



Northern Area Planning Committee

Date: Tuesday, 23 July 2019

Time: 2.00 pm

Venue: Stour Hall - The Exchange, Old Market Hill, Sturminster Newton, DT10 1FH

Membership: (Quorum 6)

Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Jon Andrews, Tim Cook, Les Fry, Matthew Hall, Carole Jones, Nocturin Lacey-Clarke, Robin Legg, Val Potheary, Belinda Ridout and David Taylor

Chief Executive: Matt Prosser, South Walks House, South Walks Road, Dorchester, Dorset DT1 1UZ (Sat Nav DT1 1EE)

For more information about this agenda please telephone Democratic Services on 01305 251010 or Kate Critchel on 01305 252234 / kcritchel@dorset.gov.uk



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A G E N D A

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1 APOLOGIES

To receive any apologies for absence

1 DECLARATIONS OF INTEREST

To receive any declarations of interest

1 MINUTES

5 - 14

To confirm the minutes of the meeting held on 18 June 2019

1 PUBLIC PARTICIPATION

There will be no opportunity for Members of the public to speak on a planning application unless proper notification is given to Democratic Services no later than two clear working days before the meeting in accordance with the [Guide to Public Speaking at Planning Committee](#).

1 PLANNING APPLICATIONS

To consider the applications listed below for planning permission

a 2/2018/1240/FUL - HUNTLEY DOWN, MILBORNE ST ANDREW

15 - 50

Erect 25 No. dwellings with garages, form vehicular access

a WD/D/19/001377 - THE ROMAN TOWN HOUSE, COUNTY HALL, COLLITON PARK, DORCHESTER (Planning Permission)

51 - 64

Carry out improvement works to Roman Town House complex to include seating, access, parking, circulation, new timber steps and paths, laying of hard surfaces and other landscaping works

a WD/D/19/001378 - THE ROMAN TOWN HOUSE, COUNTY HALL, COLLITON PARK, DORCHESTER (Listed Building Consent)

65 - 74

Carry out improvement works to Roman Town House complex to include seating, access, parking, circulation, new timber steps and paths, laying of hard surfaces and other landscaping works and relocation of Roman sarcophagus

a **WD/D/19/001187 - PIDDLEHINTON CAMP, CHURCH HILL, PIDDLEHINTON**

75 - 84

Installation of Six new pitches comprising 2 No. Double units and 2 No. Single units

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DORSET COUNCIL - NORTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 18 JUNE 2019

Present: Cllrs Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Jon Andrews, Tim Cook, Les Fry, Matthew Hall, Carole Jones, Nocturin Lacey-Clarke, Robin Legg, Val Potheary, Belinda Ridout, David Taylor

Apologies: None on this occasion.

Also present: Cllr David Walsh (Cabinet Member for Planning)

Officers present (for all or part of the meeting):

Hannah Smith (Planning Area Manager), James Lytton-Trevers (Senior Planning Officer), Anne Collins (Area Lead Major Projects), Ian Madgwick (Highways Engineer), Kerry Smyth (Definitive Map Technical Officer), Vanessa Penny (Definitive Map Team Manager), Carol McKay (Definitive Map Technical Officer), Philip Crowther (Senior Solicitor), Daniel Reynafarje (Democratic Services Officer)

9. **Declarations of Interest**

Cllr M Penfold declared a non-disclosable pecuniary interest in Minute No 14 due to being involved in several discussions on this development. She withdrew from the meeting during consideration of the item.

Cllr Penfold declared a non-disclosable pecuniary interest in Minute No 16 due to being previously involved in matters relating to the application. She withdrew from the meeting during consideration of the item.

Cllr J Andrews declared a non-disclosable pecuniary interest in Minute No 14 due to previous predeterminations made on the development. He stated that he would be speaking on the application but would not take part in debate and voting thereon.

Cllr N Lacey-Clarke declared that as he did not attend the site visit in regards to Minute No 14, he would not take part in debate and voting thereon.

Cllr M Hall declared that in regards to Minute No 14, the proposal was deemed to be a new planning application and different to the one considered at Sherborne Town Council, and therefore he did not have a predetermination and would remain present.

10. **Election of Vice-Chairman**

It was proposed by the Chairman that Cllr V Potheary be elected as Vice-Chairman for Minute Nos 14 & 16. This was seconded and agreed.

11. **Minutes**

The minutes of the meeting held on 28 May 2019 were confirmed and signed.

12. **Public Participation**

Representations by the public to the Committee on individual planning applications are detailed below. There were no questions, petitions or deputations received on other items on this occasion.

13. **Planning Applications**

Members considered written reports submitted on planning applications as set out below.

14. WWD/D/18/002619 - Land South of the Paddock Garden, Old Market Place, Sherborne

The Planning Officer presented the report showing Members all the relevant plans and drawings. Members were informed that CPRE withdrew their objection. Members were also informed of an additional comment from Sherborne Town Council on the revised plans, a letter of support from Artlink, and an objection from Trees for Dorset.

The Planning Officer explained that the site was in a sustainable location in the centre of Sherborne. In view of this, the loss of 15 parking spaces was considered to be acceptable having regard to the level of parking that would still be available within the town.

The Officer highlighted that one of the key planning considerations was the impact of the proposal on the setting of the Grade I listed Sherborne House and on the designated Conservation Area. The impact on the designated heritage assets was considered to be neutral. The design of the arts centre had been modified to address the concerns of Historic England.

The Officer explained that there were significant public benefits to weigh in the planning balance, to the town and to the wider area.

Public Participation

Oral representation was received from Mr P Neal (Sherborne and District Society CPRE President) stating that following discussions with the applicant and Heritage England, and the improvements made to the design, the CPRE withdrew their objection.

Oral representation was received from Cllr J Andrews (Local Ward Member) raising concerns with the loss of parking spaces and disruption from the construction of the site.

Oral representations in support of the application were received from Ms J Wood (Sherborne Chamber of Commerce), Ms V Jardine (Local Resident), Mr A Strachan-Stephens (Local Resident), Mr J Halsby (Sherborne Arts Society), Sir R Fry (Chairman of Sherborne Arts Trust) and Ms E Morris (The Paddock Project). The benefits of the proposal were highlighted including the economic benefits to the town centre from attracting visitors and providing further employment, the social benefits of creating a hub for the town, the cultural benefits raising the profile of Sherborne with famous and important artwork, and the learning benefits providing year-round programs of activities for all ages.

Debate

Members raised concern with the maintenance of the green roofs as these lessened the impact to Sherborne House. Officers stated that a condition could be added for a submission of details for ongoing maintenance of the green roofs for the lifetime of the building.

A Member also raised concern over the preservation of the monkey puzzle tree in Paddock Garden. Officers stated that Condition 4 could be amended to include protection of the tree specifically.

Decision

It was proposed by Cllr C Jones, seconded by Cllr M Hall and agreed that the application be:-

GRANTED as set out in the appendix to these minutes.

15. WD/D/19/000794 - Poundbury Phases 3 and 4, Poundbury

The Planning Officer presented the report showing Members all the relevant plans and drawings. Members were informed that Paragraph 14.2.6 of the report referred to the trigger for the provision of the combined NEAP and LEAP at The Great Field. The applicant had advised that they proposed to have the play equipment in place for spring 2020, which tied in with the planting that the applicant was proposing at The Great Field over the winter months and to that end proposed a trigger of prior to the occupation of the 550th dwelling in phases 3 and 4. This was for Member's information and did not change or alter the recommendation to committee. Members were also informed of a further late consultation received.

Debate

Following questions by Members, it was proposed and seconded as set out in the officer recommendation.

A counter proposal was made by Cllr Cook and seconded by Cllr Taylor to remove the third point from the recommendation on the grounds that a second LEAP should still be required.

Officers stated that removing that recommendation would require lowering the pieces of play equipment and area of the LEAP as set out in the second point of the recommendation.

Following further clarification and debate, the counter proposal was withdrawn.

Decision

It was proposed by Cllr Lacey-Clarke, seconded by Cllr Taylor and agreed in accordance with the officer recommendation that:-

Delegated authority be GRANTED to the nominated officer to modify the S106 agreement dated 20th December 2011 to:

- **Omit provision of a ball wall and 300 seat community hall.**
- **Provide one NEAP and one LEAP in a combined area on the Great Field with at least 18 pieces of play equipment and an area of 1800 sq m**
- **Omit requirement for a second LEAP in phases 3 and 4 of the development.**

16. **Application to divert Footpaths 9 (part), 22 & Bridleways 7 (part), 8 & 23, Piddlehinton and Bridleway 32 (part), Puddletown at Muston Farm**

The Definitive Map Technical Officer presented the report showing Members all the relevant plans and drawings.

Public Participation

Oral representation in support of the application was received from Mr S Rice (Agent for Applicant) highlighting the process leading to the proposals and the benefits of the changes to the area.

Decision

It was proposed by Cllr Andrews, seconded by Cllr Cook and agreed in accordance with the officer recommendation:-

RESOLVED that:-

- a) **The application to divert Footpaths 9 (part), 22 & Bridleways 7 (part), 8 & 23 Piddlehinton and Bridleway 32 (part), Puddletown at Muston Farm be accepted and an order made;**
- b) **The Order include provisions to modify the definitive map and statement to record the changes made as a consequence of the diversions; and**
- c) **If the Order is unopposed, or if any objections to the Order are of a similar nature to those already considered by the Committee, it be confirmed by the Council without further reference to the Committee.**

Duration of meeting: 2.00 - 4.10 pm

Chairman

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APPLICATION NO: WD/D/18/002619
LAND SOUTH OF THE PADDOCK GARDEN, OLD MARKET PLACE, SHERBORNE
SCHEDULE OF CONDITIONS

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

Location and Site Plan - Existing - Drawing Number 15065 L 01.00 received on 08/11/2018
Site Clearance Plan - Drawing Number 15065 L91.01 received on 08/11/2018
Tree Constraint Plan - Drawing Number 04677 TCP REV A received on 08/11/2018
Landscape Masterplan - Drawing Number 15065 L93.01 P3 received on 06/06/2019
Upper Ground Floor Plan - Drawing Number 15065 L 020.01 P3 received on 06/06/2019
Lower Ground Floor Plan - Drawing Number 15065 L 02.00 P3 received on 06/06/2019
Proposed North and South Elevations - Drawing Number 15065 L 04.00 P3 received on 06/06/2019
Proposed East and West Elevations - Drawing Number 15065 L 04.01 P3 received on 06/06/2019
Context Site Sections - