forming luxury suites. These

newly formed suites will be available to rent with the building as a whole owned and managed by Stonehouse Projects or their elected management company.

Regarding the principle, the proposal involves the change of use of a residential care home and the formation of 13 flats together with ancillary facilities related to the “hospitality/socialising” experience. The business model is that the flats (or later living suites) would be targeted at the mature resident (over 55), and residents could move around the country staying in other “high-end” flats whilst visiting those parts of the country.

The scheme would involve the loss of an existing care home. The Adults Commissioning Manager-Care Homes has previously commented that in this particular case, the relatively small size, rural location, coupled with the constraints of the historic layout of the listed building does not lend itself particularly well towards catering for residential care. Furthermore, there is no adopted Local Plan policy seeking to retain existing care homes.

Policy SUS2 of the Local Plan includes permitting “open market housing through the re-use of existing buildings”. Policy SUS3 is supportive of “open market housing . . . adjoining a settlement with a defined development boundary (DDB) . . . “. Whilst this site is not strictly adjoining the DDB it is only about 100m away. As such it can be regarded as broadly compliant with this policy subject to other material planning considerations.

Regarding employment the *existing* use (or when it was last used as a care home in October 2023) provided for:

- 1 x CQC Registered Manager
- 1 x Head of Care (Trained Nurse)
- 3 x Trained Nurses – Shift work – multiply by 2.
- 4 x Health Care Assistants – Shift work – multiply by 2.
- 1 x Catering Supervisor
- 1 X Activity Co-ordinator
- 1 x Handyman
- 1 x Part time ambulance driver

The *proposed* use, if fully carried out, could continue to provide employment including - 2x Chef and associated kitchen staff (full time), 1x Receptionist (full time), 2x Cleaners/housekeeping (part time) 2x Maintenance/grounds people (part time), 1x Concierge (full time), 1x Site Manager (full time), 1x Beauty therapist (part time)- 1x Bar staff (part time). The provision of these associated support services would not be conditioned as the application is being treated as Class C3 (dwellings). It is therefore possible that no employment would be provided at the site. It is however worth noting that if the full scheme proceeds in accordance with the applicant’s submission the employment numbers are broadly similar to those currently employed, and this type of employment is consistent with the definition of employment used in the Local Plan.

Affordable Housing-

Policy HOUS 1 of the adopted Local Plan expects on-site provision to be provided. The policy seeks 35% affordable housing, or, if appropriate a suitable financial contribution. However, having discussed this particular scheme with the Housing Enabling Team Leader it is considered that the affordable housing contribution could

be dealt with by means of an affordable housing financial contribution. This is mainly because splitting the flats between open market and affordable housing units tends to be problematic in practical and management terms. Having reviewed the application details the Housing Enabling Officer advises that using the average market housing areas listed on drawing 22037 PA 18 (1094.7m² - : 13) of 84.2m² there would be a requirement to provide £132,173 in affordable housing contributions. This would need to be secured by the completion of a section 106 agreement.

Effect on Heritage Assets-

The site lies within the Winterborne Steepleton Conservation Area and relates to a grade II listed building and near to other listed buildings including the Grade 1 listed Church of St Michael opposite. As such it is a sensitive site in heritage asset terms. The existing building is of imposing proportions and sits within a mainly open semi-parkland type of setting. It was built about 1870 designed by the architect T. H. Wyatt and built of Portland stone (rock finish) with Ham Stone dressings under clay tile and slate roofs.

Internally, there are extensive changes proposed to convert the building to flats. The Design and Access Statement reads:

The building will be divided into a mixture of 1 and two bedroom suites which include bathrooms, ensuites, self-contained kitchens and living spaces. This includes part of the stable block which will be a duplex unit. The existing building is already heavily subdivided and we hope that the new scheme will be able to rationalise the layout in order to form some open plan living spaces within the suites and also to make features of existing architectural elements such as fire places thereby revealing the historic fabric. Where facilities are created by combining or dividing spaces any particular features of the house have been noted and retained, either by adjusting the partition layout or re-orientating the room use.

A detailed Heritage Statement has been submitted. This has been reviewed by the Senior Conservation Officer who has also visited the site. He considers that the treatment of existing openings or the removal of partition walls has been proposed in such a way as to retain the historic interest and legibility of the building. He does comment that the top decorative section of the existing bookcase in the library room should be retained and incorporated into the overall en-suite design where practicable (this would be a matter the subject of a planning condition if listed building consent was granted for the alterations to the building). In terms of the Manor House he sums up as :

Overall, we consider proposed design alterations, to the existing ground, first and second floor floorplan, to be appropriate in both intention and approach with regard proposed interventions within broader context of the principal house. Furthermore, it is considered that in each instance, where the loss of historic fabric is considered likely, a clear and considered justification has been demonstrated that promotes a pragmatic, low-impact approach, with regard the highest retention level of historic fabric, to realise the maximum possible potential for the proposed extent of each suite.

Turning to the former Coach House and Stable Block he comments:

Proposals broadly comprise the removal of modern partitions, to better realise the original, open plan nature of the space, and the replacement of modern windows and door with timber framed, double glazed units. Within the specific context of the application, we consider these works to be appropriate and perceive them to offer a tangible degree of enhancement.

The alterations to the Manor House and to the Coach House/Stables would result in less than substantial harm to their character; it is considered that the benefits of securing the long-term future of the listed buildings, the removal of inappropriate internal works, the enhancement/reinstatement of architectural features proposed, together with the provision of the affordable housing financial contribution would provide sufficient clear and convincing justification in respect of public benefits that would outweigh the less than substantial harm to the buildings.

In terms of the car parking aspect, there are car parking areas to the wider frontage area of the building and in an attached courtyard area. The existing care home use would include 32 patients and about 10 staff. The proposed use, if fully carried out, could involve about 26 residents and about 8 staff. Whilst the care home residents are less likely to have owned cars at the site, they would likely have had visitors and as such, there would likely be similar numbers to those currently using the site. As such the effect on the setting of the listed buildings and on the Winterborne Steepleton Conservation Area is likely to be similar to that at present.

Although this application is treated effectively as residential flats, it is worth noting that there are no proposals to sub-divide the grounds into private gardens. If there were any plans the LPA would have control over this as it would require planning permission (means of enclosure within the curtilage of listed building).

Consideration has been given to sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 in reaching a view on this application. The scheme is considered to preserve the conservation area.

Effect on Area of Outstanding Natural Beauty-

The site lies within the designated National Landscape, otherwise known as Area of Outstanding Natural Beauty (AONB). Given that the changes are largely internal, and that mainly existing car parking areas would be retained for use, it is considered the use would not harm the character or special qualities of the AONB.

Effect on residential amenity-

The site is a fairly “contained” one with quite extensive outdoor areas/grounds. It is likely the proposed use would involve more outdoor activity and use than the existing. However, the generous space available lends itself to use as communal gardens. It is hence considered that the scheme is acceptable in residential amenity terms.

Ecological considerations-

The scheme is essentially a change of use such that there is minimal external change that would impact “physical” ecological assets. Hence no biodiversity plan was required in this case. The Council’s Ecologist confirmed this on the pre-application submission.

Regarding nutrient neutrality considerations- In accordance with Regulation 63 of the Habitats and Species Regulations 2017 an Appropriate Assessment has been carried out due to the sites potential effect on the Poole Harbour Special Protection Area (SPA) and Ramsar. This concludes that the scheme will not have a significant effect on this SPA/Ramsar. It concludes that there is a likely decrease in the occupancy of the building and therefore a likely decrease in the nitrogen and phosphorous discharges. Water efficiency measures may also result in a decrease in nutrient discharges. Hence the nutrient neutrality regime would not increase nutrient output relative to the authorised care home use.

Flood-risk-

Regarding flood-risk about 37% of the site area (including the buildings) lies in flood zone 3 (high risk), with about 3% in flood zone 2 (medium risk).

The Environment Agency objection set out in the letter of 9/8/23 states:

Flats 1 - 6 have direct internal connectivity to the lift and lobby stairwell, so occupants could escape to the first-floor landing, but they would not have access to any private (self-contained access within their own home) internal safe haven. Flat 8 does have internal self-contained first floor safe haven, but Flat 7 does not have any access to an upper floor refuge. We maintain that if the building is to be subdivided, it should be done in such a way as to provide two storey dwellings, so each individual dwelling has an internal self-contained first floor safe haven in line with that provided for flat 8, with no ground floor self-contained dwellings provided. Based on the current flood risk evidence we would not support self-contained ground floor dwellings.

Only one ground floor unit (unit 7) does not have a first floor refuge.

The applicant has submitted a flood-risk assessment (FRA). Following earlier comments from the Environment Agency (EA) and the Flood Risk Management Team (FRM) this has been further revised (GeoSmart FRA dated 18/7/23), and subsequently revised by a final FRA dated 2/11/23 which clarified existing and proposed site levels and finished floor levels.

This final FRA states that:

minimum finished floor levels are noted at 91.04mAOD. During a 1 in 100 year plus 47% climate change allowance fluvial event the flood level at site is 91.13AOD. During this event, flood depths in the development area could be up to 0.21m with up to 9cm anticipated in the building.

The EA maintain their objection because they consider the proposed development provides insufficient flood-risk mitigation to keep the development dry for its lifetime. However, they acknowledge that the existing (recent use) and proposed development is in the same Flood Risk Vulnerability Class.

There are a number of ground floor bedrooms (albeit less than in the existing use). Mitigation by raising the floor levels is not practicable in this instance because these are listed buildings.

The EA letter of 24/11/23, whilst maintaining its objection acknowledges that the circumstances are unusual and nuanced:

Further to our previous responses, we acknowledge that the existing and proposed development is in the same flood risk vulnerability classification. Also, that there appears to be less ground floor bedrooms proposed than existing and that there are likely to be other constraints to be considered in this change of use application, for example Heritage Assets. As such, this proposal comes with a unique set of issues that will need to be balanced by the Local Planning Authority, including flood risk. However, we would like to reiterate that raising internal ground floor levels to above design flood level and providing an internal self-contained first floor to each dwelling is our preferential solution to flood risk mitigation in change of use applications. Therefore, if the LPA believe this mitigation is possible in this situation, then this should be delivered to provide a safe dry development.

The updated FRA offers some additional information over the previous version with regards estimated fluvial flood levels and potential internal flood depths within the buildings. The estimated fluvial flooding design event depth of 0.09m may be relatively shallow, however, since the FRA proposes only very limited flood mitigation measures, it is considered that there is insufficient flood risk mitigation proposed to keep the development dry to the design flood level.

In a subsequent section the letter goes on to state;

As it stands the FRA does not currently demonstrate that the development would remain dry for the development lifetime incorporating allowances for climate change (ie insufficient flood risk mitigation to keep the development dry to the design flood level).

However, if the LPA determine that other material considerations outweigh Flood risk then please make sure that the LPA are satisfied that access/egress are safe.

Following this the Case Officer has written to the EA on 11/12/23 indicating the assessment of the flood-risk issue and the “planning balance” as set out below:

This is a situation where, as previously indicated, the existing use includes ground floor bedrooms for vulnerable largely bed-bound, elderly occupiers. Replacing these with self-contained residential units for in essence “active” occupiers would in practical terms result in less vulnerable occupiers. Furthermore, the nature of this use would include a concierge/night manager - adding a further layer of potential safety as they could alert any guests in the event of potential flood.

Due to the grade II listed status and related constraints it is not possible to raise the floor levels. As you rightly acknowledge - this scheme has a unique set of planning issues to be judged in the planning balance, with flooding being one such issue.

In considering this scheme I am mindful of the following points;

-If flooding does occur the submitted indications from the revised FRA indicate a depth of up to 9cm; in flooding terms this is a shallow depth and as such is unlikely to pose serious risk to human life; well within the Flood Risk Assessment Guidance for New Development (FD2320) -which indicates there will be no danger to people for flood depths below 0.3m;

-The first floor “refuge” is a viable safe option; pertinent to bear in mind that a flood level is likely to be shallow at 9cm maximum (ground floor), and that the building is structurally stable.

-Emergency rescue (first floor) - aided by 2 stairways in different locations;

-“Escape” to first floor level is feasible for all ground floor units except suite 7 (Coach House). However, certain flood risk mitigation measures can be taken here; it is proposed to install measures on the following lines:

Two of the external doors to the coach house are the main entrance to the suite and so a high threshold here would not be practical for the day to day function however they could have an internally applied demountable flood barrier board. Effectively these are two channels applied to the internal side of the door frame that has a board slid into place if it were to flood. This would prevent any water ingress into the suite at all even during a worst case scenario. The building is to be centrally managed so the management would be able to fit the boards if they saw an increase in flood water. Furthermore, this would then not be visible externally. Alternatively, this type of system could be applied to all the doors of this suite rather than raising any of the thresholds. The above alteration can be required by means of a planning condition.

-Access/egress - multiple points of access and egress are present on this building and included in the proposed scheme;

-Ground water flooding - not raised as a significant issue by the LLFA (FRM Team).

Water efficiency - The applicant also intends to incorporate water efficiency measures. Although the scheme is not new development, a large amount of the plumbing and heating systems are being overhauled to accommodate the new scheme. The new system will be up to more modern standards which includes improved efficiency.

This will be achieved through the provision of efficient water fittings throughout the building, including aerated taps, service valves complete with flow restrictors, (also helping to reduce hot water demand), dual flush toilets, new showers and low water consumption appliances where provided. Using the fittings approach for compliance, the consumption of wholesome water will be no more than 125 litres/person/day, using this fitting approach. The maximum fitting consumption will not exceed the below, as Building Regulation Approved Document G (2015):

- WC: 6/4 litres dual flush or 4.5 litres single flush.*
- Shower: 10 litres/minute.*
- Bath: 185 litres.*
- Basin Taps: 6 litres/minute.*
- Sink Taps: 8 litres/minute.*
- Domestic Dishwasher: 1.25 l/place setting.*
- Domestic Washing Machine: 8.17 l/kilogram*

The existing hot and cold water distribution will be renewed throughout the building, which will ensure no leakage from older pipework and fittings.

The incoming mains cold water supply will be provided with a water sub-meter, which will be connected to a new building management system (BMS). The BMS will record and monitor water consumption on a regular basis and will detect higher than normal flowrates.

- A Flood Warning and Evacuation Plan dated 27/10/23 has been provided. Such a Plan can be specified by planning condition.

Other Relevant Planning Considerations-

-The existing building fabric of this impressive listed building has suffered from the “institutionalised” internal works; this scheme includes a variety of largely internal alterations which would help restore and enhance the historic character and features of this listed building;

-Potential employment created by catering for the guests on-site -

- 1x Receptionist (full time)*
- 2x Cleaners/housekeeping (part time)*
- 2x Maintenance/grounds people (part time)*
- 2x Chef and associated kitchen staff (full time)*
- 1x Concierge (full time)*
- 1x Site Manager (full time)*
- 1x Beauty therapist (part time)*
- 1x Bar staff (part time)*

The final reply from the EA dated 21/12/23 (having seen the above Case Officer letter) maintains their objection. Within this letter they comment:

We welcome the use of the flood barrier boards to Suite 7’s external doors, however this may not be sufficient on its own to ensure a dry development due to the potential of permeability of the existing walls or floors. We also welcome any flood mitigation measures that can be provided to any of the buildings that would help ensure a dry development, however we understood from the submitted Flood Risk Assessment (FRA) that this was not possible.

The Councils Flood Risk Management Team (Lead Local flood Authority) have had involvement throughout this application and are content with the surface water and ground water aspects of the scheme, but are “backing up” the EA in their objection to the fluvial flood risk aspect.

To summarise the key reasons why this change of use is considered acceptable, there would be less ground floor bedrooms than with the authorised care home use, the occupiers are less likely to be vulnerable occupiers, there are first floor refuges available for all but one unit (suite 7 covered above) and the flooding, if it occurred, would be to a likely maximum of 9cm depth (not a depth which, as the Environment agency concede, is a danger to life).

It is also worth noting that the building is currently empty. Whilst it is not known if another care home operator would take it on, it has not been marketed as such, it seems unlikely for the reasons given by Social Services and doing so may actually be worse in respect of evacuation measures in the event of a flood bearing in mind a care home use would involve, by definition, more vulnerable persons.

The building is a grade II listed and may remain empty and unused if an alternative use to the care home use cannot be secured. Whilst no information has been submitted with regards to marketing of the property for alternative uses and no evidence has been submitted that an alternative use could not be made of the building, given its listed status finding a viable use would be of benefit to this designated heritage asset and its long-term protection.

In the light of the foregoing it is considered that the scheme is acceptable in flood risk terms subject to conditions which would include flood barriers to Unit 7 and a Flood Warning and Evacuation Plan and other flood resilience measures.

Highways-

The scheme has an existing vehicular access and scope for about 22 cars parking- possibly more- in the gravelled wide frontage area and western courtyard area. There is ample turning space on-site. The Highways Officer has been consulted and has no objection to the scheme. It is considered that the scale and nature of traffic associated with the proposed use is acceptable.

Comments on Parish Council/Third Party letters-

There are comments about regretting the loss of the care home. However, as stated in the above report:

the relatively small size, rural location, coupled with the constraints of the historic layout of the listed building does not lend itself particularly well towards catering for residential care. Furthermore, there is no adopted Local Plan policy seeking to retain care homes.

Whilst it is possible the employment suggested with this use may not transpire, the scheme nevertheless has the planning benefit of ensuring a beneficial economic use for a currently vacant listed building, and also provides an opportunity to restore more architectural interest to the interior by removing the “institutionalised” works.

Comments are made regarding the potential pollution and ecological impacts of lighting; this can be conditioned to control any external lighting changes on the site. Comments have been made regarding possible parking encroaching onto the lawned grounds of the site. A condition can be used to prevent this.

17.0 Conclusion

The principle of this use is acceptable on this edge of defined development boundary location given that the site is approximately 100m from the defined development boundary and would ensure the listed building’s long-term use and maintenance by bringing the building back into use. In visual terms there would be little change as the application is mainly focussed on internal alterations with car parking largely utilising existing parking areas. The scheme would have an acceptable relationship with adjacent development in residential amenity terms. Regarding flood risk, the

authorised care home use had more ground floor bedrooms than the proposed scheme and the use falls within the same flood risk vulnerability class as the former care home use. This, together with the scheme design and additional flood resilience measures helps mitigate flood risk dangers. Furthermore, in terms of heritage assets, the less than substantial harm is outweighed by the public benefits of a beneficial economic use. The scheme includes beneficial internal works to the listed buildings and it would preserve the character of the conservation area. Hence the scheme is considered acceptable in the context of the Local Plan policies and central government advice referenced in this report.

18.0 Recommendation

Recommendation A:

Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to approve subject to:

- a) satisfactory outcome of referral to Secretary of State (due to Environment Agency objection);
- b) Completion of a legal agreement under section 106 agreement of the town and country planning act 1990 (as amended) in a form to be agreed by the legal services manager to secure an affordable housing financial contribution (£132,173); and
- c) Subject to the following Planning Conditions:

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

Location and block plan 22037 PA 01B
Proposed ground floor plan 22037 PA 18E
Proposed ground floor plan 22037 PA 18F (levels)
Proposed first floor plan 22037 PA 19 E
Proposed second floor plan 22037 PA 20D
Proposed roof plan 22037 PA 21
Proposed suite 1 22037 PA 22
Proposed suite 2 22037 PA 23
Proposed suite 3 22037 PA 24
Proposed suite 4 22037 PA 25
Proposed suite 5 22037 PA 26
Proposed suite 6 22037 PA 27
Proposed suite 7 22037 PA 28
Proposed suite 8 22037 PA 29
Proposed suite 9 22037 PA 30
Proposed suite 10 22037 PA 31
Proposed suite 11 22037 PA 32
Proposed suite 12 22037 PA 33
Proposed suite 13 22037 PA 34
Proposed windows 22037 PA 35
Proposed parking plan 22037 PA 39A
Proposed stable door 22037 PA 40A

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

2. 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).

3. The relevant suites in the Coach House/Stables shall not first be occupied for residential use until the replacement windows and door have first been altered in accordance with the approved drawings 22037 PA 35 and 22037 PA 40A. The windows/door shall be finished in a light cream colour to match the existing unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure the character of the listed building is protected.

4. Before the development hereby approved is first occupied or utilised the turning and parking shall be constructed in accordance with the approved plan 22037 PA 39A. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified. The vehicle parking area shall be confined to the enclosed (walled) frontage courtyard area and linked courtyard area to the west only.

Reason: To ensure the proper and appropriate development of the site in the interest of highway safety and to protect the character of the conservation area.

5. The development shall be carried out and managed in accordance with the submitted GeoSmart Flood Warning and Evacuation Plan dated 17/10/23.

Reason: To ensure there are appropriate measures in place to minimise risk to occupiers.

6. The development shall be carried out in accordance with the GeoSmart Flood Risk Assessment dated 2/11/23 (excluding any landscaping/ground-raising).

Reason: To minimise flood-risk.

7. Suite 7 (Coach House) shall not be first occupied until flood prevention measures based on alterations to accommodate raised power socket locations, internally applied demountable flood barrier boards and an internal tanking membrane to the unit have first been installed in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The approved measures shall be permanently retained thereafter.

Reason: To minimise flood-risk.

8. No residential unit hereby approved shall be first occupied until a detailed scheme to enable the charging of plug-in and other ultra-low emission vehicles in safe,

accessible locations within the development has been submitted to and approved in writing by the local planning authority. The agreed details shall be implemented and made operational prior to first occupation of any residential unit hereby approved. Such facilities shall be retained thereafter.

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

9. Details of measures to limit the water use of the dwelling(s) in accordance with the optional requirement in regulation 36(2)(b) and the Approved Document for Part G2 of the Building Regulations 2010 (or any equivalent regulation revoking and/or re-enacting that Statutory Instrument) shall be submitted to and approved in writing by the Local Planning Authority before the dwellings are occupied. The submitted details shall include a water consumption calculation for each dwelling in accordance with the Approved Documents referred to above. The approved measures shall be implemented prior to occupation and maintained in accordance with the approved details thereafter.

Reason: To ensure nutrient neutrality in the Poole Harbour catchment in the interests of protected habitats.

10. Prior to commencement of work on the site, a lighting scheme which reflects the need to avoid harm to protected species and to minimise light spill, shall be submitted to and approved in writing by the Local Planning Authority. There shall be no lighting of the site other than in accordance with the approved scheme.

Reason: In the interests of minimising light pollution on the character of the area and in the interests of preserving biodiversity.

Recommendation B:

Refuse planning permission for the reason set out below if the S106 legal agreement is not completed by 31st September 2024, or such extended time as agreed by the Head of Planning.

1. The scheme requires an off-site affordable housing financial contribution (£132,172). In the absence of a completed S106 agreement to secure the affordable housing contribution the proposal is contrary to policy HOUS1 of the West Dorset, Weymouth and Portland Local Plan 2015 and the NPPF (2023).

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Application Number:	P/FUL/2023/07302
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	4 & 5 Bedford Terrace Long Bredy DT2 9HW
Proposal:	Demolition of existing rear extensions, erection of ground and first floor rear extensions. Erection and relocation of ancillary buildings. Other internal and external works and addition of modern low energy services.
Applicant name:	L Dyke & R Piggot & R Grove & J Pilbeam
Case Officer:	Jane Green
Ward Member(s):	Cllr Roberts

1.0 The application is referred to committee as one of the applicants is employed by Dorset Council in the development management service (planning department).

2.0 Summary of recommendation:

GRANT subject to conditions

3.0 Reason for the recommendation:

- 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 less than substantial harm to heritage assets is outweighed by the public benefits.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Extension and alterations are acceptable in principle.
Scale, design, impact on character and appearance	The proposal is of a subservient scale and proportions to the main dwelling and the appearance is in keeping.
Impact on the living conditions of the occupants and neighbouring properties	The design, scale and fenestration does not introduce demonstrable harm in terms of impact on residential amenity.

Impact on heritage assets	The proposed alterations result in less than substantial harm to the heritage assets and the public benefits outweigh the harm.
Flood risk and drainage	High risk of surface water flooding is made no worse than currently exists.
Highway impacts, safety, access and parking	No significant concerns for parking or highway safety with the proposal.
Impact on trees	No significant issues.

5.0 Description of Site

4 and 5 Bedford Terrace form two of a group of attached former estate cottages belonging to the Duke of Bedford Estate. They are Grade II listed and have individual and group value with the other six properties. The cottages were built in 1865 and lie within the heart of Long Bredy Conservation Area, which is a small rural village characterised by a collection of predominantly old properties set back from the road and fronted by trees, hedgerows/low boundary walls. A brook runs alongside the main road to the west. The village is otherwise surrounded by open farmland and is within the Dorset National Landscape (AONB).

6.0 Description of Development

The proposal seeks planning permission for the demolition of the existing rear extensions and the erection of a two-storey extension and single storey rear extensions. The erection and relocation of ancillary outbuildings are proposed as are the installation of air source heat pumps and the installation of photovoltaic panels.

7.0 Relevant Planning History

1/E/92/000585 - Decision: GRA - Decision Date: 07/12/1992

Take down porch, rebuild porch & make external & internal alterations.

1/W/04/001904 - Decision: REF - Decision Date: 07/12/2004

Erect rear two storey extension and lean-to.

1/W/04/001905 - Decision: REF - Decision Date: 07/12/2004

Erect rear two storey extension and lean-to. Install 2No new windows to rear elevation. Replace 1No window in front elevation.

1/W/05/000006 - Decision: GRA - Decision Date: 06/04/2005

Erect rear two storey extension and lean-to. Replace 1No window in front elevation (Amended scheme to 1/W/04/001904).

1/W/05/000204 - Decision: GRA - Decision Date: 06/04/2005

Alternative scheme to P.A. 1/W/2004/001905 (erect rear two storey extension and lean-to. Install 2No new windows to rear elevation. Replace 1No window in front elevation)

P/LBC/2022/02381 – Decision GRA - Decision Date: 12/08/2022

Carry out internal and external alterations. External alterations include the carrying out of pointing, the refurbishing of windows and the installation of a new extractor fan. Internal alterations include the installation of: Secondary glazing; a new floor slab with drainage below; a new boiler; insulation; a services cavity; a stove box following the removal of a fireplace surround; wiring; a nib; draft proofing between joists; partitions; plumbing and drainage and wardrobes. Internal alterations also include the removal of a cupboard, the repair of ceilings and the relocation of a ceiling hatch.

This application related to internal listed building works to 4 Bedford Terrace

P/PAP/2023/00015 - Decision: RES - Decision Date: 12/07/2023

Refurbish and extend neighbouring listed properties

This pre-application enquiry sought advice on the extension of both properties and other external and internal works with general advice given.

8.0 List of Constraints

Grade: II Listed Buildings: 3, 4, 5 AND 6 List Entry: 1304788.0;

Application is within Long Bredy Conservation Area

National Landscape (Area of Outstanding Natural Beauty); Dorset - Distance: 0

Risk of Surface Water Flooding Extent 1 in 30 - Distance: 0

Risk of Surface Water Flooding Extent 1 in 100 - Distance: 0

Risk of Surface Water Flooding Extent 1 in 1000 - Distance: 0

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); - Distance: 4927.63

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

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

Clause 85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (AONB)

9.0 Consultations

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

Consultees

1. **DC - Conservation Officer** – Support amended plans subject to conditions.
2. **Chesil Bank Ward Member**– No comments received.
3. **Long Bredy Parish Council** – No comments received.
4. **Dorset Wildlife Trust** – No comments received.
5. **DC - Highways** – No objection subject to conditions relating to turning/manoeuvring and parking and construction of carport.
7. **DC - Environmental Protection** – Original concerns have been addressed by the submission of a noise assessment for each property indicating noise should not be an issue. However, Environmental Health have a legal duty to investigate any complaints received about alleged noise nuisance and also to serve an abatement notice if evidence found of a statutory nuisance.
8. **DC - Trees** – No objection, condition suggested.

Representations received - None.

10.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 requires that in considering whether to grant planning permission, special regard is

to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

11.0 Relevant Policies

Development Plan

Adopted West Dorset and Weymouth & Portland Local Plan (2015) (referred to as Local Plan herein)

ENV1 - Landscape, seascape & sites of other geological interest

ENV2 - Wildlife and Habitats

ENV4 - Heritage assets

ENV5 Flood Risk

ENV10 - The landscape and townscape setting

ENV12 - The design and positioning of buildings

ENV13 - Achieving High Levels of Environmental Performance

ENV16 - Amenity

COM7 – Creating a safe & efficient transport network

INT1 - Presumption in favour of Sustainable Development

SUS2 - Distribution of Development

HOUS6 – Other residential development outside defined development boundaries

Material Considerations

Emerging Local Plans:

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making. However, the production of the Draft Local Plan has significant implications for the assessment of housing land supply.

The emerging Local Plan has reached Regulation 18 of the (Town and Country Planning (Local Planning) (England) Regulations 2012 stage and includes a policies

map and proposed allocations towards meeting housing need. Therefore, as detailed under Paragraph 226 of the NPPF (December 2023), for decision-making purposes only, the Council is only required to identify a minimum of 4 years' worth of deliverable housing sites.

National Planning Policy Framework

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent, or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

16. Conserving and enhancing the historic environment

Other material considerations

West Dorset District Council Design and Sustainable Development Planning Guidelines Adopted February 2009

Long Bredy, Portesham, Chickerell, Abbotsbury & Langton Herring Conservation Area Appraisal Parts 1 and 2 Adopted December 2007

Several references made throughout the appraisal to the group of listed buildings that form 1-10 Bedford Terrace and their importance to the character of the village being a strong presence in the centre and their historical value being associated with the Duke of Bedford Estate.

Dorset AONB Landscape Character Assessment
Dorset AONB Management Plan 2019-2024

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

12.0 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.

13.0 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 Public Sector Equalities Duty. This proposal is not considered to impact upon persons with protected characteristics.

14.0 Financial benefits

The construction phase of the development would provide employment.

15.0 Environmental Implications

The proposal will contribute to additional CO2 emissions from the construction materials and build stage. There are however proposals to reduce energy consumption and carbon emissions proposed such as air source heat pumps and photovoltaic panels which demonstrates that climate change and sustainability has been taken into consideration.

16.0 Planning Assessment

Principle of development

The principle of extending a residential dwellinghouse located outside the defined development boundaries is acceptable providing that the extension is subordinate in scale and proportions to the original dwelling and does not harm the character of the locality or its landscape setting in accordance with Policies SUS2 and HOUS6 of the Local Plan.

Scale, design, impact on character and appearance

The extension is subservient in scale in relation to both properties and it would appear in keeping and relate positively when read against the host properties and neighbouring properties. Furthermore, the proposed building’s scale, mass and position are considered to reflect the purpose for which the building is proposed, and the design of the building is considered to be acceptable. The plans and application form are not explicit when discussing the proposed materials and as such a condition is considered necessary given the sensitivity of the buildings and their setting. Overall, the development is considered to accord with Policies ENV10 and ENV12 of the Local Plan.

It is considered that the scale and proportion of the extensions would not overpower and would relate positively to the existing dwelling. Furthermore, the proposed

extension's scale, mass and position are considered to reflect the purpose for which the extension is proposed, and the design of the building is considered to be acceptable as a whole, and the design is in accordance with Local Plan Policy ENV12

Local Plan Policy ENV1 sets out that development should be located and designed so that it does not detract from, and where reasonable enhances the local landscape character. Given the context of the existing residential properties it is not considered the proposals will detract from the character and natural beauty of the protected Dorset National Landscape. Given the nature of the proposals in the context of householder development to existing dwellings and their gardens it is considered that the opportunity does not exist to further the purpose of conserving and enhancing the natural beauty of the Dorset National Landscape, but nor would the proposals be of detriment to the wider landscape.

Impact on residential amenity

The proposed extension due to its scale, mass and position is not considered to be detrimental to residential amenity of neighbouring properties. The window layout will not introduce any new overlooking issues.

During the course of the application the air source heat pumps have been relocated to a position behind the privy buildings. The application has also been supported by a noise assessment as requested by the Council's Environmental Protection team. They comment that they are satisfied there would be no noise issue but advise they would have a legal obligation to investigate any noise nuisance complaints if received once the units are operating.

Impact on heritage assets

The application buildings form part of a group of former estate cottages that are Grade II listed. They have individual and group value with the other six properties and lie within the heart of Long Bredy Conservation Area and contribute positively to its character and appearance.

NPPF para. 205 requires that 'great weight' be given to the conservation of designated heritage assets and the more important the asset, the greater the weight should be. In addition, para. 206 requires any level of harm to their significance should require 'clear and convincing justification'. The application is supported by a comprehensive Heritage Statement.

The extension and much of the alterations and other development are at the rear of the property and therefore the impact on the conservation area is not significant. Much of the terrace's character is derived from their rectangular building plot and planned layout with front gardens set back from the road. There will be no change to this form and character.

In respect of the alterations to the actual listed properties it is considered that there will be less than substantial harm of a medium scale to the original character with the

proposed works, but the works will also benefit the character of the building by removing modern structures at the rear which have no historic or architectural significance. Further, both end houses of the terrace have been extended. The extension of both the properties together as one continuous operation is welcomed and will be an enhancement to what currently exists at the rear of the property.

The Conservation Officer was consulted at pre-application stage and during the course of the application. Comments received were generally positive with issues raised with regards to the proposed fenestration. As such the applicants amended the submitted plans to remove proposed triple glazing and a modern bi-fold style door to be replaced with double glazing timber framed windows and timber framed patio doors instead.

Internally the proposed alterations will be limited and at ground floor these are mainly works to insulate the walls and floor. Two insulation methods have been proposed for the insulation and the adhered option is not acceptable and for certainty a condition is imposed to clarify the preferred battened system with sheep's wool and lath and plaster finish to be used. The internal works fall to be considered as part of the listed building application and can be conditioned accordingly.

Externally the proposal will see air source heat pumps to be installed, both to the rear of the existing privies of the properties which will be discreet in relation to the setting of the listed buildings. Solar panels are to be installed on the new extension south facing roof slope and on outbuildings which is acceptable and will have no impact on views in and out of the Conservation area and do not impact on the setting of the listed buildings. The car port to serve number 5 and other outbuildings proposed are considered acceptable and the consolidation of outbuildings is considered positive for the setting of the listed buildings.

In considering the overall development and its impact on the listed buildings it is considered that it would have less than substantial harm which is outweighed by public benefit. If left without restoration and renovation there may be long term concern for their viable residential use in respect of requirements for modern day living standards. The public benefit of providing modern day living improvements to the properties, which would contribute towards their functioning as ongoing viable residential units into the future, coupled with the consolidation of outbuildings would, on balance, outweigh the less than substantial harm that the works would cause to the significance of the listed buildings.

The proposed works to the heritage assets are considered to have no harm to the character and appearance of the conservation area as they are all to the rear of the properties and are out of public view with no intervisibility from/to the wider conservation area.

Overall, in considering the impact on the significance of the heritage assets the proposal is considered acceptable in heritage impact terms and in accordance with Local Plan Policy ENV4.

Flood risk and drainage

The highway to the front of the property is subject to known high risk of surface water flooding. This includes to the existing access for the site, which is not favourable, but the proposal will not make the situation any worse. There is also the same risk of surface water flooding to the rear of the properties where the extension is proposed. The submitted flood risk assessment advises the proposed rear extension will be the same finished floor level as the existing cottages and to improve the surface water arrangement a soakaway is proposed in both properties.

Whilst it is considered further resistance and resilience measures to address the high risk of surface water flooding within the site would be preferred there is no requirement to follow the Environment Agency's standing advice with regards to such measures when the proposal is solely for a household extension in flood zone 1.

Impact on highway safety

There are no significant concerns in terms of impact on highway safety. The Highways Authority suggest conditions in relation to turning/manoeuvring and parking construction and the construction of the carport and these have been re-worded to meet the planning condition tests. The development is considered acceptable when assessed against Local Plan Policy COM7.

Trees

The application has been supported by the submission of comprehensive Arboricultural Impact Assessments (AIAs) and Tree Protection Plans for both properties. Tree constraints at both properties are minor and are clearly identified and negated within the supplied AIAs. Given the site is within the designated conservation area all trees associated with the application properties and neighbouring properties are afforded protection under the Town and Country Planning Act (Tree) 2012. The loss of the lower value trees is considered acceptable, and it is reasonable to condition the AIAs submitted to ensure the protection of those trees remaining. As such the development accords with Policies ENV2 and ENV10 of the local plan.

Biodiversity

There is evidence of bats at the site and therefore as alterations to the roof are proposed a biodiversity mitigation plan has been submitted and has been certified as acceptable by the natural environment team. The plan provides sufficient mitigation and includes a timetable for the development and as such it is proposed that it be conditioned that the development is carried out in accordance with it. As such the development accords with Policy ENV2 of the local plan.

17.0 Conclusion

The proposal is in accordance with policies within the West Dorset, Weymouth & Portland Local Plan (2015) and guidance within the National Planning Policy Framework (2023). There are no other material planning considerations indicating a

different decision should be taken and this application is considered to be acceptable in planning terms and is recommended for approval.

18.0 Recommendation

GRANT planning permission subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 2301_s_e-4000 - Location plan
 - 2301-s_p-1001 B Proposed Ground floor plans
 - 2301-s_p-1002 A Proposed First Floor plans
 - 2301-s_p-1003 - Proposed Roof plans
 - 2301-s_p-2001 - Proposed Front Elevations
 - 2301-s_p-2002 A Proposed Rear Elevations
 - 2301-s_p-2003 - Proposed Side Elevations
 - 2301-s_p-2004 - 4 Bedford Terrace Proposed Outbuilding
 - 2301-s_p-2005 - 5 Bedford Terrace Proposed Outbuilding
 - 2301-s_p-2006 - 5 Bedford Terrace Proposed Car port
 - 2301-s_p-3001 A Proposed Cross section
 - 2301-s_p-4001 - Proposed Site plan

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

2. 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).

3. Prior to development above damp proof course level, details (including colour photographs) of all external facing materials for the wall(s) and roof(s) shall have been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

4. Prior to the commencement of any development hereby approved, above damp course level, details of proposed flood mitigation measures as included in the Flood Risk Assessment dated 18 December 2023 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.

Reason: In order to safeguard the accommodation from unnecessary flood risk.

5. The development hereby approved shall proceed only in accordance with the details set out in both the Arboricultural Impact Assessment and Tree

Protection Plans dated 31 May 2023 for 4 Bedford Terrace and 05 June 2023 for 5 Bedford Terrace, setting out how the existing trees are to be protected and managed before, during and after development.

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

6. Before the development hereby approved is occupied or utilised for number 4 Bedford Terrace the turning/manoeuvring and parking shown on Drawing Number 2301_s_p-4001 must have been constructed for number 4 Bedford Terrace. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

7. Before the development hereby approved is occupied or utilised for number 5 Bedford Terrace the turning/manoeuvring and parking shown on Drawing Number 2301_s_p-4001 for must have been constructed for number 5 Bedford Terrace Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no alteration(s) of the car port by infilling of the elevations, to serve 5 Bedford Terrace hereby approved, permitted by Class E of Schedule 2 Part 1 of the 2015 Order, shall be made.

Reason: To ensure that satisfactory on-site parking is provided in a form that allows a vehicle to freely turn within the site curtilage.

9. Within 3 months of the new outbuilding labelled "5" for 4 Bedford Terrace on Drawing no. 2301_s_p-4001 having been erected, the existing outbuilding labelled "3" on the site plan at 4 Bedford Terraced shall be demolished and removed from the site.

Reason: In the interests of visual amenity and the setting of the listed building.

10. Within 3 months of the new outbuilding labelled "5" at the eastern end of the garden of 5 Bedford Terrace on Drawing no. 2301_s_p-4001 having been erected, the existing outbuildings labelled "3" on the site plan at 5 Bedford Terraces shall be demolished and removed from the site.

Reason: In the interests of visual amenity and the setting of the listed building.

11. The Biodiversity Mitigation Plan (BMP) dated 09 January 2024 shall be implemented in full and the development carried out in accordance with the specified timetable(s) in the BMP.

Reason: To minimise impacts on biodiversity.

Informative Notes:

1. The applicant is reminded of their responsibility to submit photographic evidence of compliance with the Biodiversity Plan or LEMP to Dorset Natural Environment Team in order to comply fully with requirements of condition 11.

2. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating 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.

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Officer Report

Application Number:	P/LBC/2023/07124
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	4 & 5 Bedford Terrace Long Bredy DT2 9HW
Proposal:	Demolition of existing rear extensions, erection of ground and first floor rear extensions. Erection and relocation of ancillary buildings. Other internal and external works and addition of modern low energy services.
Applicant name:	L Dyke & R Piggot & R Grove & J Pilbeam
Case Officer:	Jane Green
Ward Member(s):	Cllr Roberts

1.0 The application is referred to committee as one of the applicants is employed by Dorset Council in the Development Management Service (planning department).

2.0 Summary of recommendation:

GRANT subject to conditions

3.0 Reason for the recommendation:

The proposed works and replacement extensions would result in less than substantial harm to the designated heritage assets and in balancing that harm against public benefits it is considered that the proposed works will bring the buildings into a good state of repair commensurate with modern living standards helping to ensure the longer-term viability of the designated heritage assets as dwellings.

4.0 Key planning issues

Issue	Conclusion
Impact on the heritage assets including listed buildings, their settings and the conservation area	The proposed works and replacement extensions would ensure that the heritage asset would be consistent with its conservation.

5.0 Description of Site

4 and 5 Bedford Terrace form two of a group of attached former estate cottages belonging to the Duke of Bedford Estate. They are Grade II listed and have individual and group value with the other six properties. The cottages were built in 1865 and lie within the heart of Long Bredy Conservation Area, which is a small rural

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village characterised by a collection of predominantly old properties set back from the road and fronted by trees, hedgerows/low boundary walls. A brook runs alongside the main road to the west. The village is otherwise surrounded by open farmland and is within the Dorset National Landscape) AONB.

The list description for the four attached group of properties is:

(20 May 1985)

GV II

Group of four attached Estate Cottages 'en bloc'. Dated B 1865, with ducal coronet over, on north and south gable ends. (Formerly Duke of Bedford estate). Coursed rubble stone walls with dressed stone quoins and window heads. Slate roofs, hipped towards central projecting bay. Rubble and dressed stone stacks at ridges towards left and right hand ends, and on front central ridge between hips. 2 storeys. 6 windows, 2-light cast-iron casements with glazing-bars. Dressed stone voussoirs to windows, stone cills. Doorways: plank doors with fanlights over, at north and south ends, and in the angles of the central bay. Stone-built porches with gabled and hipped slate roofs.

Listing NGR: SY5688089909

6.0 Description of Works

Demolition of the existing rear extensions, erection of a two-storey rear extension and single storey rear extensions and internal and external alterations. The submitted Heritage Statement details the works proposed in full.

7.0 Relevant Planning History

1/E/92/000585 - Decision: GRA - Decision Date: 07/12/1992

Take down porch, rebuild porch & make external & internal alterations.

1/W/04/001904 - Decision: REF - Decision Date: 07/12/2004

Erect rear two storey extension and lean-to.

1/W/04/001905 - Decision: REF - Decision Date: 07/12/2004

Erect rear two storey extension and lean-to. Install 2No new windows to rear elevation. Replace 1No window in front elevation.

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1/W/05/000006 - Decision: GRA - Decision Date: 06/04/2005

Erect rear two storey extension and lean-to. Replace 1No window in front elevation (Amended scheme to 1/W/04/001904).

1/W/05/000204 - Decision: GRA - Decision Date: 06/04/2005

Alternative scheme to P.A. 1/W/2004/001905 (erect rear two storey extension and lean-to. Install 2No new windows to rear elevation. Replace 1No window in front elevation)

P/PAP/2023/00015 - Decision: RES - Decision Date: 12/07/2023

Refurbish and extend neighbouring listed properties

This pre-application enquiry sought advice on the extension of both properties and other external and internal works with general advice given.

8.0 List of Constraints

Grade: II Listed Building: 3, 4, 5 AND 6 List Entry: 1304788.0;

Application is within Long Bredy Conservation Area

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

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

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

Consultees

1. **DC - Conservation Officer** – Support amended plans subject to conditions.
2. **Chesil Bank Ward** – No comments received.
3. **Long Bredy Parish Council** – No comments received.

Representations received – None.

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10.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 16 requires that in considering whether to grant listed building consent, special regard is to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

11.0 Relevant Policies

Development Plan

Adopted West Dorset and Weymouth & Portland Plan (2015) (referred to as the Local Plan herein)
ENV4 – Heritage assets

Other material considerations

National Planning Policy Framework (2023)

Section 16. Conserving and enhancing the historic environment

Supplementary Planning Documents/Guidance:

West Dorset District Council Design and Sustainable Development Planning Guidelines Adopted February 2009

Long Bredy, Portesham, Chickerell, Abbotsbury & Langton Herring Conservation Area Appraisal Parts 1 and 2 Adopted December 2007

SPAB Technical Advice Notes

Historic England - Building Conservation: Technical Guidance

National Planning Practice Guidance

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 16 includes a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

12.0 Human rights

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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.

13.0 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 Public Sector Equalities Duty. This proposal is not considered to impact upon persons with protected characteristics.

14.0 Financial benefits

The construction phase of the development would provide employment.

15.0 Environmental Implications

The proposal will contribute to additional CO2 emissions from the construction materials and build stage. There are however proposals to reduce energy consumption and carbon emissions proposed such as air source heat pumps proposed and photovoltaic panels which demonstrates that climate change and sustainability has been taken into consideration.

16.0 Assessment

Main issues

Statute requires that in considering whether to grant planning permission for any works or development, special regard shall be had to the desirability of preserving the listed building or its setting, or any features of special architectural or historic

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interest which it possesses. There is also the statutory duty arising under section 71(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. This would also include its setting.

The main issues to consider are:

- Impact on historic fabric
- Impact on the significance of the heritage assets
- Impact on the setting of the listed buildings
- Impact on the special character and appearance of the Conservation Area

Consideration must also be given to whether any harm that may occur would be outweighed by the public benefits of the proposal.

Comments on proposal

Extension to rear:

The existing single storey extensions accommodate bathrooms, conservatory and a porch structure. These structures cover a large section of the rear and are of no historic or architectural significance. In principle their removal is acceptable.

The proposed extension is part single storey and spans the width of the two application properties, and part two storey with a pitched roof element to serve each of the properties.

It is noted that the end houses of the terrace have been extended and the principle for extension has been accepted previously within the terrace. Given the properties are in the middle of the terrace, the proposal to extend both properties together are welcomed. Although the extension to the ground floor spans the entire ground floor, the design will be an enhancement to what currently exists and combined with the first-floor extension create a symmetry to the rear.

The proposed extensions are at the rear and therefore there is no harm to key views and vistas through the Conservation Area. As such it is considered the character and appearance of the conservation area is preserved.

During the course of the application the detailing in terms of fenestration has been amended to remove the originally proposed triple glazing, which was considered to read as chunky timber window frames, with double glazed units. The contemporary design bi fold doors were felt to be out of keeping with the heritage assets. These have also been removed from the scheme and replaced with double glazed French doors with fixed side panels. The Conservation Officer supports the amended plans and suggests a condition in relation to joinery to ensure the window/door frames are acceptable.

The modest sized conservation rooflights proposed in the original rear facing roof slope are considered a minimal intervention in a discreet position.

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PV panels:

Following pre-application advice, the solar panels and solar heating units are to be installed on the roofs of the rear extension and the roofs of ancillary buildings. All of which are located in discreet locations. This element is therefore supported.

Internal works:

There are limited alterations proposed on the ground floor and these are mainly works to insulate the walls and the floor. There is also an internal layout alteration to insert a bathroom downstairs. There have been two different insulation methods proposed. The Conservation Officer commented that the adhered system is not suitable as it would adhere to historic fabric and the breathability of this system is questioned. The applicant confirmed by email they are happy to use the alternative battened system with sheep wool and a lath and plaster finish and this would be conditioned.

On the first-floor new bathrooms are to be installed and the extension will provide further bedrooms. Along with other minor internal alterations there is no objection to these changes.

Summary of proposal

In considering the overall development and its impact on the listed buildings it is considered that it would have less than substantial harm (of a medium scale) which is outweighed by public benefit. If left without restoration and renovation there may be long term concern for their viable residential use in respect of requirements for modern day living standards. The public benefit of providing modern day living improvements to the properties, which would contribute towards their functioning as ongoing viable residential units into the future, would, on balance, outweigh the less than substantial harm that the works would cause to the significance of the listed buildings.

17.0 Conclusion

Overall, the proposed works will cause less than substantial harm to the original character of these listed buildings, however the works will also benefit the character of the building by removing modern structures to the rear. Subject to conditions, it is concluded that the harm is less than substantial and the benefit for the building (public benefit) outweighs this harm and listed building consent should be granted subject to conditions.

The proposal would accord with paragraph 208, section 16 of the NPPF, which requires, among other things, development, which would lead to less than substantial harm to the significance of a designated heritage asset, to be weighed against its public benefits. The proposal would also accord with policy ENV4 of the Local Plan which, among other things, identifies that any harm to the significance of a designated heritage asset must be justified.

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As required by section 16 of the Planning (Listed Building and Conservation Areas) Act 1990, in considering whether to grant listed building consent for the proposed works, special regard has been had to the desirability of preserving the building, its setting and features of special architectural and historic interest which it possesses. Special attention has also been paid to the desirability of preserving or enhancing the character and appearance of the conservation area. For the reasons set out above, officers consider that these duties have been complied with.

18.0 Recommendation

Grant listed building consent subject to the following conditions:

1. The work to which this listed building consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: This condition is required to be imposed by reason of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. The works hereby permitted shall be carried out in accordance with the following approved plans:
 - 2301_s_e-4000 - The location plan
 - 2301_s_p-1001 B Proposed Ground Floor plan
 - 2301_s_p-1002 A Proposed First Floor plan
 - 2301_s_p-1003 - Proposed Roof plan
 - 2301_s_p-2001 - Proposed Front Elevations
 - 2301_s_p-2002 A Proposed Rear Elevations
 - 2301_s_p-2003 - Proposed Side Elevation
 - 2301_s_p-2004 - 4 Bedford Terrace Proposed Outbuilding
 - 2301_s_p-2005 - 5 Bedford Terrace Proposed Outbuilding
 - 2301_s_p-2006 - 5 Bedford Terrace Proposed Carport
 - 2301_s_p-3001 - Proposed Cross section
 - 2301_s_p-4001 - Proposed Site plan

Reason: To preserve the architectural and historical qualities of the building.

3. Prior to works above damp proof course level, details (including colour photographs) of all external facing materials for the wall(s) and roof(s) shall have been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

Reason: To ensure a satisfactory visual appearance of the listed building.

4. Battened sheep's wool and a lath and plaster finish will be used for the internal wall insulation rather than an adhered method as clarified by the email from the applicant dated 01 February 2024.

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Reason: To protect and safeguard the fabric of the heritage asset.

5. Prior to their installation detailed drawings and specifications showing the design, colour and construction of external doors and windows (at a scale no less than 1:10) shall be submitted to the Local Planning Authority and agreed in writing. Thereafter, the works shall be carried out in accordance with the agreed details. All windows and doors shall be of timber construction.

Reason: To preserve or enhance the character and appearance of the heritage asset.

6. All new and replacement rooflights shall be top hung metal Conservation rooflights with vertical glazing bar and fitted flush to the roof plane.

Reason: To preserve or enhance the character and appearance of the heritage asset.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating 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.

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Application Number:	P/LBC/2023/01707
Webpage:	https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno+=395482
Site address:	116 The Esplanade Weymouth DT4 7EJ
Proposal:	Create WC on ground floor of hotel, within the back stairs
Applicant name:	Mrs Theresa Jenkins-Teague
Case Officer:	Nicola Yeates
Ward Member(s):	Cllr Orrell

1.0 This application has been brought to committee as the building to which the application relates is owned by Dorset Council.

2.0 Summary of recommendation: REFUSE for the following reason:

The proposal by reason of the loss of historic fabric would result in less than substantial harm not outweighed by public benefits, to the detriment of the historic and architectural significance of the Listed building. As such the proposal is contrary to Policy ENV4 – Heritage assets of the West Dorset and Weymouth & Portland Local Plan 2015 and paragraph 203 of the NPPF (2023).

3.0 Reason for the recommendation: The proposal would result in less than substantial harm to the listed building and that harm would not be outweighed by public benefits.

4.0 Key planning issues

Issue	Conclusion
Impact on Heritage Asset	Less than substantial harm to the Listed building not outweighed by public benefits.

5.0 Description of Site

As described within the submitted Design, Access and Heritage Statement the Lawrence of Arabia Hotel is part of a terrace of 16no. C19 properties making up Belvidere Terrace are Nos.116-131. The buildings to this terrace are 3 storeys with attic space and basement. Many are used as B&B, guest houses or hotels and are popular having views over Weymouth Bay to the front elevation. The Lawrence of Arabia Hotel is the end terrace and the return is plain, with paired stacks joined by a flat parapet, and a central sash to the second floor. The entrance, to the front elevation, is via steps to a side porch with hipped roof. The street frontage along the whole

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terrace is finished with spearhead cast-iron railings including each side of the steps, and there is a gate to steps to the basement areas.

No.116 Esplanade is Grade II Listed, a group listing with No.116-131, and is located within the Weymouth Town Centre Conservation Area.

6.0 Description of Development

The proposal seeks to create a WC at ground floor located within the location of the back staircase.

7.0 Relevant Planning History

86/00230/LBC - Decision: GRA - Decision Date: 16/05/1986

Demolition of one rear chimney stack.

93/00506/LBC - Decision: GRA - Decision Date: 20/12/1993

Installation of satellite dish.

88/00398/LBC - Decision: GRA - Decision Date: 16/06/1988

Installation of en-suite facilities to bedrooms and minor alterations at basement level.

99/00509/LBC - Decision: GRA - Decision Date: 07/12/1999

Enlarge opening and install new sash window in side elevation.

02/00608/LBC - Decision: GRA - Decision Date: 02/11/2002

Interior refurbishment to include installation of 8 ensuites, and passenger lift, new fire alarm system and link to No 117.

90/00324/LBC - Decision: WIT - Decision Date: 13/07/1990

Removal of existing roofs and parapet and replacement with single hipped roof.

11/00572/LBC - Decision: GRA - Decision Date: 26/09/2011

Close 5 doorways to create 2 separate units.

P/ADV/2022/05237 - Decision: GRA - Decision Date: 17/11/2022

Installation of 1no. illuminated hanging box sign and 1no. bump top sign.

P/LBC/2022/05238 - Decision: GRA - Decision Date: 17/11/2022

Alterations to facilitate the installation of internal and external signage.

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8.0 List of Constraints

Dorset Council Land (Freehold): DT287880 - Reference 60095 - Distance: 0

Grade II Listed building Belvidere (Terrace), 116-131, Esplanade. HE Reference: 1365868 (*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

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

Consultees

1. **Weymouth Town Council:** no objection.
2. **Melcombe Regis Ward:** no comment received.
3. **Historic England:** notification not required.
4. **National Amenity Societies:** no comment received.
5. **DC - Asset & Property** - no comment received.

Representations received – None.

10.0 Duties

The Planning (Listed Buildings and Conservation Areas) Act 1990 - section 16 requires that in considering whether to grant listed building consent, special regard is to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

11.0 Relevant Policies

Development Plan

West Dorset Weymouth and Portland Local Plan 2015

The following policies of the Local Plan are considered to be relevant:

- ENV4 - Heritage Assets

Neighbourhood Plans

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Weymouth Neighbourhood Plan - In preparation – limited weight applied to decision making.

Other Material Considerations

Supplementary Planning Documents/Guidance

- Weymouth Town Centre Conservation Appraisal (2012)

Emerging Local Plans:

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making. However, the production of the Draft Local Plan has significant implications for the assessment of housing land supply.

The emerging Local Plan has reached Regulation 18 of the (Town and Country Planning (Local Planning) (England) Regulations 2012 stage and includes a policies map and proposed allocations towards meeting housing need. Therefore, as detailed under Paragraph 226 of the NPPF (December 2023), for decision-making purposes only, the Council is only required to identify a minimum of 4 years' worth of deliverable housing sites.

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

National Planning Policy Framework

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent, or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when

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assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

- Section 16 'Conserving and Enhancing the Historic Environment' - When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 205). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 209).

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

12.0 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.

13.0 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 Public Sector Equalities Duty.

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The proposed alterations to provide a WC in this location would enable WC facilities at ground floor level however to reach the proposed facilities the visitor would also have to negotiate steps from the entrance and also from the reception hall. It is considered that there are potentially more suitable alternative locations for a WC.

14.0 Financial benefits

None.

15.0 Environmental Implications

None.

16.0 Assessment

Impact on Heritage Asset

The proposal seeks to install a WC on the ground floor, within the location of the back staircase. The back staircase is considered an intact original feature of the building however it was noted on site that access has been blocked from the upper storeys and the staircase is currently only accessible from the ground floor.

It is understood from the submitted documentation that the applicant wishes to create a tearoom within the front dining hall and this would require public toilet facilities for visitors who are not staying at the hotel.

The proposal would see the removal of lower-level treads of the staircase to allow adequate space to create a WC. The remaining treads above would be retained.

The existing historic staircase is considered an important architectural feature of this Grade II Listed building and the removal of any element of this staircase would not be reversible and would cause less than substantial harm.

An invitation to submit an alternative layout, which would not involve altering the staircase, for example perhaps utilising the understairs cupboard by removing the existing door, was suggested to the agent but to date no response has been received and therefore there does not seem to be a willingness on the part of the applicant to reconsider the proposed location of the WC.

Whilst it has been indicated that the proposed WC would be to serve a proposed tearoom given that there are potential alternative locations for the WC and therefore the possibility of a WC is not necessarily precluded there is not considered to be sufficient public benefit from this current proposal in order to provide clear and

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convincing justification to outweigh the identified less than substantial harm to this grade II listed building.

17.0 Conclusion

The development has been assessed with regard to the policies of the West Dorset, Weymouth & Portland Local Plan (2015), the NPPF (2023) and all other relevant material considerations. It has been concluded that the proposal would not preserve and enhance the Grade II Listed building and would result in less than substantial harm to the designated heritage asset which would not be outweighed by public benefits. In reaching this conclusion regard has been had to the duties under sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Recommendation: Refuse for the following reasons:

1. The proposal by reason of the loss of historic fabric will result in less than substantial harm not outweighed by public benefits to the detriment of the historic and architectural significance of the Listed building. As such the proposal is contrary to Policy ENV4 – Heritage assets of the West Dorset and Weymouth & Portland Local Plan 2015 and paragraph 203 of the NPPF (2023).

Informative Notes:

1. National Planning Policy Framework

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 did not take the opportunity to enter into pre-application discussions.

2. The plans that were considered by the Council in making this decision are:

Location and Block Plan 12972 100 dated July 22

Existing and Proposed Floor Plans and Sections 12972 101A dated Jan 22

Design, Access and Heritage Statement dated 23 February 2023

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