

<b>Application Number:</b>	WP/19/00993/OUT
<b>Proposal:</b>	Outline application for the erection of 17no. dwellings with associated access
<b>Location:</b>	LAND AT, BEVERLEY ROAD, WEYMOUTH
<b>Recommendation:</b>	Grant
<b>Case Officer:</b>	Emma Telford
<b>Ward Member(s):</b>	Cllr Ferrari and Cllr O'Leary

This application has been referred to planning committee in accordance with the constitution as Dorset Council are the landowner.

### 1. Summary of recommendation:

**Recommendation A:** That the Committee would be minded to delegate to the Head of Planning to grant, subject to conditions and the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Legal Services Manager to secure the following:

The provision of an affordable housing financial contribution of £31,565.00 index linked, a financial contribution of £4128.00 for woodland compensation and a financial contribution of £15,120.00 for slow worm translocation.

And recommends that the Head of Planning determines the application accordingly.

**Recommendation B:** That the committee would be minded to delegate authority to the Head of Planning to refuse permission for the reasons set out below if the legal agreement is not completed within 6 months of the date of the committee resolution or such extended time as agreed by the Head of Planning and that the Head of Planning determine the application accordingly:

1) In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure provision of the affordable housing financial contribution for off-site provision. Hence the scheme is contrary to policy HOUS 1 of the West Dorset, Weymouth and Portland Local Plan 2015 and the National Planning Policy Framework (2021).

2) In the absence of a satisfactory completed S106 agreement the scheme fails to provide adequate compensatory biodiversity/nature conservation measures through the provision of a financial contribution for woodland compensation and financial contribution for the translocation of slow worms. Hence the scheme is contrary to policy

ENV 2 of the West Dorset, Weymouth and Portland Local Plan and Section 15 of the National Planning Policy Framework (2021).

## 2. Reason for the Recommendation:

- The site is located within the defined development boundary and is considered to be sustainable.
- There is nothing to suggest at this outline stage that the proposal would result in adverse impacts on neighbouring properties.
- There are no material considerations which would warrant refusal of this application.

## 3. Key Planning Issues:

Issue	Conclusion
Principle of development	The application site is located within defined development boundary for Weymouth.
Residential Amenity	Nothing to suggest at this outline stage that the proposal would result in adverse impacts on neighbours.
Visual Amenity	Nothing to suggest at this outline stage that the proposal would be detrimental to the visual amenity of the site and surrounding area.
Flooding & Drainage	Flood Risk Management Team raised no objections subject to conditions.
Highway Safety	Highways raised no objection.
Biodiversity	Biodiversity Plan agreed. Financial contributions for off-site compensation and slow worm translocation to be secured by legal agreement.
Community Infrastructure Levy	CIL liable.
Affordable Housing	Financial contribution to be secured by legal agreement.

## 4. Description of Site:

4.1 The application site is located just to the south of the A353, Littlemoor Road. The site is situated amongst existing residential development with Beverly Road to the south, Pemberton Close to the east and Nuthatch Close to the north. A path runs along the western edge linking Beverley Road to The Doves. The site is undeveloped but overgrown and slopes from the highest point at Beverley Road at the southern boundary down to the northern boundary.

4.2 The application site is located within the defined development boundary for Weymouth.

## **5. Description of Proposal:**

5.1 This application seeks outline consent to erect 17 dwellings with all matters reserved apart from access. The site would be accessed off Beverley Road. Indicative plans have been submitted to show how 17 dwellings could be accommodated within the site. The indicative plans also show the clearing and provision of the drainage basin adjacent to the northern boundary of the site.

## **6. Relevant Planning History:**

86/00679/HIST Decision: GRA Decision Date: 15/12/1986 Erection Of 14 Houses And 77 Flats

## **7. Relevant Constraints:**

Within the defined development boundary

Area Susceptible to Surface Water Flooding

## **8. Consultations:**

8.1 Weymouth Town Council – The Council welcomes the proposal for new housing and has no objection.

8.2 Technical Services - This greenfield site is located within EA flood zone 1 – low probability of fluvial flooding. However, the EA's surface water flood risk maps do indicate that a large part of the site is at risk of surface water flooding - some of it high risk - although I am unaware of any specific flood incidents at that location. Given the size of the development, the FRM team in their role as LLFA have been consulted regards the surface water management proposals for the site and I suggest you refer to their comments.

8.3 Trees Officer - The only trees of any particular visual merit at this site are located towards the south west corner and are shown for retention. There are a number of smaller trees within the area but overall, their size and overall condition is not of any significance.

There is the potential to plant further trees within the strip of land between Beverley Road and the proposed access road and possibly, to the rear (north side) of the proposed development. Considering this, it would be appropriate in this instance for a landscaping scheme to be submitted.

8.4 Highways – The proposed steps between the upper and lower levels are unacceptable on their own as they will fail to meet the needs of the Equalities Act as some of the residents parking for the upper level will no doubt be located down here. It is over a 230m detour by the footway along the Beverley Road and then Pemberton

Road which itself in its current form with full height kerbs is unsuitable for wheelchairs taking the form of a dated service road for access to residents parking only and with no dropped kerbs.

Furthermore the following minor issue now needs resolving:

ii) The turning space for the end parking bay No. 15 which is unusually constrained by the bevelled internal corner opposite this parking bay which is considered too unnecessarily tight and should either be amended or proven to work.

Subject to the above being resolved it would have NO OBJECTION, subject to conditions and informatives.

8.5 Flood Risk Management Team – The applicant has demonstrated how the existing storage offered by the basin will not be compromised by the development. They have also committed to clearing the existing 1980s SuDs basin which is overgrown and in a poor condition. The basin as proposed, however, will not conform entirely to CIRIA C753 standards. As a result, the applicant has proposed various mitigation measures. The visual appearance and impact of these fences, is best assessed by others, however, we would comment as follows:

- The documents provided offer some reassurance as to how the hazards posed by the basin can be managed and mitigated. However, a written risk assessment should be submitted which quantifies this risk in terms of likelihood and impact before and after implementation of the mitigation measures.
- It would be useful to have this for the situation as is vs that proposed with the mitigation measures in place.

The risk assessment should be undertaken by a suitably qualified consultant and accord with design duties under CDM regulations.

In principle, however, we accept that the mitigation measures are likely to prove acceptable once quantified. We will need for the above to be submitted before we can formalise this position, however, and withdraw our current objection, subject to conditions.

As we have already stated, landscaping issues lie outside of our expertise and statutory remit, however, we offer the following, on a discretionary basis, for your consideration:

- Whilst the proposals and mitigation measures appear technically achievable, the resultant layout will include a large attenuation basin with fencing and gates added to regulate access. This is not an ideal approach to SuDS delivery, where open drainage features should offer a large degree of multifunctionality. The level of biodiversity, water storage and treatment will remain the same, however, the level of amenity and accessibility offered is minimal – due in main to the Health & Safety issues raised because of the basin's design. It is appreciated that the current greenspace offers little by way of public amenity due to poor levels of access and

maintenance, however, in our view, development of the site should seek to improve upon this, however:

- i) It is important to remember that attenuation features are often designed for relatively low probability flood events, such that basins rarely use their full design capacity. When carefully designed, therefore, SuDS features can often function as public open spaces and;
  - ii) If the amount of existing storage is necessary for attenuating inflows into the current basin, then enhancing the accessibility of the SuDS feature and its appearance will be difficult and the health & safety measures proposed will likely be required and the application should be assessed on its merits. However, the land grab required by the existing basin (and subsequent H&S requirements) have only been assessed in a limited way at this stage, by considering the maximum possible water level on site, based on the downstream footpath level.
- In flood risk and drainage terms, therefore, the storage allowed for represents a worse-case scenario. It demonstrates no worsening, by taking a conservative approach to assessing the flood risk posed by the basin, however, there is a risk that extensive health & safety mitigation measures, as well as a large area of land will be taken up by a basin that very rarely, if ever fills to the precautionary levels considered.
  - We therefore, recommended that further, more detailed consideration of required storage volumes be assessed at Reserved Matters stage. If, subsequent to this, analysis reveals that storage volumes can be reduced (whilst still allowing for sufficient attenuation from the surrounding catchment), then a revised layout should be submitted which offers a safer and more accessible morphology – potentially without the H&S mitigation measures proposed.

#### Re-consultation:

8.6 Highways - The revised site plan addresses the concerns previously expressed. Hence, the Highway Authority has NO OBJECTION, subject to informatives and the following conditions:

##### Turning and parking construction

Before the development hereby approved is occupied or utilised the turning and parking shown on Drawing Number ASP.18.127.002 Rev L must have been constructed.

Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

##### Vehicle access construction

Before the development is occupied or utilised the first 15.00 metres of the vehicle

access, measured from the rear edge of the highway (excluding the vehicle crossing – see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Planning Authority.

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

**8.7 Flood Risk Management Team** – The further documents submitted, along with the various clarifications and decisions conveyed to us from a planning perspective, mean that we now withdraw our earlier Holding Objection, subject to the conditions and informatives at the end of this letter being included on any permission granted.

Whilst we are willing to recommend conditions at this time, we would draw your attention to our previous comments.

You have determined that the visual impact based on the mitigation measures presented and landscaping works are acceptable (albeit contrary to another consultee's advice) and have clarified that as a result, a condition for further study at planning application stage cannot be supported. It is assumed therefore, that the planning authority are willing to accept the potential risk of an over engineered storage area and the various mitigation measures which may result.

Given your clarification that the suggested condition would not meet relevant planning tests, we withdraw our previous suggestion for a condition in respect of further modelling, but strongly advise that appropriate wording be added as an informative.

Further study in respect of the basin size may suggest that the storage allowed for could be reduced, thereby potentially enabling improved landscaping and reduced H&S mitigation measures. This in turn may reduce constructions costs and make the development more viable from an economic perspective.

As usual, the applicant will need to provide a detailed design and maintenance strategy and clear the currently overgrown SuDS feature within their site boundary. To ensure that the above elements are properly considered, we recommend conditions be attached to any permission granted.

## **9. Representations:**

9.1 Five comments were received in response to the application, objecting to the proposed development for the reason summarised below:

- Detrimental effect on the environment.
- Loss of biodiversity - site is a haven for a lot of birds and other wildlife.
- Site would be an eye sore.
- Loss of green site, replaced with concrete.
- Loss of mature trees which are home to many species.
- Destruction of land is final it cannot be replaced.

- Concern regarding climate change, preservation of mature trees has got to be a top priority.
- Already massive development planned for this area, north of Littlemoor Road building on small patches is unnecessary.
- Site is part of the green infrastructure network.
- Site is also a drainage area having a flood culvert at its base built in to alleviate flooding to homes.
- Building on the site will create greater risk of flooding to surrounding properties.
- Flora and fauna needs proper assessment.
- Impact on the privacy and light of the existing neighbouring properties.
- Area is already quite crowded and this site gives the community the benefit of a natural space providing breathing space for both people and nature.
- Impact on air quality and carbon based pollution.
- No affordable housing.
- Littlemoor has already taken a large share of extra homes with no extra infrastructure put in to make allowance for this.
- Additional strain on the facilities and services.
- No employment opportunities for future residents.
- Slow worms on the site which are an endangered species.
- Stream can get very deep.
- Overdevelopment of the site.
- Potential for roosting bats at the site.
- Concerns regarding birds on and near the site including sparrows.
- Evidence of hedgehogs and brown hares near to the site.
- Close proximity to the Lorton Valley Nature Park.
- Concerns over lighting of the scheme on biodiversity.

9.2 Comments were received regarding the proposal impacting on house prices in the area however this is not a material planning consideration and therefore will not be considered as part of this application.

## **10. Relevant Policies:**

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

## **Adopted West Dorset and Weymouth & Portland Local Plan:**

The following policies are considered to be relevant to this proposal:

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV5 - Flood risk
- ENV10 - The landscape and townscape setting
- ENV11 - The pattern of streets and spaces
- ENV12 - The design and positioning of buildings
- ENV13 - Achieving high levels of environmental performance
- ENV16 - Amenity
- SUS1 - The level of economic and housing growth
- SUS2 - Distribution of development
- HOUS1 - Affordable housing
- COM7 - Creating a safe & efficient transport network
- COM9 - Parking provision
- COM10 - The provision of utilities service infrastructure

## **Neighbourhood Plans**

Weymouth Neighbourhood Plan - In preparation – limited weight applied to decision making.

## **Other Material Considerations**

Weymouth & Portland Urban Design (2002)

Landscape Character Assessment (Weymouth & Portland)

National Planning Policy Framework:

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.



Relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:
  - The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
  - It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
  - Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'

## **11. Human Rights:**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

## **12. Public Sector Equalities Duty:**

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. This application is for outline permission and the layout of the scheme is a reserved matter however the indicative details show how dwellings with parking adjacent to them can be provided.

### 13. Financial Benefits:

Material Considerations	
Employment created during construction phase	Not known
Spending in local economy by residents of 17 dwellings	Not known

Non-Material Considerations	
Contribution to Council Tax Revenue	Not known
New Homes Bonus	Not known
CIL	Not known
Affordable Housing Contribution	£31,565.00

### 14. Climate Implications:

14.1 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. However, it should be noted that modern building regulations would help minimise such heat release. A balance has to be struck between providing housing to meet needs versus conserving natural resources and

minimising energy use. This application site is located within the DDB for Weymouth which is considered to be a sustainable location.

## **15. Planning Assessment:**

### **Principle of development**

15.1 This application seeks outline consent for the erection of 17 dwellings. In terms of the principle of development the site lies within the defined development boundary (DDB) for Weymouth. Policy SUS2 of the adopted local plan seeks to direct development to the main settlements and to “strictly control” development outside DDBs, “having particular regard to the need for the protection of the countryside and environmental constraints”. Given the location of the site inside the DDB with good access to amenities the principle of the application is acceptable. It would also be seen in the wider context of the surrounding development. The development would also further assist in the lack of five-year housing supply, the Council currently has 4.93 years of supply across the West Dorset and Weymouth local plan area and therefore cannot currently demonstrate a five-year supply of deliverable housing sites. Given the above, the proposal in principle is considered acceptable subject to site specific criteria and compliance with other policies in the local plan all of which are considered below.

### **Residential Amenity**

15.2 The proposed development involves the erection of 17 dwellings on the land adjacent to Beverley Road surrounded by existing residential development on all sides. Third party concerns have been raised regarding the impact on of the proposal on light and privacy of the adjoining neighbours. As part of the application indicative plans were submitted to show how 17 dwellings could be accommodated on the site. The indicative plans show that adequate spacing between properties, boundary treatments and orientation of the proposed properties can be provided so as not to result in an adverse impact on neighbouring properties. The proposed fenestration details are not known at this outline stage and would be considered as part of any reserved matters application. Given the above there is nothing to suggest at this outline stage that the proposal would result in adverse impacts on neighbours and policy ENV 16 of the adopted Local Plan is met.

