

APPLICATION No. 2/2018/0696/OUT
Land North Of Enmore Court And Off, New Road, Shaftesbury, Dorset,
REASON(S) FOR REFUSAL

1. The site fails to provide safe and convenient access to services within Shaftesbury contrary to Policies 1, 2, 13, and 24 of the adopted North Dorset Local Plan Part 1 (January 2016), and the National Planning Policy Framework.

2. The proposal would fail to strengthen local character due to its location on the open lower Slopes of Shaftesbury; the location of the proposed development would also harm to the setting of the grade II listed drinking trough and conduit head and the setting of the Shaftesbury Conservation Area through the erosion of the open rural visual character and would lead to less than substantial harm that would not be outweighed by the harm from the proposed residential development contrary to Policies 4, 5, 20, 24 of the adopted North Dorset Local Plan Part 1 (January 2016) and saved policy SB 4 of the North Dorset District-Wide Local Plan (2003), and the National Planning Policy Framework.

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.

The applicant/agent was updated of any issues after the initial site visit.

Application No: 2/2017/1357/OUT

Land Adjacent To Sandways Farm, New Road, Bourton, Dorset

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

The permitted site shall provide an area of at least 2.1 ha to be apportioned as follows:

- 0.3 ha to the village hall and a parking and manoeuvring area,
and;
- 1.5 ha to amenity space of a reasonably level gradient and quality immediately adjacent to the village hall building, and;
- 0.3 ha to the housing development.
- The land for the village hall and amenity space, if not already transferred to the ownership of the Parish Council shall prior to any grant of planning permission on any part of the site for any aspect of the proposed development be transferred to the ownership of the parish Council.
- The land to be transferred to the Parish Council shall be transferred in a cleared state with services and access road provided to the site entrance point or there shall be a legal agreement on such provision.

And the following conditions (and their reasons) listed below:

1. Approval of the Reserved Matters (i.e. any matters in respect of which details have not been given in the application concerning the layout, scale or appearance of the building(s) to which this permission and the application relates, or to the means of access to the building(s), or the landscaping of the site) shall be obtained from the Local Planning Authority in writing before any development is commenced. Such development shall be carried out as approved.

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

2. Application for the 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 hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

4. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details: 06013- 7 A, 06013- 9 A forming the approved application.

Reason: For the avoidance of doubt and to clarify the permission.

5. 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.

6. Before the development is occupied or utilised the first 10.00 metres of the vehicle access serving the proposed dwellings from the track adjacent to Fernleigh, 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 Local Planning Authority.

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

7. Before the development is occupied or utilised the first 15.00 metres of the vehicle access serving the proposed village hall, 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 Local Planning Authority.

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

8. The development hereby permitted must not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities must be submitted to the Local Planning Authority. Any such scheme requires approval to be obtained in writing from the Local Planning Authority. The approved scheme must be constructed before the development is commenced and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

9. There must be no gates hung so as to form obstruction to the vehicular access serving the site.

Reason: To ensure the free and easy movement of vehicles through the access and to prevent any likely interruption to the free flow of traffic on the adjacent public highway.

10. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on the submitted plans must be cleared/excavated to a level not exceeding 0.6

metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

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

11. The Biodiversity mitigation measures set out in the approved Report dated July 2016 shall be implemented in full in accordance with the timetable set out in the report, or in the absence of a specific timetable, prior to the development hereby approved being first brought into use and the site shall thereafter be maintained in accordance with the approved mitigation proposals.

Reason: To ensure adequate habitat is provided and subsequently protected to ensure adequate protection for important habitats and species is secured.

12. No development shall be commenced until a scheme for the disposal of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Thereafter, no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented.

Reason: To minimise the risk of flooding and/or pollution.

13. Before the development hereby approved commences a Construction Method Statement (CMS) must be submitted to and approved in writing by the Local Planning Authority.

The CMS must include:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- delivery, demolition and construction working hours

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: to minimise the likely impact of construction traffic on the surrounding highway network.

**B) REFUSED PERMISSION FOR FAILING TO SECURE THE TRANSFER OF THE HALL
IF THE AGREEMENT IS NOT COMPLETED BY (6 months from the date of committee) OR
SUCH EXTENDED TIME AS AGREED BY THE HEAD OF PLANNING**

Application No: 2/2019/0077/OUT

Land At, Chaffeymoor Farm, New Road, Bourton, Dorset

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

The permitted site shall provide an area of at least 2.1 ha to be apportioned as follows:

- 0.3 ha to the village hall and a parking and manoeuvring area,

and;

- 1.5 ha to amenity space of a reasonably level gradient and quality immediately adjacent to the village hall building, and;
- 0.3 ha to the housing development.
- The land for the village hall and amenity space, if not already transferred to the ownership of the Parish Council shall prior to any grant of planning permission on any part of the site for any aspect of the proposed development be transferred to the ownership of the parish Council.
- The land to be transferred to the Parish Council shall be transferred in a cleared state with services and access road provided to the site entrance point or there shall be a legal agreement on such provision.

And the following conditions (and their reasons) listed below:

1. Approval of the Reserved Matters (i.e. any matters in respect of which details have not been given in the application concerning the layout, scale or appearance of the building(s) to which this permission and the application relates, or to the means of access to the building(s), or the landscaping of the site) shall be obtained from the Local Planning Authority in writing before any development is commenced. Such development shall be carried out as approved.

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

2. Application for the 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 hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

4. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details: Drawing Number 01 Location Plan forming the approved application.

Reason: For the avoidance of doubt and to clarify the permission.

5. The Biodiversity mitigation measures set out in the approved Report dated December 2018 shall be implemented in full in accordance with the timetable set out in the report, or in the absence of a specific timetable, prior to the development hereby approved being first brought into use and the site shall thereafter be maintained in accordance with the approved mitigation proposals.

Reason: To ensure adequate habitat is provided and subsequently protected to ensure adequate protection for important habitats and species is secured.

6. No development shall be commenced until a scheme for the disposal of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Thereafter, no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented.

Reason: To minimise the risk of flooding and/or pollution.

7. 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 Local Planning Authority.

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

8. 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.

9. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on Drawing Number 03 must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

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

10. The development hereby permitted must not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities is submitted to the Local Planning Authority. Any such scheme requires approval to be obtained in writing from the Local Planning Authority. The approved scheme must be constructed before the development is commenced and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

11. Before the development hereby approved commences a Construction Method Statement (CMS) must be submitted to and approved in writing by the Local Planning Authority.

The CMS must include:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- delivery, demolition and construction working hours

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: to minimise the likely impact of construction traffic on the surrounding highway network.

**B) REFUSED PERMISSION FOR FAILING TO SECURE THE TRANSFER OF THE HALL
IF THE AGREEMENT IS NOT COMPLETED BY (6 months from the date of committee) OR
SUCH EXTENDED TIME AS AGREED BY THE HEAD OF PLANNING**