

## 1.0

**Application Number:** WD/D/19/000613

**Site address:** Land to north and west of Cockroad Lane, Beaminster

**Proposal:** Erect up to 58 dwellings, amenity space, landscaping, informal public open space, and children's play area. Demolition of agricultural structures (outline)

**Applicant:** Gladman

**Case Officer:** Bob Burden

**Ward Member:** Cllr Anthony Alford

This application is brought to committee at the request of the Nominated Officer in accordance with section 134 of the Officer Scheme of Delegation. The proposal is not fully in accordance with the Development Plan; Policy BEAM1 of the adopted Local Plan which includes an element of employment on this site; and this application does not include employment.

## 2.0

### **Summary of Recommendation:**

**Recommendation A:** Delegate authority to the Head of Planning to grant, subject to completion of a legal agreement under Section 106 of the Town and Country Planning Act (as amended) in a form to be agreed by the Legal Services Manager to secure the following:

- 35% affordable housing on-site (plus payment of a financial contribution for any "part dwelling" shortfall on the 35% figure - index linked).
- provision of vehicular access road link to the other BEAM1 Policy land (application WD/D/18/000115)
- provision of 2 other pedestrian/cycle links to the other BEAM1 Policy land
- details of the provision, management and maintenance of the public open space/landscaping

All S106 contributions shall be index linked using RPI from the date of committee resolution

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

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

1. In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure provision of the affordable housing on site and any necessary financial contribution for off-site provision. Hence the scheme is contrary to policy HOUS1 of the West Dorset, Weymouth and Portland Local plan 2015
2. In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure the provision of a vehicular access link road

constructed to link with the other part of the BEAM1 land allocation. The absence of this link would result in an undesirable cul-de-sac development, lacking permeability and inter-connectivity with the wider BEAM1 allocation to the detriment of fostering community and causing inconvenience for road users. Hence the scheme would be contrary to Policies BEAM1 and ENV11 of the Local Plan.

3. In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure the provision of two pedestrian/cycle links to link with the other part of the BEAM1 land allocation. The absence of these links would result in an undesirable cul-de-sac development, lacking permeability and inter-connectivity with the wider BEAM1 allocation to the detriment of fostering community and causing inconvenience for road users. Hence the scheme would be contrary to Policies BEAM1 and ENV11 of the Local Plan.
4. In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure the satisfactory management and maintenance of the public open space and landscaping. Hence the scheme would be contrary to policies BEAM1, COM1 and COM 4 of the Local |Plan.

### 3.0 Reason for the recommendation:

- Contributes towards 5 year housing land supply
- The location is considered to be sustainable and the proposal is acceptable in its 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 Table of key planning issues

Issue	Conclusion
Principle of development	Site largely within the allocated site within the defined development boundary. Employment policy has evolved to focus on more appropriate sites. Development on this site is therefore acceptable in principle.
Affordable housing	Clear demand in the Beaminster area; scheme would provide 35% affordable housing on-site.

Effect on Area of Outstanding Natural Beauty (AONB) and visual amenity	A sensitive site visible from various viewpoints in the AONB and public rights of way that cross site. Structural landscaping and other additional landscaping will satisfactorily mitigate the impact on this area.
Layout/design/open space	Submitted scheme is illustrative only but gives an indication of how the elements could be potentially accommodated across the site.
Effect on heritage assets	Site is a significant distance from the listed Horn Park and Lower Barrowfield Farmhouse and the conservation area; effect on the setting of these is judged to be acceptable.
Surface water drainage	In area at low risk of fluvial flooding but with a stream to the east side. Scheme includes an attenuation pond which would address this issue.
Foul drainage	A suitable foul sewer connection is available in St James' to the east.
Residential amenity	Site has a boundary with just one dwelling at present. However, the adjacent application site together with the approved Clipper Teas sites to the east will result in new dwellings close to the site. Detailed reserved matters submissions can satisfactorily address these relationships. A construction environment management plan condition can be used to minimise disturbance at construction stage.
Ecology	The scheme includes the removal of a section of wooded wildlife corridor and an associated meadow area of value in particular. Hence a Biodiversity Enhancement and Mitigation Plan has been submitted to address this. A further plan BMEP will be required by

	condition as part of a reserved matters application to ensure appropriate ecological compensation measures are included.
Archaeology	Some archaeological features found on the adjacent BEAM1 site, but not borne out on this site; no requirement for an archaeological condition.
Highways and movement	Commitment to vehicular access point as part of this otherwise outline application, however the objective of a single integrated community with the remainder of BEAM1 is facilitated by the scheme with vehicular and other pedestrian and cycle links to be provided. Potential link to the suggested BEAM3 allocation to the north-east is also referenced.

## 5.0 Description of Site

5.1 The site lies on the west side of Beaminster - to the west and north of Cockroad Lane (the lane also lies partially within the application site). The lane is an unadopted private access road, typically 2.4-2.6m wide, but widens to about 5.5m at the point where it meets the St James turning head.

5.2 The majority of the 4.57ha site comprises open pasture with pony paddocks and open sheep grazing land. It slopes downwards from the north becoming more level at the southern part.

5.3 A public footpath runs across the site from north-west to south-east, and a bridleway runs along Cockroad Lane /edge of this site. At the north-eastern part is a grey blockwork/cement sheet roofed building in a deteriorating state which would be removed.

5.4 A stream (tributary of the River Brit) runs north-south in a channel down the east side of the site. Just east of this is an open sided Dutch barn hay store and machinery store. To the south is a stable yard with varied external materials including corrugated metal, ply and felt roofing to the stables, tack room, and an outdoor equestrian training area (these structures are to be removed as part of the scheme). The stream route is flanked by a mature woodland corridor. A concrete slab bridge about 4m wide allows vehicular access (agricultural) to this land at the northern end.

5.5 There is an “outshoot” of the red-lined site which extends at the north-east corner around part of Cockroad Farm including rough grass, a slurry pit and some miscellaneous agricultural storage.

5.6 To the north of the site is open pasture with a disused small agricultural building to the east. Moving eastwards a wooded fringe runs to the north. The eastern outshoot is flanked by agricultural land to the north, with blockwork and corrugated calf buildings to the south with open sheep pens running down part of Cockroad Lane.

5.7 Further south on the Lane are two large metal sheet –clad factory buildings of Clipper Teas (now with permission to be replaced by residential development).

5.8 Turning to the southern boundary a dwelling called Four Seasons House and its garden is located here. The main part of this southern boundary and the western boundary is formed by a native species hedgerow with open agricultural land beyond (also part of the BEAM 1 allocation- with an outline Committee resolution to approve subject to completion of a s106 for up to 100 dwellings; PA WD/D/15/000115).

## 6.0 Description of Development

6.1 This is an outline application which seeks approval for the principle of up to 58 dwellings on a 4.57ha site. All matters are reserved apart from vehicular access. Vehicular access is proposed from Cockroad Lane to the east which will involve a new vehicular/footway bridge to cross a watercourse. This access with footways would be about 10m wide. It would include a modification of the existing narrower (about 2.5-3m wide) Cockroad Lane so that the lane meets the new road as a small T junction. Traffic would travel eastwards to link with the adopted St James road, which in turn links with the main B3163 Broadwindsor Road. The northern end of the existing Cockroad Lane reduces to a bridleway at its northern end by Cockroad Farm, with the bridleway on its route continuing northward across the north-eastern edge of the application site.

6.2 It should be noted that the layout plan provided is for *illustrative* purposes only; that is to say it provides an indication of how the site might accommodate up to 58 dwellings. Having said that, certain features are relatively “fixed” on the site; a surface water attenuation feature is likely to be located at the lower part of the site at the south-east corner. A 10m wide “buffer strip” to the existing eastern/north-eastern landscaping is to be provided, together with structural landscape planting to the northern boundary. A locally equipped area for play (LEAP) is to be provided and associated informal public open space -probably towards the north of the site.

6.3 Notwithstanding the illustrative layout – a new potential road link and pedestrian/cycle links with the remainder of the BEAM1 allocation to the south-

west would be provided (with scope for these to be used if and when development to this adjacent land goes ahead).

6.4 The illustrative layout is supported by a Design and Access Statement which indicates that the street pattern would be “an irregular pattern of streets similar to that found in Beaminster”. The layout appropriately follows the perimeter blocks principle and a hierarchy of roads is suggested; a primary street, served by secondary streets, then giving way to lanes and mews. The higher density would be associated with the main street with linked buildings, then moving to a lower density with distance from this street and in relation to the public open space or landscaping. The average density would be about 35 units per ha. The majority of buildings are indicated as two storey up to a maximum of 9m to ridge height, with taller 2.5 storey buildings used selectively (up to 10.5m height). Clearly, the final layout and design would be the subject of consideration at reserved matters stage.

## **7.0 Relevant Planning History**

(Adjacent site –other part of BEAM1).

WD/D/18/000115 Outline planning application for residential development of up to 100 dwellings and associated infrastructure (means of access to be determined). (Committee resolution to approve 17 Jan 2019 subject to completion of s106).

## **8.0 List of Constraints**

Mainly within the defined development boundary- allocated BEAM1 site (housing, employment and public open space)

Highways

Rights of Way

Historic Contaminated Land

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

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

## **9.0 Consultations**

### **Crime Prevention Design Advisor-**

Pleased that Building For Life and Secured by Design New Homes documents have been taken into consideration.

### **Natural England-**

No objection subject to biodiversity mitigation and Enhancement Plan condition. BEMP received, but not accepted until it has been approved by the Natural Environment Team

**Natural Environment Team-**

Biodiversity Mitigation Plan (BMEP) submitted with ecological survey. (BMEP subsequently revised to Natural Environment Teams satisfaction). NET approval Certificate issued.

**Public Health Dorset-**

Consider cumulative implications of this will alter adjacent residential development sites. Include measures to promote social interaction between future residents – especially to encourage young people's social interaction.

**Minerals and Waste Planning Officer-**

Site lies partially in the Minerals Safeguarding Area (Inferior Oolite building stone); need to ensure this area is not sterilised as part of this development. Low demand for this stone therefore no objection to this scheme. This major development proposal should demonstrate that: construction, demolition and excavation waste is minimised, re-used and recycled where possible. Recycling facilities are present to separate and store waste. Adequate capacity at sewage treatment works.

**Wessex Water-**

Separate systems for foul and surface water drainage required. Foul sewer to connect to sewer in St James' - acceptable in principle. Pumping station may be required. Surface water will be directed to an on-site attenuation basin.

**Highways Officer-**

The County Highway Authority considers that the proposed development would be better served and connected to the adjacent recently approved site (and roundabout for vehicles and with a pedestrian /cycle link to the access indicated) but considers that the proposal using the route indicated does not present a material harm to the transport network or to highway safety and consequently has NO OBJECTION, subject to the following condition:-

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

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

**Technical Services-**

In Flood Zone 1- low probability of fluvial flooding. Ordinary watercourse to east of site. Higher surface water risk –consult Lead Local Flood Officer.

**Environmental Health Officer-**

Noise report submitted; the report and mitigation recommendations should be followed. Land lies in historical land contamination area; potential land contamination condition should be added.

**Landscape Officer-**

Design objectives-“to provide excellent connectivity across the site into Beaminster and adjacent residential planning application areas”.

Submitted Landscape and Visual Impact Assessment appears fair in content and judgements. Need structural and woodland planting along northern and western boundaries. Retain existing hedgerows and trees where possible. Protect wildlife in wooded river channel with 10m wide green buffer zone.

**AONB Officer-**

Strategic landscaping is located outside of the allocated area but within the red line; this approach may be considered acceptable subject to suitable design. Extend north belt to approx. 20m width (not min 5m) to equate with other planting/other portion of BEAM1 landscaping. Need overall landscape framework for both sites. Avoid higher density housing further north. Amend vehicular access to use link to main BEAM1 site (current scheme would remove a section of the wildlife corridor to the east- conflicting with protection of the full wildlife interest of the wooded river channel).

These conclusions reinforced by Dorset Council Landscape Officer; increase northern width woodland planting; ensure integration regarding access, landscaping and housing layout strategies with adjacent part of BEAM1 site; scheme fails to provide robust network of green infrastructure.

Eastern vehicular access- conflicts with Local Plan objective-protect linear wildlife habitat-prevents green buffer zone.

Landscaping schemes for both this and the other part of the BEAM1 allocation must work well together.

**Urban Design Officer-**

It is disappointing that the two schemes covering the BEAM1 site have been designed in isolation; the importance of achieving connectivity in terms of layout and design cannot be underestimated. Currently there are only footpath links into the adjoining site-not sufficient to achieve the expected level of connectivity that would satisfy good design principles.

Sole vehicular access from Cockroad Lane is not considered acceptable in design terms. The main vehicular access should be off Broadwindsor Road (through the other part of the allocation). A Cockroad Lane vehicular access would be contrary to protection of the wooded river channel corridor.

The proposed density of 35 units per ha is considered too high, given the character of the rural town setting. On the illustrative layout higher density on Main Street may be acceptable, but over the rest the densities need to be lower;

should also complement the distribution density of the southern part of the allocation site.

Landscape strategies for both sites should complement each other. Could design route from the other site to end at an attractive public open space end point in this site

**Conservation Officer-**

No objections- principle of development endorsed through Local Plan. Traditional-type building materials in Design and Access statement supported. Nearest listed building is Lower Barrowfield Farm 100m away. Less than substantial harm to heritage assets. Due consideration given to section 16 of the NPPF, Sections 66 and 72 of the 1990 Act and Policy ENV4 of the Local Plan.

**Senior Archaeologist-**

Material of Iron Age date was found in the south-west of the adjacent application site and archaeological features in the north-west part of the site. Further survey work carried out (June 2019). Consequently the archaeologist has confirmed that an archaeological condition is not required in this case.

**Senior Ranger-**

No objection – relates to Footpaths 71 and 72, and Bridleway 73 Beaminster . Footpaths/bridleway should remain open to the public. Footpaths/bridleway may be diverted by legal order. For temporary closures contact Senior Ranger. Certain rights of way are subject to a Definitive Map Modification Order.

**Flood Risk Officer-**

In Flood Risk Zone 1- low risk of fluvial flooding. Some risk to east- associated with the Ordinary Watercourse to this part. No objection subject to conditions addressing surface water scheme, and maintenance/management details.

**Housing Enabling Officer-**

A review of Dorset Home Choice Housing Register indicates that there are currently over 1760 households registered as being in affordable housing need across the Council area. There is a particular need for smaller one and two bedroom properties. There are currently 90 households on the housing register with a connection to Beaminster.

To address the affordable housing need across the district the Council's Strategic Housing Market Assessment 2014 (SHMA) suggests that in the region of 104 new affordable dwellings will need to be developed each year.

Policy requires 35% affordable housing on sites of 6 or more houses in designated rural areas with the inclusion of 70% social/affordable rent and 30% intermediate affordable housing on open market housing sites and financial contribution towards the provision of affordable housing when there is a shortfall

on site. This outline application seeks to erect up to 58 residential dwellings, including 35% affordable housing.

Policy requires a contribution of 16.24 dwellings on this scheme and the Council would accept 16 properties on site with a financial contribution.

There is a significant need for affordable housing in Beaminster and across the area which the provision of 58 dwellings would assist in meeting.

**Economic Development Officer-**

I understand other sites are being considered for employment uses in Beaminster so I am not concerned about the loss of employment allocation at this site.

**Land Contamination Consultant-**

The report reflects environmental character and criteria and I would assume that the consultant's assertion that an invasive investigation is required relates to potential contamination. The nature of the report also provides information that supports a conclusion that there may be contamination at the site. I advise, therefore, that the council's standard contaminated land planning conditions need to be in place for this proposed development and that further reporting is to be expected to meet the objectives of statutory guidance (National Planning Policy Framework).

**Beaminster Town Council-**

In considering the proposal in respect of the access to the site Beaminster Town Council would make the following comments:

- 1) Three applications for housing development are 'current' for two sites in this area, former Clipper Tea site and BEAM1. These separate applications are fragmenting the sites - the Town Council emphasise the need to co-ordinate traffic movement and support the view of the Transport Development Liaison Engineer that this development would be better served and connected to the adjacent site via the roundabout.
- 2) The Town Council believe that an improved layout could be achieved by a co-ordinated approach to all three sites with more suited traffic movements, recreational areas, open spaces, landscaping and housing provision.
- 3) BEAM1 site is allocated within the Local Plan as a site for residential and employment development, the Town Council OBJECT to the proposal for residential only development.
- 4) The Town Council would have preferred to have an indication as to reserved matters and stress the importance of consultation with the developer.

- 5) With the exception of water conservation there appears to be no mention of other 'green' initiatives for the site.

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

### Representations

1 Letter of objection/comment from the Beaminster Society:

The main-planning related points include-

Support for the overall design parameters; green infrastructure; common building materials; contemporary house design should still respect the vernacular styles/materials in Beaminster.

No mention of live/work units (mentioned in the Local Plan) in the application.

Object to the removal of the employment allocation from this to the more southerly BEAM4 location in the Preferred Options Consultation; object to this due to visual harm.

Wish to see small businesses provided for in BEAM1 (this site) by condition or informative.

Support the proposals for lanes and mews to create character streets, and informal road design with quality materials.

## **10.0 Relevant Policies**

### West Dorset, Weymouth and Portland Local Plan 2015

BEAM1 Land to the North of Broadwindsor Road  
ENV1 Landscape, seascape and sites of geological interest  
ENV2 Wildlife and habitats  
ENV4 Heritage assets  
ENV5 Flood risk  
ENV9 Pollution and contaminated land  
ENV10 Landscape and townscape setting  
ENV11 The pattern of streets and spaces  
ENV12 Design and positioning of buildings  
ENV15 Efficient and appropriate use of land  
ENV16 Amenity  
SUS1 The level of economic and housing growth  
SUS2 Distribution of development  
HOUS1 Affordable housing  
HOUS3 Open market housing mix

- COM1 Making sure new development makes suitable provision for community infrastructure
- COM4 New or improved local recreational facilities
- COM7 Creating a safe and efficient transport network
- COM9 Parking standards in new development
- COM10 The provision of utilities service infrastructure

Beaminster Parish Plan 2013-23- This site (part of BEAM1) is specifically referred to under the “Built Environment -Planning for the future” section of the Parish Plan.

National Planning Policy Framework 2019:

As far as this application is concerned the following sections of the NPPF are considered to be relevant;

- 2. Achieving sustainable development
- 5. Delivering a sufficient supply of homes
- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centre
- 8. Promoting healthy and safe communities
- 9. Promoting Sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

Other material considerations

Design and Sustainable Development Guidelines 2009

WDDC Landscape Character Assessment 2009

Bournemouth, Dorset and Poole Parking Guidelines

**11.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

**12.0 Public Sector Equalities Duty**

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

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

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

The application will include measures to assist with the (potential) pedestrian/cycle linkages between this site and the remainder of BEAM1, thereby facilitating ease of movement to bus stops and other local facilities for less able persons.

### **13.0 Financial benefits**

#### Material considerations-

The scheme will include 35% affordable housing.

Green infrastructure including community facilities: 2.91 ha

Locally equipped area for play (LEAP) 400m<sup>2</sup>

Spending in local economy by residents of 58 dwellings

Employment created during construction phase (applicant considers up to 52 FTE jobs could be created at this stage).

#### Non material considerations

Contributions to Council Tax Revenue

New Homes Bonus

Community Infrastructure Levy (CIL) - CIL contributions will be calculated at reserved matters stage when floor space areas are known.

### **14.0 Climate Implications**

14.1 The applicant has submitted an Energy and Sustainability Statement with the application. This sets out how the proposals can be designed to reduce carbon emissions and improve energy efficiency. Looking towards the future detailed design stage the strategy explains how measures such as increased insulation, effective air tightness and energy efficient lighting can be incorporated. Electrical charging points are also advocated for inclusion in the scheme.

The site is considered a sustainable location; it is an allocated site on the edge of an established town with a good range of services and facilities.

The construction phase would include the release of carbon monoxide from vehicles and emissions from the construction process. Energy would be used as a result of the production of the building materials and during the construction process. When occupied the development would generate vehicular movements releasing carbon monoxide. Heat escape from dwellings would contribute to greenhouse gases. However it should be noted that modern building regulations would help minimise such heat release, and the use of petrol/diesel cars could be partly reduced due to the option of public transport (buses). A balance has to be struck between providing housing to meet needs (both open market and affordable) versus conserving natural resources and minimising energy use.

## 15.0 Planning Assessment

### Principle of development:

15.1 This site is mainly located within a site allocated for development under Policy BEAM1 (Land to the north of Broadwindsor Road) of the adopted Local Plan and lies mainly within the defined development boundary. Beaminster is a market town (civil parish population about 3,100) with a range of services and facilities making it a suitable location for development. The Policy states:

- i) Land to the north of Broadwindsor Road, as shown on the policies map, is allocated for housing, employment and public open space.*
- ii) The development will include structural woodland planting along the western and northern boundaries, and existing trees and hedgerows within and around the boundaries of the site, should be retained where possible. The development will also ensure the protection of the wildlife interest of the wooded river channel along the eastern boundary of the site.*
- iii) The development shall create a positive frontage onto Broadwindsor Road, with parking and servicing requirements within the site.*
- iv) The development will provide a safe and attractive pedestrian route into the town centre, which should include a footway along the Broadwindsor Road.*

15.2 The site area covers the north-eastern portion of the allocated site, but also extends northwards of the allocation. This enlarged part of the site includes a proposed east-west tree belt varying between 16 and 40m width. The applicant has done this to allow for potentially more dwellings on the allocated site itself (the belt to the north allowing for additional landscaping/open space). (It should be noted that the larger, southern portion of the BEAM1 allocation (4.6ha) has previously been accepted for residential development of up to 100 dwellings by the West Dorset District Council Planning Committee on 17 January 2019 - WD/D/18/000115). The application was approved subject to conditions and a Section 106 agreement. That agreement is now nearing completion).

15.3 It is important that this site extending further than the 2.2ha of the remaining allocated site (if approved) is coherently planned so that it complements and links effectively with the adjacent land which is approved for residential development

subject to the s106 being concluded. This objective will be explored further in this report.

15.4 The case officer and landscape officer consider that in principle the extension of the site northwards essentially to provide the land for structural landscaping/public open space beyond the formally allocated site is reasonable.

15.5 Adopted Policy BEAM1 has an expectation that about 0.5 ha of land will be developed for employment use. The submitted application does not include any employment land. However, on this topic it is expedient to mention that under the emerging Dorset Council Local Plan (the West Dorset, Weymouth and Portland Local Plan Review is not proceeding as decided by Dorset Council Cabinet on 25<sup>th</sup> June 2019 and work has begun on a new Dorset-Wide Local Plan) the proposed land-use allocation is changing. The emerging development strategy for Beaminster as set out in the Preferred Options Consultation 2018 (POC) is for development to be focused to the west and north of the town. As mentioned, the adopted Local Plan contained a mixed use allocation on land North of Broadwindsor Road (BEAM1). This site contained a requirement for employment land to be provided adjacent to the existing employment uses to the east of the site- partly prefaced on the proximity of that area to the then employment use at Clipper Teas, north of the Broadwindsor Road. ***However, circumstances have now changed***; the area close to the east of the site (part of the Clipper Teas site) has now been granted permission for residential development substantially *reducing* the appropriateness for employment uses to be located adjacent to housing (the reserved matters application WD/D/18/002592 for 38 dwellings has now been approved and planning condition requirements are now being processed). Furthermore, the emerging local plan strategy proposes to *remove* the requirement for employment land on the BEAM 1 site. It is now proposed that land to the south of Broadwindsor Road (BEAM4) is proposed for employment uses (up to 3.8ha) in the emerging local plan allowing for the expansion of existing businesses and for new businesses to move in or start. BEAM4 is located between the main Clipper Teas site and Lower Barrow Farm. Also, as part of that Review another area - Land to the West of Tunnel Road is proposed for residential development in the emerging local plan, and Land at Lane End Farm is allocated for employment uses as in the adopted local plan.

15.6 The preamble to BEAM1 also refers to “*live-work units would be supported as part of this development*”. Live/work units have not been specifically included in this application, but this is not a policy requirement - rather a possible option. They were not included in the other adjacent application. However, in reality with modern ways of working an increasing number of people work on a part or full-time basis from home and this would be likely to occur in any event.

15.7 The removal of employment use from the current BEAM1 allocation is further reinforced by the comments that were made by the Senior Economic

Regeneration Officer in relation to the application the Committee resolved to approve in January:

*I was involved in about 2006 with SWRDA (the former South West Regional Development Agency), who undertook a development appraisal of the site, which was then allocated purely for employment uses. I recall there were exceptional costs for drainage and utility connections as well as possible contamination and need for edge planting which concluded the size may not be viable for employment uses.*

*I note the policy requirement for the retention of part of the site for employment uses, you may wish to reconsider this given the recent residential outline consent granted on the adjacent employment area, Clipper Teas to east.*

*I note that there remains in Beaminster the BEAM2 site (Land at Tunnel Road) which if brought forward by the owner or third party could provide some future employment needs for Beaminster.*

15.8 It should also be noted that these factors were taken into consideration by the West Dorset District Council Planning Committee in January 2019, leading them to resolve to approve the application on the southern part of the allocation without any requirement for employment. Hence it would now be inconsistent with the emerging employment strategy for employment to be required on this part of the allocation. Moreover the Senior Economic Development Officer is content with the direction of employment policy and has commented “*I understand other sites are being considered for employment uses in Beaminster so am not concerned about the loss of the employment allocation at this site.*”

15.9 A further relevant factor to consider is that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. The relevant figure for the former West Dorset and Weymouth and Portland area is 4.88 years of supply across the Local Plan area (less than the 5 year requirement). This means that para 11, footnote 7 of the NPPF is ‘engaged’ and relevant policies for the supply of housing, including Policy SUS 2, may no longer be considered to be up-to-date. Where a ‘relevant policy’ such as SUS 2 is considered to be ‘out-of-date’, Para 11 of the NPPF is also engaged, indicating that in such cases planning permission should be granted unless:

*i) the application of policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or*

*ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole*

15.10 The lack of a 5 year supply, even if the supply is only marginally below 5 years as in this case, means that less weight has to be given to policies such as Policy SUS 2 in decision-making. The local plan inspector's comments, which raised concerns about the marginal nature of the council's housing land supply, remain just as relevant to decision-making, now the supply has slipped below 5 years. Based on the requirement to assist in the lack of five year housing supply, and subject to compliance with other policies in the local plan, the proposal must be carefully considered .

15.11 Taking the above factors into consideration the principle of development of this site is considered acceptable.

### **Affordable Housing:**

15.12 Under adopted Planning Policy the scheme should deliver 35% affordable housing on site. The applicant has indicated agreement on that point. The Housing Enabling Team have indicated there are currently 97 households on the housing register with a connection to Beaminster. The local housing need is greatest for one or two bedroom properties. They indicate that the tenure is likely to be split 70% rented and 30% intermediate. It is suggested that priority for affordable homes should be for households with a local connection to Beaminster. If the scheme provided up to 58 dwellings that would require 16.24 dwellings on site; in those circumstances 16 would be provided with a financial contribution towards affordable housing for the remainder. As this is an outline application with precise numbers not yet agreed a section 106 agreement would ensure 35% of the eventual number would be for affordable housing with any financial contributions as appropriate.

### **Effect on Area of Outstanding Natural Beauty (AONB) and visual amenity:**

15.13 The site lies within the AONB, is visible from public land and is crossed by three public rights of way. It lies within the Brit Valley Landscape Character Area. It is therefore a visually sensitive site. Policy BEAM 1 recognises this and specifically includes a requirement for: "*structural woodland planting along the western and northern boundaries, and existing trees and hedgerows within and around the boundaries of the site, should be retained where possible*". The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) with the application. This has been considered by the AONB Landscape Officer and the Senior Landscape Officer.

15.14 The Landscape officers consider the LVIA to be fair in its content and judgements. They consider that the principle of the structural landscaping beyond (north) the allocation outside the defined development boundary is acceptable subject to details. The site is visible from the Wessex Ridgeway to the south and from higher viewpoints to the north, together with the rights of way. It is imperative that sufficient structural woodland planting takes place to the northern

and western site boundaries in order to satisfactorily assimilate the development into the landscape, and to integrate with the other part of the BEAM1 area. The applicant has provided a revised Development Framework Plan which increases the tree belt width varying from 16m to 40m. The existing tree/hedgerow planting to the west and south boundaries would be largely retained, with scope to increase this further. They make the point that the housing density should be lower towards the north, approaching the settlement edge.

15.15 There is an existing wooded river channel to the east; this would be largely retained and a 10m wide buffer strip provided (shown on the revised Development Framework Plan). The Landscape Officers wish to see the development served by a vehicular access from Broadwindsor Road (through the other application site) rather than Cockroad Lane which would avoid removing some trees on the eastern side. Policy BEAM1 Includes the line: *The development will also ensure the protection of the wildlife interest of the wooded river channel along the eastern boundary of the site.*

15.16 Whilst it is true to say this proposal would result in a loss of a section of that woodland strip this is limited to about a 10m wide section. The remaining section is substantial; about 200m long. The section lost is not in a critical location in terms of strategic screening. In these circumstances it is considered that its removal would not significantly undermine the wildlife interest that it could support and this will be ensured by the Biodiversity Enhancement and Mitigation Plan. Having made this point it should also be noted that the option of a vehicular access route from the site direct to Broadwindsor Road is the preferred option; this is expanded on later in the report.

15.17 It is considered that, subject to appropriate reserved matters submissions, the scheme would have an acceptable effect on the character of the Area of Outstanding Natural Beauty and the visual amenity of the area.

#### **Layout/design/open space:**

15.18 It must be remembered that the submitted layout is ***illustrative only***; its role in this context, therefore, is to indicate just one way in which the site could be developed having regard to the planning elements that need to be included. This particular layout includes a main street running north-east/ south-west reflecting the existing route of a public footpath. Lesser roads are then arranged off that with development mainly in the form of perimeter blocks. Parking is mainly shown as off-road with associated plots.

15.19 This layout does not show linkages with the BEAM1 allocation remainder. However, the revised Development Framework Plan more recently submitted is more attuned to the objective of creating a single integrated community because it shows a potential highway link and two pedestrian/cycleway links into the adjacent BEAM1. (It should be noted that the draft Broadwindsor Road Section

106 agreement with the other application *already* incorporates these items in anticipation of securing these interlinkages with this current application).

15.20 Regarding the general design approach, this suggests the majority of buildings would be two storey up to 9m ridge height. Taller 2.5 storey buildings might be used selectively (10.5m height). Chimneys would feature in the designs.

15.21 Turning to public open space the size of the development means some on-site open space provision is required. The development provides for 1.07 ha parks and gardens, 0.44ha natural/semi-natural green space and 1.4ha amenity green space.

15.22 The main public open space is suggested to the north which includes a locally equipped area for play (LEAP) of 400m<sup>2</sup> with buffer zone, and a peripheral band of space running alongside the north and east boundary tree areas.

15.23 Regarding density, the “up to 58” units here would be higher than the expectation under the Local Plan for the site (approximately 120 for BEAM1 overall). However, the site has effectively been enlarged as a result of the structural landscaping being moved northwards beyond the allocated site area. The density of the site is calculated at 35 dwellings per ha. The Urban Design Officer feels this is too high given the location on the edge of the rural town. However, to some extent this depends on how the detailed layout is configured; and there is scope to adjust this. Whilst the illustrative layout indicates one way of developing the site it does not explore and utilise road and other links with the other allocated section. However the submitted Development Framework Plan provides a basis for such desirable integration. The pattern of density on the illustrative plan is partly dictated by the alignment of the main street on the line of an existing public footpath which is not necessarily the right approach for this site. As a general comment there should be a higher density towards the southern part (perhaps making more use of terraced/semi-detached dwellings in particular) with the densities reducing with proximity to the northern countryside edge.

15.24 In summary, the illustrative layout is considered sufficient to form a basis to indicate that the site can be developed satisfactorily. A reserved matters layout would require significant changes to ensure the appropriate disposition of layout and densities and any other relevant considerations.

15.25 It is important to note that the application is not for 58 dwellings, but for "**up to**" 58 dwellings. In these circumstances officers would only support 58 **if** the layout/design/landscaping was convincing in terms of its impact on the character of the area and on the AONB. Indeed, a planning condition would be applied to indicate that this assessment would be made; it may transpire at reserved matters stage that only a lower number may be acceptable. It is noted, for

example, that a greater proportion of terraced properties (relative to detached or semi-detached) than that currently shown on the illustrative layout would help.

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

15.26 Public footpaths W21/72 linking with W21/71 run through the west half of the site before heading north. A bridleway W21/73 also runs northwards along Cockroad Lane (later paralleled by footpath W21/71) and into the countryside beyond. It is likely that certain public rights of way would be diverted as a consequence of this development such that they continue to provide links across the site to other land. Formal right of way diversion applications would be required.

### **Effect on Heritage Assets:**

15.27 The submitted Built Heritage and Archaeological Assessment (BHAA) has considered the effects on nearby heritage assets, including Barrowfield Farmhouse, Horn Park and the Beaminster Conservation Area. The BHAA identifies that the development of the application site would currently result in very minor harm to the significance of the grade II listed buildings, Barrowfield Farmhouse and Horn Park. The Conservation Officer has considered this and has no objections to the scheme, concluding that this would result in less than substantial harm to the identified heritage assets.

15.28 The proposal is considered to have minimal effect on the conservation area setting due to being at some distance from it. This conclusion has been reached having regard to: (1) section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area; and (2) Local Plan policy.

15.29 The scheme is considered to result in less than substantial harm to the setting of listed buildings in the vicinity – the nearest being Lower Barrowfield Farm about 100m away to the south. Great weight is given to the position of less than substantial harm and therefore, this must be balanced against any compelling reasons of public interest considerations. These include: the opportunity to provide up to 58 dwellings in a sustainable location, 35% of these for on-site affordable housing, a useful contribution towards addressing the 5 year Housing land Supply short-fall, and the ecological enhancements secured through appropriate ecological plans. In the light of these it is considered these provide sufficient justification for the scheme. This conclusion has been reached having regard to: (1) para 196 of the NPPF 2019, (2) section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the setting of Listed Buildings; and (3) Local Plan policy.

### **Surface Water Drainage:**

15.30 The site lies in Flood Risk Zone 1 (low risk of fluvial flooding). A flood risk assessment has been submitted and considered by the Lead Local Flood Officer. There is an ordinary watercourse (stream) to the east side which could potentially result in some flooding. The site drains mainly in a roughly north to south direction. The applicant's illustrative scheme shows an attenuation pond (SuDS drainage scheme) is proposed to manage excess runoff from the development to the south-east part of the site. This would have a gravity-fed outfall to the on-site watercourse. The Flood Risk Officer supports the scheme subject to conditions addressing the surface water scheme detail and maintenance/management details.

### **Foul Drainage:**

15.31 Wessex Water has been consulted and has advised that the foul sewer which would connect to a sewer in St James' is acceptable in principle.

### **Residential Amenity:**

15.32 The site lacks a common boundary with existing residential development apart from All Seasons House a two storey dwelling close to the south east corner of the site. However the part of the application site closest to it is comprised of part of the wooded river corridor. As such since this section is to be retained, this has the effect of "distancing" the scheme from the house and its garden. A current application for a new stables building lies just to the north of the site (WD/D/19/001689). This would however be "buffered" from the site by the structural tree planting belt and open space within this residential application site.

15.33 It should also be noted that the site is adjacent on its south and west boundaries with the other BEAM1 application. Both schemes are in outline and therefore the precise relationship between them in residential amenity terms would be determined at reserved matters stage; it is considered that the development of this site for residential dwellings is likely to be acceptable in residential amenity terms subject to appropriate design and layout. The Cockroad Lane access would also take the development close to the forthcoming Clipper Teas residential developments to the east. With the proposed access passing these and other existing residential areas a construction environment management plan would be appropriate as a planning condition.

### **Ecological Considerations:**

15.34 Broadleaved woodland, a stream (tributary of the River Brit) and linear features formed by the hedgerows with trees provide the habitat of greatest ecological value on the site. Reference has previously been made to the

proposed vehicular access to the site from Cockroad Lane. This would require the removal of some trees in order to provide vehicular access to the site. Policy BEAM1 includes the following reference:

*The development will also ensure the protection of the wildlife interest of the wooded river channel along the eastern boundary of the site.*

15.35 The new vehicular access would remove about 10m of the “wooded channel” (including five identified trees on a 0.15ha area). This is a loss from the overall ecological habitat but it must be borne in mind that the section remaining is about 200 metres in length. The parcel of grassland that the new vehicular access road would pass over before crossing the stream is of significant ecological value. Given this it is important that the ecological measures are sufficient to compensate for these losses. The application includes the demolition of the agricultural/other structures; this includes the removal of a former piggery building to the north, the machinery store/dutch barn flanking the west side of Cockroad Lane and the timber-clad felt/corrugated roofed stables/tack buildings and outdoor equestrian area lower down the west side of Cockroad Lane. Removal of these provides land and therefore scope to adequately compensate for the ecological losses through additional landscaping/habitat enhancements which the applicant is agreeable to.

15.36 The applicant has provided a Phase 1 Habitat Survey and biodiversity enhancement and mitigation plan (BMEP). An acceptable revised BMEP has now been received, together with a Certificate of approval from the Natural Environment Team. The BMEP includes the planting of new broadleaved woodland, hedgerows and new species-rich wildflower grassland. The ecological enhancements would include various other provisions including bat boxes and bird nesting boxes. Planning conditions will be used to ensure a full BMEP is carried out together with a Landscape and Ecological Management Plan.

### **Archaeology:**

15.37 An Archaeological and Built Heritage Assessment was submitted with the application. Results on the adjacent application site indicated archaeological features close to this site, prompting the Senior Archaeologist to request a further archaeological evaluation. This has been carried out and following this the archaeologist has advised that no archaeological condition is required on this particular site.

### **Highways and Movement:**

15.38 This outline scheme includes access details to be considered as part of this application. A formal Transport Assessment was submitted. The original BEAM1 allocation would ideally be developed as one single entity but in this case it is split between two different owners which has resulted in two applications submitted at different times. The Preferred Options Consultation 2018 has

however recognised that this scenario could be permitted as the below criterion ii of the policy indicates:

*Proposals should come forward for the whole site accompanied by a detailed masterplan but applications for parts of the site may be permitted provided that they clearly demonstrate their proposals will contribute towards the creation of a single integrated community.*

15.39 A new vehicular access direct from Broadwindsor Road (sufficient to serve the overall land allocation) was accepted under the other application for BEAM1 and detailed drawings were provided at the time. However, it is possible that – if that application did not proceed or if it were delayed that this part of the allocated site under this application would be left without a vehicular access and would not therefore be able to proceed. Consequently, this application includes a new vehicular access from Cockroad Lane to the east. Whilst the Highways Officer does not object to this he makes it clear that:

*The County Highway Authority considers that the proposed development would be **better served and connected to the adjacent recently approved site** (and roundabout for vehicles and with a pedestrian / cycle link to the access indicated) but considers that the proposal using the route indicated does not present a material harm to the transport network or to highway safety and consequently has no objection, subject to the following condition:-*

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

15.40 The Planning Policy Officer, Landscape Officer, Urban Design Officer and Case Officer also share the view that the two application sites are best served by a vehicular access from Broadwindsor Road. With this objective in mind the other application includes Section 106 provisions to ensure an access road is built up to the edge of this site. It is important that the two sites are planned as a *single* integrated community – and to this end the s106 for the other application also includes a requirement for two other pedestrian/cycle accesses to be provided up to the edge of this application site to facilitate permeability between the sites. These linkages would provide more convenient vehicular access routes to leave from the west of the town, better access to a wider range of public open space facilities and more landscaped pedestrian routes towards the town.

15.41 The applicant recognises the need for these inter-connections between the sites and has provided a Development Framework Plan to show the general locations of these linkages. This is also reinforced by the applicants Transport Assessment which states:

*The developer will also hold discussions with WDDC to explore the potential for creating an access (to include pedestrian/cycle access) through to the remainder*

*of the BEAM 1 allocation, which is presently the subject of a planning application. (para 4.5.2)*

15.42 If this application is built-out before the other application the Cockroad Lane access will be provided. If the other site then proceeds vehicular/other links will be formed to it. The Cockroad Lane access would remain, but the overall road design of the reserved matters should be configured in such a way as to encourage traffic towards the potential Broadwindsor Road rather than the Cockroad Lane route as far as practicable. The first reserved matters application determined between the sites would effectively “set” the connection points between the application sites. Dialogue with each of the application agents/representatives has sought to identify the more appropriate locations for these.

15.43 The emerging Dorset Council Local Plan includes (as expressed in the Preferred Options Consultation 2018) the possible future allocation BEAM3 for about 120 dwellings. This is the area of land to the north-east of this site (in fact the north-east corner of the current application overlaps with a portion of this site). The BEAM3 site forms an area adjoining the north of the town, north of Hornhill View and Fairfield extending to Tunnel Road with a new vehicular access to that road.

15.44 Emerging Policy BEAM3 includes within its the criteria:

*ii) A road or pedestrian access to new development at Land North of Broadwindsor Road should be explored.*

The preamble to this policy explains the objective of improving connectivity and traffic flows to the BEAM1 land. It is therefore important that the development of this application site does not compromise that potential linkage. The applicant understands the need for this and has indicated on the Development Framework Plan a “potential future link to the BEAM3 allocation”. The reserved matters submission should be designed in such a way as to facilitate that likely future link.

15.45 Turning to the detail of the highways layout, clearly the submitted layout (and therefore the road pattern) is illustrative only. However, the point of vehicular access into the site is to be determined as part of this application. It involves running a spur road off the southern end of Cockroad Lane so that it runs westwards into the site. This would involve crossing the watercourse which runs in a 4m deep channel. A new road/footway bridge would therefore be required. It will be important for the roads and other pedestrian/cycle links to join the sites and the s106 agreements will form the framework to achieve this which will then be expressed in detailed design terms at reserved matters stage. The Highways Officer has indicated that:

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

15.46 The applicant has also submitted a Travel Plan (TP). The role of this is to encourage travel by site residents by sustainable travel mode choices. The TP provides a context and means of achieving this. The submitted TP provides a basis for a more specific tailored TP which would be conditioned as part of any approval.

#### **Comments on Town Council Concerns:**

15.47 A number of the points raised by the Town Council are addressed in some detail above. However, to summarise, the following officer comments are made. The concern over co-ordinating traffic with other current residential application sites is addressed; the s106 will enable a road link to the roundabout junction with development of the other part of the BEAM1 allocation. It will also include pedestrian and cycle links to help achieve a single integrated community, together with public open space provisions. Regarding the employment issue the rationale for not now having employment on this particular site is set out in paras 15.5-15.8 above; it would be re-located to more appropriate sites away from more extensive residential development; it would *not* now be appropriate to provide new employment uses close to the recently approved housing at Clipper Teas. The applicant has now also provided more information on “green initiatives” by submitting an Energy and Sustainability Statement to support the application and is happy with a planning condition to require electrical charging points.

#### **Local Financial Considerations:**

15.48 Having regard to S70(2) of the Town and Country Planning act the proposal does have local finance considerations.

#### **Community Infrastructure Levy:**

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

15.50 The rate at which CIL is charged is £100 per sqm. As this is an outline application the CIL charge will be calculated at reserved matters stage. Confirmation of the final CIL charge will be included in a CIL liability notice issued prior to the commencement of the development.

## 16.0 Conclusion

16.1 This scheme represents an opportunity to secure a significant number (up to 58) dwellings on an allocated site within the defined development boundary in a sustainable location. It would provide a useful contribution towards addressing the 5 year housing land supply shortfall. The details of the layout, scale, appearance and landscaping would be addressed in the reserved matters application. Regarding the threads of sustainable development, from an economic objective the scheme would provide jobs during construction and residents would be likely to spend in the local shops helping to sustain the town's businesses. Turning to the social objective the scheme includes the useful provision of affordable housing. It would also provide areas of public open space to facilitate a healthy and pleasant environment. From an environmental objective the scheme would include significant additional planting, the retention and enhancement of the hedgerows/trees, the almost complete retention of the woodland corridor and would provide biodiversity benefits to the locality. In the light of the above it is considered that the scheme is consistent with the above mentioned policies and national guidance.

## 17.0 RECOMMENDATION

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

- 35% affordable housing on-site (plus payment of a financial contribution for any "part dwelling" shortfall on the 35% figure - index linked).
- provision of vehicular access road link to the other BEAM1 Policy land application (WD/D/18/000115)
- provision of 2 other pedestrian/cycle links to the other BEAM1 Policy land
- details of the provision, management and maintenance of the public open space/landscaping

All S106 contributions shall be index linked using RPI from the date of committee resolution

And subject to the following conditions:

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

Location Plan – 8655-B1-03 Rev A  
Proposed access arrangements 1631/10 Rev C

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

2 Approval of the details of the layout, scale and appearance of the building(s), the landscaping of the site (hereinafter called the Reserved Matters) shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: To ensure the satisfactory development of the site.

3 Application for approval of any 'reserved matter' must be made not later than the expiration of three years beginning with the date of this permission.

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

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

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

5 This outline permission is for up to a maximum of 58 dwellings. The final number of dwellings will be determined by an assessment of the matters reserved having regard to the relevant objectives of Policy BEAM1, the sensitive location of the site at the periphery of the settlement, the provision of appropriate public open space, the attenuation pond and the achievement of additional structural woodland and other planting.

REASON: To clarify that the maximum number of dwellings approved in this application will be determined by an assessment of the reserved matters.

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

REASON: In order to protect residential amenity.

7 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 with due consideration of the

construction phase, has been submitted to, and approved in writing by the local planning authority. The scheme shall include all required clarification of associated works to third party assets, in addition to substantiation of the main surface water management scheme, shall be fully carried out in accordance with the approved details before any dwelling is first occupied.

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

8 No development shall take place until details of responsibility, maintenance and management of the surface water sustainable drainage scheme and associated infrastructure have been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented and thereafter managed and maintained in accordance with the approved details. The scheme 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.

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

9 Any reserved matters application for layout shall include details of the attenuation pond including location, depths and cross-sections. The attenuation pond shall be completed ready for use prior to the occupation of any of the dwellings hereby approved. The attenuation pond shall be retained thereafter.

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

10 No construction of any dwelling hereby approved shall be first commenced until details of the finished floor level(s) of the building(s) hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be relative to an ordnance datum or such other fixed feature as may be agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity

11 No development shall take place until all existing trees, shrubs and other natural features not scheduled for removal have been fully safeguarded and fenced in accordance with a scheme to be first approved in writing by the Local Planning Authority. Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels and chemicals, soil or other materials shall take place inside this fenced area. The soil levels within the fenced area shall not be raised or lowered and no trenching

or excavation shall take place. In the event that protected trees (or their roots) become damaged, are lost or become otherwise defective in any way during such period, the Local Planning Authority shall be notified immediately and a programme of remedial action as directed by the Local Planning Authority shall be carried out within a timescale to be specified by the Local Planning Authority.

REASON: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity.

12 Prior to the commencement of any works pursuant to this permission the developer shall submit a Remediation Scheme for the written approval of the Local Planning Authority including:

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 remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed.
4. a detailed phasing scheme for the development and remedial works.

The Remediation Scheme, as approved in writing by the Local Planning Authority, shall be fully implemented before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall provide written confirmation that all works were completed in accordance with the agreed details, and a verification report with validation testing as necessary provided to the local planning authority.

REASON: To ensure potential land contamination is satisfactorily addressed.

13 In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175. Should any contamination be found requiring remediation, a remediation scheme shall be submitted to and approved by the Local Planning Authority. The approved remediation scheme shall be carried out to a timescale to be first agreed with the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted which is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure risks from contamination are minimised.

14 No dwelling shall be first occupied until a Biodiversity Mitigation and Enhancement Plan (based on the BMEP dated 18 October 2019) shall first have been fully carried out in accordance with details which shall first have been submitted to and agreed in writing by the local planning authority. All works within

the BMEP shall be carried out in accordance with the agreed timescale unless otherwise agreed in writing by the local planning authority. The completed works and management requirements in the approved BMEP scheme shall be retained and continue thereafter.

REASON: In the interests of ensuring nature conservation interests are fully addressed.

15 No dwelling shall be first occupied until a Landscape and Ecology Management Plan (LEMP) shall first have been fully carried out in accordance with details which shall first have been submitted to and agreed in writing by the local planning authority. The LEMP shall be carried out in accordance with the agreed timescale unless otherwise agreed in writing by the local planning authority. The completed LEMP scheme shall be permanently retained thereafter.

16 No dwelling shall be first occupied until details of a lighting scheme for the site shall first have been submitted to and approved in writing by the local planning authority. The development shall not be carried out otherwise than in accordance with the approved details.

REASON: To minimise light pollution.

17 No development shall commence until details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Local Planning Authority. No dwelling shall be first occupied until the agreed scheme has been fully carried out, unless otherwise agreed in writing by the local planning authority.

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

18 No development shall be commenced until full details of the bridge design to cross the River Brit tributary into the site shall first have been submitted to and approved in writing by the local planning authority. The design shall include measures to facilitate wildlife habitat and wildlife passing beneath its structure (to reach the woodland either side). The bridge shall not be constructed otherwise than in accordance with such details as have been agreed. No other part of the development hereby approved (apart from the new section of access road from Cockroad Lane) shall be commenced until the bridge has been completed, unless otherwise first agreed in writing by the local planning authority.

REASON: To ensure the satisfactory construction, design and materials are provided in the interests of highway safety and nature conservation.

19 As part of any reserved matters application relating to design, details shall be provided to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development. Thereafter

the development shall be carried out in accordance with such details as have been approved by the Local Planning Authority.

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

20 No dwelling hereby approved shall be first occupied until a Travel Plan (based on the submitted February 2019 Plan) shall first have been submitted to and approved in writing by the local planning authority. The Travel Plan shall include; targets for sustainable travel arrangements; effective measures for the on-going monitoring of the Travel Plan; a commitment to delivering the Travel Plan objectives for a period of at least 5 years from first occupation of any dwelling on the development; effective mechanisms to achieve the objectives of the Travel Plan by the occupiers of the development. The development shall be implemented in accordance with the agreed Travel Plan.

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

21 No dwelling shall be constructed above Damp Proof Course level until all existing buildings/structures between the stream and the west side of Cockroad Lane, and the section of building north-west of the point where the stream crosses Cockroad Lane shall have been removed.

REASON: In the interests of visual amenity and to facilitate the enhancement of landscaping and nature conservation measures.

## **Informatives –**

### **i) National Planning Policy Framework Statement**

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

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.  
In this case:
- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
- The applicant was provided with pre-application advice.

### **ii) Community Infrastructure Levy**

This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. CIL will be calculated at Reserved matters stage . To avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.

**iii) Highways 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](mailto:dli@dorsetcc.gov.uk), or in writing at **Estate Road Construction (adopted or private)** Development team, Dorset Highways, Environment and the Economy, Dorset Council, County Hall, Dorchester, DT1 1XJ.

**iv) Rights of Way Informative:**

The site is affected by public rights of way; 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.

**v) Informative: Lead Local Flood Officer -**

All works or structures proposed to channels with the status of Ordinary Watercourse, such as that aligned through the site and crossing beneath Broadwindsor Road, that offer either permanent or temporary obstruction to flow, will require prior Land Drainage Consent (LDC) from Dorset Council's Flood Risk Management function, as Lead Local Flood Authority, in accordance with s23 of the Land Drainage Act 1991. The current proposals are likely to necessitate some in-channel working and the modification or removal of existing structures, together with the construction of a new surface water outfall and access bridge. The requirement for prior LDC is independent of any planning permission that may be granted.

**B) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE AGREEMENT IS NOT COMPLETED BY WITHIN 6 MONTHS OF THE COMMITTEE RESOLUTION OR SUCH EXTENDED TIME AS AGREED BY THE HEAD OF PLANNING:**

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

1. In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure provision of the affordable housing on site and any

necessary financial contribution for off-site provision. Hence the scheme is contrary to policy HOUS1 of the West Dorset, Weymouth and Portland Local plan 2015.

2. In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure the provision of a vehicular access link road constructed to link with the other part of the BEAM1 land allocation. The absence of this link would result in an undesirable cul-de-sac development, lacking permeability and inter-connectivity with the wider BEAM1 allocation to the detriment of fostering community and causing inconvenience for road users. Hence the scheme would be contrary to Policies BEAM1 and ENV11 of the Local Plan.
3. In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure the provision of two pedestrian/cycle links to link with the other part of the BEAM1 land allocation. The absence of these links would result in an undesirable cul-de-sac development, lacking permeability and inter-connectivity with the wider BEAM1 allocation to the detriment of fostering community and causing inconvenience for road users. Hence the scheme would be contrary to Policies BEAM1 and ENV11 of the Local Plan.
4. In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure the satisfactory management and maintenance of the public open space and landscaping. Hence the scheme would be contrary to policies BEAM1, COM1 and COM 4 of the Local Plan.