### **Visual Amenity**

15.3 The applications seeks outline permission for the erection of 17 dwellings and access to the site. Matters of detail relating to appearance, landscaping, layout and scale are reserved matters. However, the indicative site plan submitted as part of the applications shows that 17 dwellings could be accommodated on the site. The site is surrounded by residential development on all four sides and would be viewed in relation to the wider built environment. Given the above there is nothing to suggest at this

outline stage that the proposal would be detrimental to the visual amenity of the site and surrounding area.

### **Flooding & Drainage**

15.4 The application site is located within flood zone 1, however the area does fall within an area susceptible to surface water flooding. The Flood Risk Management Team were consulted on the application and objected to the proposals until the potential need for a sequential test had been addressed. It was not considered that a sequential test was required in this case as the proposed built development can be accommodated outside of the area at risk from surface water flooding. The Flood Risk Management Team considered that the poorly maintained depression on the site appeared to form an attenuation feature which was part of the SuDs corridor for the surrounding development. In response to the comments received further information was submitted and the Flood Risk Team reconsulted. It was considered that the applicant had demonstrated that the existing storage offered by the basin would not be compromised by the development and also committed to clearing the existing basin which is overgrown. The basin as proposed, however, would not conform entirely to CIRIA C753 standards and therefore a risk assessment was required alongside details of any mitigation measures proposed. In response a SuDS Risk Assessment Revision 1.0, dated 17<sup>th</sup> March 2021 was submitted which showed how the basin with different means of fencing, signage and hedging would pass the risk assessment. The Flood Risk Management Team withdrew their holding objection subject to conditions and informatives which would be placed on any approval granted.

15.5 The proposed mitigation measures required to make the basin 'safe' also have visual impacts which need to be considered. Initially an indicative site plan was shown with fencing around the basin including along the indicative parking and existing path to the side of the site. It was considered that this would result in a poor quality of development. In response to these comments the risk assessment, as mentioned previously, was submitted. This risk assessment shows the use of post and rail fencing with hedging behind which passed the risk assessment but also showed that a scheme could be produced that would also be considered acceptable in visual amenity terms.

### **Highway Safety**

15.6 This application seeks outline consent for the erection of 17 dwellings with access off Beverley Road and Pemberton Close. Indicative plans have been submitted which show how parking for the properties could be arranged within the site. Highways were consulted on the applications and raised some concerns. In response to the comments a revised site plan was submitted which highways considered addresses the concerns previously expressed and raised no objections subject to turning and parking and vehicle access conditions. The vehicle access condition would be placed on any

approval granted. The turning and parking condition is not considered necessary at this outline stage as the layout of the scheme is a reserved matter.

15.7 NPPF para 112 sets out that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. A condition would be placed on any approval granted for a scheme for car charging to be submitted.

## **Biodiversity**

15.8 This application seeks outline consent for the erection of 17 dwellings with associated access. The site is currently undeveloped and overgrown with vegetation. Concerns were raised by third parties regarding the loss of biodiversity on the site. An Ecological Assessment and Biodiversity Plan (BP) were submitted as part of the application. The submitted BP included mitigation measures like the translocation of slow worms to an area nearby in the Lorton Valley and planting. The BP also included off-site compensation of £4128.00 calculated via the Dorset Biodiversity Compensation Framework to be paid for the loss of woodland, the contribution will go towards woodland/scrub management within the Lorton Valley. The BP also includes net gain measures of bat blocks, bee bricks and sparrow terraces, swift boxes or house martin cups. A certificate of approval for the BP was issued by the Natural Environment Team. A condition would be placed on any approval granted for the development to be carried out in accordance with the agreed BP and a timetable for the works (condition 12). The off-site compensation would be secured by legal agreement.

15.9 In relation to the translocation of the slow worms, this would be carried out by the Dorset Wildlife Trust but covered by a financial contribution from the developer and secured by a legal agreement. In discussion with the Dorset Wildlife Trust it was considered that a contribution for the translocation of 20 slow worms was considered acceptable as it was estimated up to 20 individuals present on the site. This equated to a financial contribution of £15,120.00 (20 x £756) which would be required as part of the legal agreement which also stipulate that the slow worms must be translocated before development can start on the site.

15.10 Concerns were raised by third parties regarding the impact on trees on the site. The Trees Officer was consulted and considered that the only trees of any particular merit are those located towards the south west corner which are shown for retention. There are a number of smaller trees within the area but overall, their size and overall condition is not of any significance. As layout is a reserved matter the site plan showing the retention of these trees is only indicative. Therefore more detailed consideration of trees to be protected would need to be considered at reserved matters stage so a condition would be placed on any approval granted for a tree protection plan to be submitted as part of the reserved matters to reflect the submitted layout. The Tree

Officer also considered that there is the potential to plant further trees within the strip of land between Beverley Road and the proposed access road and therefore considered a landscaping scheme should be submitted. Therefore a landscaping scheme condition shall be placed on any approval granted.

### **Community Infrastructure Levy**

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

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

### **Affordable Housing**

15.13 Para 63 of the NPPF states that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). Major development for housing is defined in the NPPF as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. The proposed development exceeds this threshold and therefore local plan policy HOUS1 applies. As the application site is in Weymouth it requires 35% of the development to be for affordable housing which would equate to 5.95 units.

15.14 Local Plan policy HOUS 1 sets out that *applicants seeking to justify a lower level of affordable housing provision will be expected to provide an assessment of viability*. A viability report was submitted as part of the application which set out the viability pressure on the site is generated by a combination of relatively low sales values in this area coupled with significant abnormal costs to deal with the levels across the site requiring cut and fill earthworks and retaining structures. The submitted viability report was considered by the District Valuer (DVS) who concluded that the scheme could provide 1 shared ownership unit or alternatively a financial contribution of £42,978 towards off-site affordable housing whilst remaining viable. This was considered by the Housing Enabling Team who considered that a financial contribution would be more appropriate as it would be put towards rented homes in the area for which there is greater need but also that it would be difficult to find an organisation to take on just one affordable unit if provided on the application site.

15.15 Since the viability report was considered, more information has been supplied regarding biodiversity and slow worms on the site. A further financial contribution is required to translocate the slow worms from the site of £15,120. The DVS considered that this financial contribution would impact on the viability and the affordable housing contribution that could be provided. Therefore, in light of the contribution for the slow worm translocation it was considered that an affordable housing contribution of £31,565 would be financially viable. The contribution would be secured by legal agreement.

## **16. Conclusion:**

16.1 The applicant is seeking outline permission for the erection of 17 dwellings. The application site is located within the DDB and is therefore considered to comply with Local Plan policy SUS 2 and is considered acceptable in principle.

16.2 At this outline stage the proposal is considered acceptable in relation to visual amenity, residential amenity, drainage, highway safety, biodiversity and affordable housing.

## **17. Recommendation:**

**Recommendation A:** That the Committee would be minded to delegate to the Head of Planning to grant, subject to conditions and the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Legal Services Manager to secure the following:

The provision of an affordable housing financial contribution of £31,565.00 index linked, a financial contribution of £4128.00 for woodland compensation and a financial contribution of £15,120.00 for slow worm translocation.

And recommends that the Head of Planning determines the application accordingly.

1) Before any development is commenced details of 'reserved matters' (that is any matters in respect of which details have not been given in the application and which concern the layout, scale, appearance or landscaping) shall be submitted to the Local Planning Authority for its approval.

Reason: This condition is required to be imposed by the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.

2) 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 (as amended).

3) 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).

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

Location and Block Plan – drawing number ASP.18.127.001

Proposed Access Arrangements – drawing number ASP.18.127.003 A

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

5) No development above Damp Proof Course (DPC) level shall be commenced until a soft landscaping and planting has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November-March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall include a detailed landscape plan to provide details of tree and hedge planting throughout the site, details of species and planting method and provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years.

Reason: To ensure the satisfactory landscaping of the site and enhance the biodiversity, visual amenity and character of the area.

6) The landscaping works to be approved under Condition 1 shall include a tree and hedging protection plan showing the trees and hedging to be retained and fully safeguarded during the course of site works and building operations. No works shall commence until all trees to be protected shall be protected from damage for the duration of works in accordance with BS 5837:2005 or any new standard that may be in force at the time that development commences. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zone(s). Any trees or hedges removed without the written consent of the Local Planning Authority, or dying or being severely damaged or becoming seriously diseased before the completion of development or up to 12 months after occupation of the last dwelling shall be replaced with trees or hedging of such size, species in a timescale and in positions as may be approved in writing by the Local Planning Authority.



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

7) The layout details to be approved under Condition 1 shall include a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction, has been submitted to, and approved in writing by the local planning authority. The submitted scheme shall include a timetable for implementation of the works. Thereafter the surface water scheme shall be fully implemented in accordance with the submitted details and the timetable.

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

8) The layout details to be approved under Condition 1 shall include details of maintenance & management of both the proposed and existing surface water sustainable drainage scheme and any receiving system have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

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

9) No development shall take place until a scheme for all existing on-site drainage features, which serve the surrounding Littlemoor development to be cleared of overgrowth and brought back to their original design standard submitted to and approved in writing by the local planning authority. Inlets and outlets should be cleared, and headwalls repaired as necessary to the satisfaction of the Local Planning Authority. The scheme shall be implemented prior to first occupation of the development and photographic evidence shall be submitted and agreed by the Local Planning Authority. The drainage features shall be maintained as such thereafter.

Reason: To ensure correct functioning of the existing SuDS basin and proposed drainage infrastructure.

10) Before the development is first occupied or utilised the first 15.00 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing), must be laid out and constructed to a specification which shall have been submitted to and approved in writing by the Planning Authority.

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

11) No development above damp proof course level shall take place until a detailed scheme to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development has been submitted and approved in writing with the local planning authority. The scheme shall include a timetable for implementation. Thereafter the development shall be carried out in accordance with such details as have been approved by the Local Planning Authority including the timetable for implementation.

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.

12) No development above damp proof course level shall be commenced until a timetable for the implementation of the measures of the Biodiversity Plan has been submitted and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed timetable and the approved Biodiversity Plan, signed by Alex Haigh and dated 10/08/2021 and agreed by the Natural Environment Team on 13/08/2021, unless a subsequent variation is agreed in writing with the Council.

Reason: In the interests of biodiversity mitigation and enhancement.

Informatives:

1) NPPF

2) S106

3) CIL – Outline

4) Biodiversity Plan

5) House Name & Numbering

6) Surface Water Basin – The Flood Risk Management Team advised that further study in respect of the basin size may suggest that the storage allowed for could be reduced, thereby potentially enabling improved landscaping and reduced H&S mitigation measures.

7) Dorset Highways - The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with

Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

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

**Recommendation B:** That the committee would be minded to delegate authority to the Head of Planning to refuse permission for the reasons set out below if the legal agreement is not completed within 6 months of the date of the committee resolution or such extended time as agreed by the Head of Planning and that the Head of Planning determine the application accordingly:

1) In the absence of a satisfactory completed Section 106 agreement the scheme fails to ensure provision of the affordable housing financial contribution for off-site provision. Hence the scheme is contrary to policy HOUS 1 of the West Dorset, Weymouth and Portland Local Plan 2015 and the National Planning Policy Framework (2021).

2) In the absence of a satisfactory completed S106 agreement the scheme fails to provide adequate compensatory biodiversity/nature conservation measures through the provision of a financial contribution for woodland compensation and financial contribution for the translocation of slow worms. Hence the scheme is contrary to policy ENV 2 of the West Dorset, Weymouth and Portland Local Plan and Section 15 of the National Planning Policy Framework (2021).