

Milborne St. Andrew



Application Type: Full Application

Application No: 2/2018/1240/FUL

Applicant: Lewis Wyatt (Construction)
Ltd

Case Officer: Mr Robert Lennis

Recommendation Summary:

Delegate authority to the Planning Manager to grant planning permission subject to securing planning contributions through the signing of a S106 agreement and conditions listed in the report.

Location: Huntley Down, Milborne St Andrew, DT11 0LN

Reason for Committee Decision:

Written material representation has been received by the Head of Planning (Development Management and Building Control) and that representation has been made by the parish council in whose area the application is situated, and received by the Head of Planning (Development Management and Building Control) within the Consultation Period and contains a recommendation that is contrary to the proposed decision.

The Head of Planning (Development Management and Building Control) at his/her absolute discretion after consultation with the Chairman of the Planning Committee, the Vice Chairman of the Planning Committee and the Ward Member(s) of the area in which the site of the application is situated considers is a matter which ought to be referred to the Planning Committee for determination.

Proposal:

Erect 25 No. dwellings with garages, form vehicular access.

Members may recall this site was the subject of an application to build 30no. dwellings within the past year (planning ref: 2/2017/1871/FUL). That application was refused for the following reasons:

- *The proposed development would result in the levels of amenity currently enjoyed by dwellings adjoining the site being adversely impacted by reason of layout, siting, and scale of the proposed dwellings on rising ground contrary to Policy 25 of the adopted North Dorset Local Plan Part 1 (January 2016).*

- *The proposed layout would result in a density that does not reflect the loose knit and spacious characteristics of the settlement pattern in this edge of village location. Furthermore, the layout fails to adequately intergrade the affordable housing into the*

layout and the tenures can be clearly told apart and are clearly distinguishable from the market housing contrary to Policies 7, 8, and 24 of the adopted North Dorset Local Plan Part 1 (January 2016).

This application seeks to address these reasons for refusal. The proposed development before you is for 25 new homes, including 10 affordable homes. This is a full planning application, providing all details of the proposed development, including the design, layout and appearance of each of the proposed homes. Access to the development site would come by an extension of the road and footways from Huntley Down.

The reduced number of dwellings has allowed for a more spacious layout particular with the relationship to neighbouring dwellings of Coles Land and Bladen View. A central green space, to be used as a local area for play, is present at the entrance with the road and footways branching north and south leading into shared surface private courtyards at each end of the development. These small courtyard areas are proposed at either end of the site to provide parking areas for residents. On-plot parking is generally provided to the side of the properties.

The design of the properties has been taken from the Dorset vernacular with a range of dwellings from terraced, semi-detached and detached properties. External materials are proposed to be a mix of flint, brick and stone is proposed with natural slate and plain clay tiles.

Planning Policies:

Local Plan:

1. 7 Dev. within Settlement Boundaries

Policy 1 - Sustainable Devt.

Policy 2 - C Spatial Strategy

Policy 4 - The Natural Env.

Policy 6 - Housing Distribution

Policy 7 - Delivering Homes

Policy 8 - Affordable Housing

Policy 11 - The Economy

Policy 13 - Grey Infra.

Policy 14 - Social Infra.

Policy 15 - Green Infra.

Policy 20 - The Countryside

Policy 23 - Parking

Policy 24 - Design

Policy 25 - Amenity

Policy 27 - Comm. Facilities

National Planning Policy Framework:

The revised National Planning Policy Framework is a material consideration.

At this time NDDC cannot demonstrate a five year housing land supply. Therefore the presumption in favour of sustainable development (para 11 (d) of the Framework) applies. This means the housing policies of the adopted NDDC Local Plan are not out-of-date and planning permission for this application should be grant unless any adverse impacts of

doing so would be significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.

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

1. Introduction
2. Achieving sustainable development; in particular paragraph 14 which states:

- In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply :

a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;

b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;

c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and

d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

3. Plan-making
4. Decision-making; in particular paragraphs 38 and 48 which state:

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.

48 - Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and;

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
10. Supporting high quality communications
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

Planning policy and guidance:

Status of the neighbourhood plan

With regard to the Framework and the status of the Milborne St Andrew Neighbourhood Plan (MSANP), it is considered to be in the early stages of preparation for an emerging plan. It is Officers' opinion that the MSANP should carry limited weight in decision making at this time.

Description of Site:

The application site is 1 hectare (2.47 acres) of arable land located on the north western edge of Milborne St. Andrew. It consists of grade 3 agricultural land rising to the west and accessed from the existing residential street Huntley Down. The site is generally used as pastureland with a site slope upwards from the south-eastern edge to the north-west with a gradient averaging at 10%. The high point in the north west reaches 94.8m with the low point in the south east at 84.6m. Existing tree cover is located around the perimeter of the site. A strong line of Poplars are located just beyond the western edge. The south edge has a relative dense hedge and some isolated trees consisting primarily of Ash and Poplars trees.

The site is bordered by dwellings on three sides. South of the site properties located on Bladen View are suburban in character with front gardens and open space creating a green feel to the development. Parking is predominantly accommodated on plot through side driveways with garages located towards the rear of the property.

North of the site along Coles Lane the building line follows a more organic pattern fronting and siding the route. Where dwellings are occasionally positioned closer to the street, smaller front gardens are offset by areas of informal public spaces helping to maintain a green feel to the lane. Breaks in the built line are punctuated by glimpsed views towards small courtyard clusters located beyond and accessed from the lane. The use of flint details and the occasional thatch roof presents a more rural and village character.

To the east, Huntley Down provides the access route to the site. The route is characterised by larger properties stepping up the slope with some properties clustered around small cul-de-sacs. The properties are typically set back from the route with side or front gardens bringing greenery to the street scene. On-plot parking is provided through private driveways and integral / detached garages. Character detailing is provided by the use of flint and brick in the façades.

Constraints:

Agricultural Land Grade: 3
Heathland Consultation Area - yes
Parish Name: Milborne St. Andrew CP
Settlement Boundary - Name: Milborne St Andrew
Ward Name: Abbey Ward

Consultations:

Milborne St Andrew PC

Consulted on the 13 September 2018, their comments dated 12 October 2018 are as follows:

The Neighbourhood Plan Group for Milborne St Andrew has commented on behalf of the parish council. They have raised objection related to the following issues:

- no housing shortfall with regard to Stalbridge and the villages;
- parking provision;
- flood risk;
- housing mix;
- green spaces are substandard;
- layout of affordable housing;
- proposed planning contributions not taking account of local needs.

Transport Development Management - DCC

Consulted on the 13 September 2018, their comments dated 26 September 2018 are as follows:

No objections subject to conditions.

In particular, DCC as Local Highway Authority has noted that car parking has been provided in accordance with the recommendations of the Bournemouth, Poole and Dorset Residential Car Parking Study with a total of 70 spaces proposed. These spaces have been presented as a mix of on-plot, within courtyards and on-street visitor parking. All garages have been designed with internal dimensions of 3m by 6m, to ensure that they are large enough to practically accommodate cars.

The proposed development is anticipated to generate up to 11 vehicular trips and 8 pedestrian trips in the AM peak period and up to 14 vehicular trips and 4 pedestrian trips in the PM peak period. A daily total of up to 113 vehicle trips (two way) is predicted.

Given the low traffic generation and the fact that a review of personal injury collision data has not identified any critical locations on the local highway network with poor collision records, the proposed development is acceptable in both traffic generation and safety terms.

Natural England

Consulted on the 13 September 2018, their comments are as follows:

No objection, subject to securing a Heathland Infrastructure Project (HIP) prior to occupation of any dwelling. On the basis that this HIP is deliverable and the land and ongoing maintenance of the infrastructure can be secured in perpetuity and the development also pay a SAMM contribution to mitigate for the remaining impacts on the heaths, Natural England advise that the Council could conclude no significant cumulative effects of the proposed residential development of land at Huntley Down on the protected Dorset Heaths.

Environment Agency

Consulted on the 13 September 2018, their comments dated 23 October 2018 are as follows:

The proposal falls outside of the Environment Agency's consultation checklist. As such, no objections have been raised by the EA.

Planning Obligations Manager - DCC

Consulted on the 13 September 2018, their comments dated 1 October 2018 are as follows:

No objections subject to education contributions being secured.

Dorset Education Authority - DCC

Consulted on the 13 September 2018, their comments dated 28 September 2018 are as follows:

No objections subject to securing financial contributions. In summary the development generates a total of 9 children across the First, Middle and Upper School phases and based on the DCC agreed methodology, a total of £140,170 will be sought by way of a site specific contribution.

Wessex Water

Consulted on the 13 September 2018, their comments dated 26 October 2018 are as follows: Wessex water previously commented:

No objection in principle, subject to conditions. In particular it was noted that Wessex Water will be seeking higher levels of design and construction in these areas to ensure that the proposed drainage is resilient to the pacts of groundwater infiltration when the water table rises. On site private sewers and sanitary appliances must be designed to be resilient to the impacts of sewer flooding due to high groundwater.

County Archaeological Office - DCC

Consulted on the 13 September 2018, their comments dated 2 October 2018 are as follows:

No objections.

Drainage (Flood Risk Management) - DCC

Consulted on the 13 September 2018, their comments dated 3 October 2018 are as follows:

No objections subject to conditions.

Principal Technical Officer NDDC

Consulted on the 13 September 2018, their comments dated 3 October 2018 are as follows:

No objection subject to conditions.

Conservation Officer South - NDDC

Consulted on the 13 September 2018, their comments dated 5 October 2018 are as follows:

No objections.

Housing Enabling Team

Consulted on the 13 September 2018, their comments dated 21 September 2018 are as follows:

No objections.

In particular, this application meets the policy requirement of 40% affordable housing on site in this location. There are currently 940 households on the North Dorset Housing Register, of these 13 have a local connection with Milborne St Andrew. Therefore the affordable housing on this site will help to meet an identified need.

The affordable homes are located around the site and designed to fit in with the market homes. The location of the affordable homes is an improvement on the previous application on this site and helps to ensure a sustainable and balanced community.

In summary the affordable housing on this site will assist in meeting local housing need.

Representations:

26 letters of representation were received, of which 2 offered comments which neither supported nor objected to the proposal, 22 objected to the proposal and 2 supported the proposal.

A number of representations have been received raising concerns or objections related to:

- Policy
- Design
- Density
- Effect on the Appearance of Area
- Height
- Impact on Access
- Noise/Disturbance
- Residential Amenity impact
- Impact on Light
- Overlooking/Loss of Privacy
- Not enough parking
- Traffic or Highways impact
- Road safety - junction at Milton Road
- Biodiversity/Loss of habitat for wildlife
- Layout generally including location of affordable homes

One letter in support has been received noting:

- Design
- Economic Benefits
- Effect on the Appearance of Area
- Local policy
- Layout generally including location of affordable homes
- restricted in agricultural use due to being surrounded by housing.

Relevant Planning History:

Application:	2/2017/1871/FUL
Proposal:	Erect 30 No. dwellings with garages, form vehicular access.
Decision:	Refuse
Decision Date:	25.07.2018

Planning Appraisal:

Having regard to the previous application and the reasons for refusal, the main issues of this case are considered to relate to:

- * Principle of development
- * Amenity
- * Layout and density
- * Character of the area
- * Impact on ecology
- * Highway safety and traffic generation
- * Affordable housing
- * Planning contributions

Principle of development

The Council cannot at present demonstrate a five year housing land supply. Therefore our Local Plan policies in relation to the supply of housing cannot be considered up to date. A 3.4 year housing land supply is considered to be a serious shortfall that needs to be addressed. Therefore, at this time the principle of development on this particular site could be acceptable if it were considered to be a sustainable location.

It will be for members to attribute the amount of weight given to policies in the planning balance exercise of each case. It is considered that the further away from a demonstrable five year housing land supply that more weight should be given to the benefits of delivering of houses in sustainable locations.

Milborne St Andrew is located off the A354 which is the main road through the village connecting it to Puddletown and Winterborne Whitchurch. There is a village hall, a shop, a public house, outdoor and recreational facilities to the south, and an infant school to the north of the road which is where the majority of the housing is location. It is therefore considered to be a sustainable location for some additional growth.

The proposed development site shares a boundary with the designated settlement boundary for Milborne St Andrew. By definition, the site is in the countryside but policies which limit countryside development are out-of-date. It is considered that this location has a more favourable relationship than isolated development in the countryside. This should be given weight in the overall planning balance.

The Neighbourhood Plan Group (NPG) has suggested that there is no housing shortfall in terms of five year housing land supply for 'Stalbridge and the villages' by disaggregating the housing supply requirement to isolate rural areas. However this is not a position Officers can support. As stated above, there is considered to be a serious shortfall in the Districts housing land supply.

The NPG also make reference to an appeal decision from Didcot in South Oxfordshire. However, the Inspector opines that "...the circumstances relating to Didcot are rather unusual..." Other than being a rural location within a District that has a housing shortfall the merits of the case do not appear to have a strong relationship to this application and Milborne St Andrew. It is therefore considered not to be relevant to the merits of this case.

Amenity

To address concerns previously raised about amenity, the layout and siting of the homes has been revised and now provides greater distance between existing and proposed homes. In particular, to the south east of the site, this has been amended to provide plots 4, 5 and 6 with more separation from those dwellings of Bladen View and Huntley Down.

Similarly, to the north of the site, the terrace of properties closest to existing properties on Coles Lane has been reduced to a terrace of three homes, to provide a more significant degree of separation to the closest properties (no 39 Coles Lane and 1 Coles Farm Cottages).

It is considered this proposal would not result in any seriously detrimental harm in terms of amenity.

Layout and density

The proposed development would have a density of 25 units/hectare. The existing development along Huntley Down has a density of 21 u/h, Coles Lane has a density of 27 u/h, and Bladen View a density of 20 u/h. In this context the proposal is considered to be in keeping the character of the area.

In respect of the layout and integration of affordable homes, there are now two fewer proposed as part of the development. The ten affordable homes are plots 4, 5, 10, 11, 16, 17, 18, 19, 20 and 21.

Their distribution within the site seeks to create a mixed community but has also been informed by the design process to ensure they are capable of being effectively managed and maintained by a Registered Provider and also to ensure that the smaller affordable homes are provided with a sufficient number of car parking spaces. It is for that latter reason that a cluster with associated parking area is provided to the north of the site.

It is considered that the affordable homes are located around the site and designed to fit in with the market homes. The location of the affordable homes is an improvement on the previous application on this site and helps to ensure a sustainable and balanced community.

Character of the area

The scheme again incorporates a positive sense of arrival with dwellings oriented to front onto the central junction and area of green space. The aspiration to reduce visible parking from the street scene would be realised through on-plot parking and parking courtyards. Opportunity for informal parking is restricted by the layout which would further assist ensuring that parking does not dominate the street scene. The positioning of dwellings at the head of key junctions aids the definition of space, further enhancing the design quality of the development.

The design of the individual buildings proposed is taken from the Dorset vernacular and this is welcomed. The layout and plot pattern is taken from the adjacent development on Huntley Down and thereby respects the character of the area and the allocated parking seems to relate well to respective dwellings.

Concerns had previously been raised in relation to the density of the scheme. In terms of character, this revised layout does not appear to be cramped in the context of Huntley Down and other neighbouring development which have no particular design or conservation designation. The mix of dwelling types and sizes is in large part a market decision.

Subject to a condition to agree materials the proposed development is considered to be acceptable in the context of this site.

Impact on ecology

With the previous application Natural England had no objections to the proposed development provided off-site contributions could be secured for heathland mitigation and Poole Harbour Nitrate mitigation. Their position has changed slightly due to the quantum of development being proposed at Milborne St Andrew and the potential cumulative impacts.

The applicant has worked with NE to find an acceptable solution to the impacts of this particular development. This would be to provide land to create a Heathland Infrastructure Project (HIP); at this time it is likely to be on land immediately adjacent to the proposed development site. This must be secured prior to occupation if the proposed development were to be approved. On this basis, and along with other mitigation as mentioned, NE would still have no objection to the proposal.

Additionally, a Biodiversity Mitigation Plan has been submitted and agreed with a certificate with Dorset County Council. This should be complied with and be a bespoke condition.

Highway safety and traffic generation

The application has been assessed by the Dorset County Council Highways authority.

The access to the site is proposed to be provided from an extension of Huntley Down with an estate road layout that fully embraces the principles suggested by Manual for Streets, providing a safe and attractive place for all road users. It is suitable for public adoption under Section 38 of the Highways Act and restricts vehicle speeds to 20mph or less. It is suitable for use by refuse vehicles and other large service HGVs.

Car parking has been provided in excess of the recommendations of the Bournemouth, Poole and Dorset Residential Car Parking Study with a total of 78 spaces provided. As such it meets policy in this regard. The Neighbourhood plan group raised concerns about numbers of parking spaces being insufficient however these are not required in terms of policy.

The transport statement has concluded that the junction of Huntley Down with Milton Road meets policy requirements in terms of the visibility splays. It further concludes that the trip generation analysis has complied with the recommendations of the TRICS Good Practice Guide 2013 and produced a robust daily trip generation for the proposed development and assessed that there are no critical locations on the local highway network with poor collision records. Therefore, subject to conditions the proposed development is considered to be acceptable in both traffic generation and safety terms.

Affordable housing

The development would provide 10 affordable housing units. This would be compliant with LPP1 which seeks 40 percent of the total number of dwellings. This should be considered as a significant benefit of this proposal. It would help to address local needs housing in the short-term. Because this is a full planning application with a developer on-board the delivery houses to the market can be expected to be quicker than if this were an outline application.

The 10 affordable homes are proposed to be 2 x 1 bed, 5 x 2 bed and 3 x 3 bed. This is also in accordance with the local housing need and complies with Policy 8. The higher levels of need are for smaller homes and the policy aims to provide a design and layout that creates a tenure blind development. The plans submitted show the affordable homes distributed around the site and designed to fit in with the market homes. On balance the proposed layout is considered to meet with policy and has the support of the Housing Enabling Team.

The mix of affordable housing is proposed to be 70% affordable rented with 30% intermediate housing ownership. This along with the number of homes to be provided with number of beds should be included in the section 106 agreement.

Planning contributions

Officers have been in discussion with the applicant and parish clerk on matters of off-site contributions should permission be granted.

The current lack of a five year housing land supply within the District does not alter the spatial characteristics which informed the approach to focusing development in the most sustainable locations or the need for enhanced facilities associated with major housing proposals. This proposed development site is outside of the four main towns of the District where our core spatial strategy aims to focus growth, and outside the settlement boundary for Milborne St Andrew.

The speculative nature of this application means that neither the District nor the local parish council has had sufficient time to fully consider the impact and needs of this development. As such, it would be unreasonable to expect there to be fully costed projects on which to direct these contributions. Nonetheless, Officers and the parish council are working toward solutions on which projects would meet the tests of planning contributions: necessary, directly related, and fair and proportionate. Any unspent contributions can be clawed back by the developer as set out in the terms of the legal agreement (normally we seek five years after the completion of the development as the earliest date for clawback).

Infrastructure should be provided within the parish, or within 3 miles of the application site (walking distance) in order to ensure that the infrastructure is related to the development proposed. The triggers for payments will need to be agreed as part of the S106 legal agreement. Normally we seek payment in two equal parts; the first part upon practical completion of the first dwelling, the second part before the occupation of the second half of the dwellings.

Agricultural land values are relatively low compared to urban development sites. Hence, viability should not be a particular issue in this case and the amounts listed above should not be open to negotiation other than were a developer can offer land which is a cost built into some of the figures.

In order to make development acceptable in planning terms, applications for major housing development such as this one are expected to maintain and enhance the level of grey, green & social infrastructure as set out in Policies 13, 14 and 15 of the LPP1.

The following planning contributions, to be secured by a Section 106 legal agreement, are being sought per dwelling unless otherwise specified. Through the ongoing negotiations, it may be appropriate to direct contributions relating to designation play, community facilities, and outdoor sports towards measures that improve the accessibility of existing facilities eg traffic calming in the centre of the village, or heathland mitigation. As such the project allocations that follow are indicative of where contributions are expected to be directed and amounts being sought:

Destination play facilities (NEAP, MUGA, etc)	£	967.52
Maintenance of destination play	£	359.36
Allotments	£	308.16
Formal outdoor sports	£	1,318.80
Maintenance of formal outdoor sports	£	128.73
On-site informal outdoor space	£	2,307.36
Maintenance of informal outdoor space	£	1,278.80
Community, Leisure & Indoor sport facilities	£	2,006.97
Rights of way enhancement	£	22.56
Natural environment - ecology, heathland, SANG, HIP -		
Poole Harbour nitrates	£	868.80
Dorset Heathlands	£	241.00
Education		
Primary and secondary (not for 1-bed or age protected)	£	6,094.00
Pre-school provision (not for 1-bed or age protected)	£	190.50
Highways and sustainable transport	£	TBC
Other items seeking contributions:		
* On-site play provision		
LEAP - LAP being proved	£	1,338.90
Maintenance (LEAP - LAP)	£	917.33

* On-site informal outdoor space is expected to be provided in the form of a local equipped area of play (LEAP) by the developer. The applicant for this particular scheme is proposing to provide a local area of play (LAP). It is Officer opinion that the difference between the two should be used toward other off-site provisions (S106) such as heathland mitigation (HIP), or other projects if these can be identified by the Council and meet the relevant tests for contributions. This is currently is the subject of negotiation and will be resolved by officers.

The above figures are based on the best available information including local best practice and regard has been given to national guidance & policy to ensure obligations remain proportionate to the scale of development and reasonable in all other regards.

If, for whatever reason, planning obligations cannot be agreed with the developer, then officers will report this application back to the Planning Manager or the Planning Committee as this could constitute a reason for refusal.

Other material planning issues

People with disabilities or mobility impairments, or pushing buggies, would be accommodated through the final highway design of corners and cross-overs. Individual houses could be adapted to provide special access as needed.

Planning balance

The purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to this: economic, social, and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. These roles should not be undertaken in isolation because they are mutually dependent.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance and a material consideration in determining applications.

This Council's Policies in the adopted Local Plan follow the approach of the presumption in favour of sustainable development. It has been noted above that this Council can only demonstrate 3.4 years of housing land supply as such the relevant policies for the supply of housing should not be considered up-to-date.

This invokes NPPF paragraph 11 which states, in part, that when policies most important for determining the application are out-of-date, the Council should granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

On the first point, this site is not part of a protected area or assets of particular importance which would provide a reason, clear or otherwise, for refusing the proposed development.

On the second point there has been no particular issue raised either with this site or the proposed residential development that would significantly and demonstrably outweigh the benefits boosting the local supply of housing for the District by delivering 10no. affordable housing dwellings and 15no. open market dwellings.

Conclusion:

Having regard to the District's shortfall in housing land supply and the sustainability merits of this particular proposal, planning permission should be granted subject to conditions and the signing of legal agreement which would secure the necessary off-site financial contributions that would make the proposed development acceptable in all of the regards.

Recommendation:

Delegate authority to the Planning Manager to grant planning permission subject to securing planning contributions through the signing of a S106 agreement and conditions listed in the report.

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 strictly and only in accordance with the following approved drawings and details:

- Location and block plan (17161.79)
- Proposed Site Plan (17161.22)
- Plots 01 and 02 Plans and Elevations (17161.80)
- Plot 03 Plans and Elevations (17161.81)
- Plots 04 and 05 Plans and Elevations (17161.82)
- Plot 06 Plans and Elevations (17161.83)
- Plot 07 Plans and Elevations (17161.84)
- Plot 08 Plans and Elevations (17161.85)
- Plot 09 Plans and Elevations (17161.86)
- Plots 10 and 11 Plans and Elevations (17161.87)
- Plot 12 Plans and Elevations (17161.88)
- Plot 13 Plans and Elevations (17161.89)
- Plot 14 Plans and Elevations (17161.90)
- Plot 15 Plans and Elevations (17161.91)
- Plot 16, 17, 18 Plans and Elevations (17161.92)
- Plot 19, 20, 21 Plans and Elevations (17161.93)
- Plots 22 and 23 Plans and Elevations (17161.94)
- Plot 24 Plans and Elevations (17161.95)
- Plot 25 Plans and Elevations (17161.96)
- Single and Double Garages Plans and Elevations (17161.78)

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

3. Prior to occupation of any dwelling hereby approved, the access, geometric highway layout, turning and parking areas shown on drawing number 17161.22 shall have been constructed. Thereafter these areas shall be maintained, kept free from obstruction and made available for the purposes specified.

Reason: In the interests of highway safety.

4. Prior to occupation of the dwellings hereby approved a scheme showing precise details of cycle parking facilities shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme must be constructed before first occupation of any dwelling hereby approved and thereafter maintained and kept free from obstruction, and made available for the purpose specified.

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

5. Prior to commencement of any works on site, a Construction Traffic Management Plan (CTMP) shall be submitted to and agreed in writing by the Local Planning Authority. Amongst other relevant matters, the CTMP shall include:

- o construction vehicle details (number, size, type and frequency of movement);
- o a programme of construction works and anticipated deliveries;
- o timings of deliveries so as to avoid, where possible, peak traffic periods;
- o contractors' site arrangement plan(s) (compound, storage, parking, turning, surfacing and drainage);
- o wheel cleaning facilities;
- o vehicle cleaning facilities;
- o a scheme of appropriate signing of vehicle route to the site;
- o a route plan for all contractors and suppliers to be advised on;
- o temporary traffic management measures where necessary;

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

Reason: In the interest of highway safety. In particular, to minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway.

6. No development shall take place until an Construction Environmental Management Plan (CEMP) based on the submitted Hydrogeological Risk Assessment and relevant to all phases of the construction of the proposed development, is submitted to and approved by the Local

Planning Authority. The statement shall outline the potential impacts from all construction activities on both groundwater and surface water and identify the appropriate mitigation measures which shall then be implemented to the satisfaction of the Local Planning Authority. It

shall include, but not be exclusive, to the following matters:

a. Satisfactory arrangements for grit traps, sumps, oil interceptors (and sampling chambers) to restrict contaminants entering the groundwater system. These will require a regular maintenance and cleansing regime.

b. storage and use of fuels and other chemicals on the site;

c. all plant and equipment shall be checked each day for signs of leakage of fuel or other fluids and any equipment found to be leaking shall be removed from the site immediately; and

d. design & management of on-site facilities including welfare units and vehicle washing etc, particularly in relation to disposal of waste water / effluent.

Reason: To minimise risk to groundwater and in the interest of public health

7. Prior to any development, details of maintenance and management of the foul and surface water sustainable drainage scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These details should include, an

implementation schedule, 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 increased risk of flooding.

8. 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.

9. Prior to any development, a detailed and finalised a sealed system of foul water drainage and surface water management scheme for the site during and post-development, based upon the hydrological and hydrogeological context of the development, shall be submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the submitted details before the development is completed. In particular, the scheme shall demonstrate the proposal poses either no risk to groundwater and the aquifer(s) feeding the abstraction boreholes, or that any risk can be successfully mitigated.

Reason: To prevent groundwater infiltration into the foul sewer network affecting service levels to public sewer systems and to prevent any increased risk of flooding.

10. Prior to occupation of any dwelling hereby approved, an arboricultural method statement shall be submitted to and agreed in writing by the Local Planning Authority. The statement shall include, amongst other relevant details, the following:

- details of any proposed tree works;
- installation of temporary ground protection and/or fencing;
- construction methodologies for installation of new hard surfacing within the RPA of retained trees; and
- an auditable/audited system of arboricultural site monitoring, including a schedule of specific site events requiring input or supervision.

Reason: in the interest of public amenity and ecology.

11. Prior to occupation of any dwelling hereby approved precise details of all tree, shrub and hedge planting (including positions and/or density, species and planting size) shall be submitted to and approved in writing by the Local Planning Authority. Planting shall be carried out before the end of the first available planting season following substantial completion of the development. In the five year period following the substantial completion of the development any trees that are removed without the written consent of the Local Planning Authority or which die or become (in the opinion of the Local Planning Authority) seriously diseased or damaged, shall be replaced as soon as reasonably practical and not later than the end of the first available planting season, with specimens of such size and species and in such positions as may be agreed with the Local Planning Authority. In the event of any disagreement the Local Planning Authority shall conclusively determine when the development has been completed, when site conditions permit, when planting shall be carried out and what specimens, size and species are appropriate for replacement purposes.

Reason: In the interests of public amenity and ecology.

12. The Biodiversity Mitigation Plan approved by the Dorset NET dated 2 November 2018 (from Clare Bird and Adrien Meurer (Hankinson Duckett Associates) dated 2 November 2018) shall be implemented in full

Reason: To mitigate the potential adverse effects of the development on the local ecology.

13. Notwithstanding the details on the approved plans, samples of facing and roofing materials to be used in the construction of the dwellings shall be submitted to and agreed in writing by the Local Planning Authority. The development hereby approved shall thereafter be completed in accordance with the agreed details.

Reason: In the interest of good design and to maintain the character of the area.

14. Prior to the occupation of any dwelling hereby approved, details of the proposed LAP (in the location shown on the Proposed Site Plan (17161.07 C)) shall be submitted to and approved in writing by the Local Planning Authority. Those details shall include, amongst other things, planting, layout, schedule of implementation, and future maintenance responsibilities.

Reason: In the interest of public amenity and ecology.

15. Prior to occupation of any dwelling hereby approved, a Heathland Mitigation Project (HIP) shall be secured and made available for the purposes set out in the letter from Natural England dated 13 December 2018 to a standard the details of which shall be agreed in writing by the Local Planning Authority adjacent to the site or in an agreed alternative suitable location within the Parish of Milborne St Andrew.

Reason: In the interest of wildlife habitat and ecology.

Human Rights:

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.

Public Sector Equalities Duty (PSED)

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.

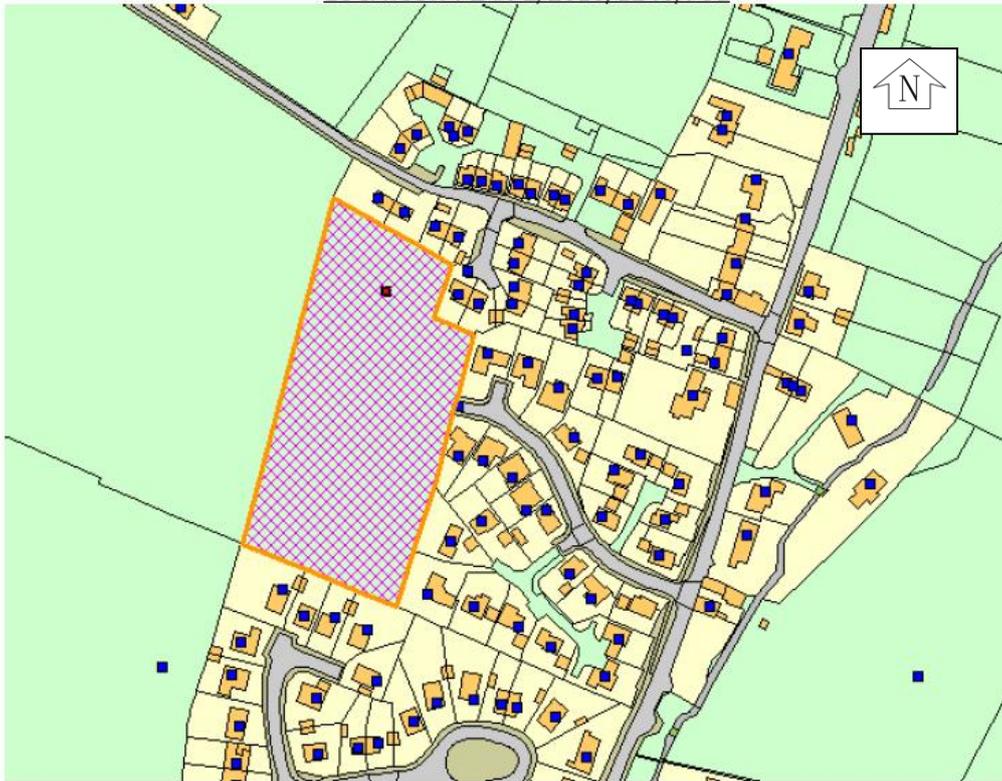
Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.

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.

DECISION:

LOCATION PLAN 2/2018/1240/FUL



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