

1.0 Application Number: WD/D/19/002947

Site address: LAND ADJACENT TO RAILWAY STATION, OFF STATION ROAD, MAIDEN NEWTON, DORCHESTER

Proposal: Construction of three metre wide multi-use path between Station Road and the former Branch Line to Bridport

Applicant name: Dorset Council

Case Officer: Hamish Laird

Ward Member(s): Cllr Anthony Alford

2.0 Summary of Recommendation: Approve

The application is brought before the Planning Committee for decision because Dorset Council is the applicant.

https://planning.dorset.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_140189

3.0 Reason for the recommendation:

- The full application seeks planning permission for the Construction of a three metre wide multi-use path between the station approach road – Bull Lane – to Maiden Newton Railway Station and the former Branch Line to Bridport track bed which is a cycle track/footpath. The site lies in the DDB for Maiden Newton and the proposal promotes accessibility to sustainable transport development – walking and cycling use – the principle of development is acceptable.
- The layout and design details are acceptable.
- There would be no significant harm to neighbouring residents' amenity.
- There would be some loss of self-set trees on the site and an impact on wildlife habitat in respect of reptiles. A certified approved Biodiversity Mitigation Environment Plan accompanies the application.
- There are no material considerations which would warrant refusal of this application.

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	The site comprises an area of scrub land adjoining the railway station. It lies within the DDB for Maiden Newton. The proposal is for a link to improve sustainable methods of transport – walking and cycling and access to an existing public transport facility. The

	principle of development is acceptable.
Scale, design, impact on character and appearance	Access, and Layout as per the submitted drawings are acceptable – the path link covers a relatively small area between the Station Approach road, the railway, and the railway station platform.
Impact on amenity	Is acceptable. There would be no adverse impacts on any residential neighbours' amenities.
Impact on landscape or heritage assets	Site lies in the Dorset AONB and inside DDB for Maiden Newton. The railway station lies within the Conservation Area but just outside the DDB. The development will not have a materially adverse visual impact on the character of the CA which would be preserved or the AONB.
Economic benefits	The development phase will provide employment during construction and post development there will be a social benefit in the local community through the use of the Station and cycle route/trailway.
Access and Parking	There are no highway objections.
EIA (if relevant)	N/A
Other issues	The impact on Protected Species is acceptably covered by the submitted Biodiversity Mitigation Plan.

5.0 Description of Site

5.1 The application site comprises an elongated triangular shaped area of scrub land measuring approximately 433 m². It lies between the station platform and railway track, station approach road – Bull Lane – and, Station Road which runs on a north-east/south-west axis as it passes under the railway via a bridge. The site is a mix of grass, scrub, shrubs and self set trees. The trees are most apparent in the area closest to the station building.

Surrounding area

5.2 The site lies within the DDB for Maiden Newton. It abuts the DDB's northern boundary. It also lies within the Maiden Newton Conservation Area which contains the historic station buildings; footbridge over the railway; and, station car park. The surroundings to the south and south-west are residential with open countryside to the north on the opposite side of the railway tracks. The site and surrounding area lie within the Dorset AONB.

The Proposed Development

5.3 The full application seeks planning permission for the Construction of a three metre wide multi-use path between the Station Approach road to Maiden Newton Railway Station and the former Branch Line to Bridport trackbed which is a cycle track/footpath. The path surface is to be of a bituminous surfaced path with 3-6mm chippings rolled onto the surface. The path will drain to a soakaway.

5.4 The application is supported by a Design and Access Statement; a Heritage Statement; an Ecological Assessment; a Reptile Survey and a Dorset Council - Natural Environment Team approved Biodiversity Mitigation Enhancement Plan (BMEP).

6.0 Relevant Planning History

Application No.	Application Description	Decision	Date of decision
1/D/09/001886	Alterations to chimney	A	25 January 2010
1/D/09/002008	Install 2 wall mounted Public Assistance Help Points	W	29 March 2010
1/D/10/000700	Install two Public Assistance Help Points (PHP), one wall mounted on Platform 1 & the other post mounted on Platform 2	A	16 June 2010
1/D/10/000930	Replace & add new CCTV cameras	A	26 July 2010
1/D/11/000481	Alterations & amendments to approved application 1/D/10/000930	A	19 May 2011
1/D/13/001699	Upsize left hand box hopper head to rainwater pipe	A	13 February 2014

	and downpipe to trackside elevation		
1/E/90/000208	Change of use to industrial/office use	A	25 May 1990
1/W/07/000321	Erect commemorative plaque (RETROSPECTIVE APPLICATION)	A	02 May 2007
WD/D/19/002218	Crown lift various species by up to 3m - to enable safe access	NO	05 September 2019

7.0 List of Constraints

Inside Maiden Newton Defined Development Boundary (DDB) – abuts northern boundary of the DDB

Inside the Maiden Newton Conservation Area

Within the Dorset Area of Outstanding Natural Beauty: Dorset AONB Management Plan 2019 – 2024.

Landscape Character Area: incorporating the West Dorset Landscape Character Assessment (2009)

8.0 Consultations

8.1 Maiden Newton Parish Council support the application as it will provide access for disabled persons to the Trailway.

8.2 Dorset Council – Highways: The Highway Authority has NO OBJECTION to the proposal.

8.3 Dorset Council – Environmental Health: Raises no objection and comments as follows:

“In view of the previous use of this site, the planning authority will have to satisfy itself that it is able to fully discharge its liabilities in respect of contaminated land.

It is recommended that, should consent be granted, a suitable condition is applied which requires the applicant, in the event that ground contamination is encountered

during construction, to cease operations and seek specialist advice; operations should not recommence without the written consent of the planning authority.

The planning authority may wish to advise the applicants or their agents that the planning authority will in these circumstances be guided by:

BS 10175:2001 Investigation of potentially contaminated sites - Code of Practice Guidance for the Safe Development of Housing on Land Affected by Contamination (Environment Agency)."

8.4 Dorset Council – Conservation Officer – expresses SUPPORT for the proposal, and comments as follows:

"The proposed ramp is considered to be a minimal addition to the setting of the station, and will have no impact upon the fabric of the building itself. The main views towards the station building are from the approach road and from the southeast across the car park. From the approach road, the new ramp will be visible once the scrub has been cleared, but it will not be a prominent feature that is read at the same time as the building. This is perhaps not the case on views up from Drift Road, but again it is thought that the visual impact of the ramp will be minimal and not detract from the views of the station building.

From the southeast, the position of the ramp will be discrete and visible as a break in the treeline. The ramp is not visible from the village or from other significant areas in the Conservation Area."

8.5 Dorset Council – Technical Services

With regards to this application I have no objection or further comments to make.

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

Representations received – No representations have been received.

9.0 Relevant Policies

Primary Legislation: Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), Sections 66, and 72.

National Planning Policy Framework 2019

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

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

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

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

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

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

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

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

Section 6 ‘Building a strong, competitive economy’

Section 9 ‘Promoting sustainable transport’

Section 11 ‘Making effective use of land’

Section 12 ‘Achieving well designed places’

Section 15 ‘Conserving and enhancing the natural environment’

Section 16 ‘Conserving and enhancing the historic environment’

Paragraph 172 of the NPPF 2019, inter alia, requires that ‘*Great weight should be given to conserving and enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues*’.

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

level should seek to approve applications for sustainable development where possible.

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

In the Adopted West Dorset and Weymouth & Portland Local Plan (Adopted – October, 2015) the following policies apply:

INT1 Presumption in Favour of Sustainable Development
ENV1 Landscape, Seascape and Sites of Geological Interest
ENV4 Historic Assets
ENV10 The Landscape and Townscape Setting
ENV12 The Design and Positioning of Buildings
ENV16 Amenity
SUS2 Distribution of Development
COM7 Creating a Safe and Efficient Transport Network.

Other material considerations

WDDC Landscape Character Area Assessment 2009

Dorset Area of Outstanding Natural Beauty: Dorset AONB Management Plan 2019 – 2024.

WDDC Design & Sustainable Development Planning Guidelines (2009)

Maiden Newton and Frome Vauchurch Area Neighbourhood Plan - is currently in production - it carries no weight in the consideration of this application.

Design and Sustainable Development Planning Guidelines 2009.

10.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

11.0 Public Sector Equalities Duty

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

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

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

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

11.3 In considering the requirements of the PSED, the use of a solid surface for the new development will provide a firm, level, surface to enable safe access to the footpath/cycleway and station platform for all.

12.0 Financial benefits – Minimal. The development will result in social benefits through improved accessibility to Maiden Newton and the station. It may result in an increase in visitors to village who use local facilities and services.

13.0 Planning Assessment

- **Principle of development**
- **Layout and Impact on the character and appearance of the AONB**
- **Impact on neighbours amenities**
- **Access, Highways & Parking**
- **Landscaping, trees and Biodiversity**
- **Any other material planning considerations**

13.1 Principle of development

13.1.1 The site lies within the Defined Development Boundary (DDB) for Maiden Newton and is to provide improved accessibility to the existing railway station, and cycleway/footpath via a trailway link. The principle of development of the site, is, therefore, accepted.

13.2 Layout and Impact on the character and appearance of site and surroundings; the AONB; and, the Conservation Area

13.2.1 The development of the site via the construction of the level surface path will result in the loss of some trees on the site, but otherwise will have a minimal visual impact on the character of the site and its surroundings within the Conservation Area and the AONB. The proposed development accords with the provisions of Adopted Local Plan Policies ENV, ENV4, ENV10 in the West Dorset, Weymouth and Portland Local Plan (Adopted – October, 2015); and, the advice contained in the NPPF 2019, particularly that at paragraph 172 which gives great weight to “conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.” The character and appearance of the Conservation Area will be

preserved and the preserve/enhance) test as set out in S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 will be met.

13.3 Impact on neighbours amenities

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

13.3.2 The site of the proposed railway link lies opposite residential properties located in a terrace of dwellings at Nos 40-45 Bull Lane to the south-east. New street lighting has recently been installed opposite these dwellings close to the south-easternmost location of the footpath where it would join onto the station approach road. The railway link would not attract motorised traffic and there would be minimal noise disturbance to occupants of these dwellings arising from its use. Officers consider that the proposal will not result in any undue harm to neighbours amenities and accords with the provisions of adopted Local Plan Policy ENV16 – Amenity – in the West Dorset, Weymouth and Portland Local Plan (Adopted – October, 2015); and, the advice contained in the NPPF, 2019.

13.4 Landscaping, trees and Biodiversity

13.4.1 Policies ENV1 and ENV2 of the Adopted Local Plan outline considerations with regards to landscaping, tree matters, and wildlife habitat. There are a number of mature trees within the site area on the part of it closest to the station. These will need to be removed to accommodate the railway link. A further matter is the impact the development will have on the habitat of Protected Species – particularly on Reptiles including Slow Worms (20), Grass Snakes (2) and Adders (1) – which, being cold-blooded creatures, use the more open parts of the site for basking in sunlight in order to warm up. Officers consider that the existing trees should be retained as far as possible. 150m² of this secondary woodland habitat containing a mix of ash and sycamore with bramble and occasional blackthorn as ground cover will be lost. There are no bat roosts amongst the trees and opportunities for nesting birds are limited by the proximity of the trees to the station and human activity.

13.4.2 The Biodiversity Mitigation Enhancement Plan (BMEP) submitted with the application makes provision for 238m² of habitat currently dominated by Ground Elder which is to be removed. No ground cover scrub would be removed during the bird nesting season (February – August). This area would be lightly tilled and sown with a wildflower grassland seed mix specifically adapted to clay soils. The edge of the site will also be planted with a mix of 9 native species trees. These are proposed to be planted along the north-eastern edge of the railway link. The trees comprise 3 Field Maple; 2 Wild Crab; 1 Wild Cherry; and, 3 Hawthorn. The works would be overseen by a qualified Ecologist.

13.4.3 Officers consider that the proposed works of mitigation outlined in the BMEP are acceptable and accord with the provisions of Policies ENV1 and ENV2 in the

West Dorset, Weymouth and Portland Local Plan (Adopted – October, 2015); and, the advice contained in Section 15 ‘Conserving and enhancing the natural environment’ in the NPPF, 2019.

13.5 Access, Highways & Parking

13.5.1 There are no highway objections. In this regard, the development accords with Policy COM7 in the West Dorset, Weymouth and Portland Local Plan (Adopted – October, 2015).

13.6 Any other material planning considerations

Climate Change Implications

13.6.1 The proposal is considered to be in accordance with the Policies of the Adopted Local Plan. It directly supports sustainable transport – walking and cycling – and provides access for horses, wheelchair and pushchair users. It represents Sustainable Development. The proposal construction of the trailway link would have to meet Dorset Council’s specifications regarding method of construction with which the Transportation Section is familiar.

14.0 Conclusion

14.1 The proposal represents a sustainable form of transport development that will enhance access to existing facilities – the trailway and Maiden Newton Station – which will be freely accessible to pedestrians, horses, bicycles, pushchair and wheelchair users. The application meets the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), Sections 66, and 72; the above quoted Policies in the Adopted Local Plan; and, the advice contained in the NPPF, 2019. It is recommended for approval.

15.0 RECOMMENDATION – APPROVE – 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 Plan - Drawing Number HI1122-500-01G
Section - Drawing Number HI1122-503-01

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

3. The development hereby approved shall not be first brought into use without complying with the provisions of the submitted Biodiversity Mitigation and Enhancement Plan (BMEP) produced by Danny Alder Ecology and

Conservation, and, certified approved on 18 November, 2019, by Dorset Council – Natural Environment Team. The works and specifications outlined in this approved plan must be completed in full, unless any modifications to the agreed mitigation as a result of the requirements of a European Protected Species Licence have first been agreed in writing by the local planning authority. Thereafter, the approved mitigation measures shall be permanently maintained and retained in accordance with these approved details, unless otherwise first agreed in writing by the local planning authority.

REASON: To ensure the protection and enhancement of natural habitat and any European Protected Species (EPS) on the application site, in the interests of nature conservation and in accordance with the provisions of Regulation 9(1) of the Amended Conservation Regulations 2012; and, to make provision for protected species in accordance with the National Planning Policy Framework.

4. 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.

Informatives

National Planning Policy Framework Statement

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

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

In this case:

- The applicant was provided with pre-application advice.
- The application was acceptable as submitted and no further assistance was required.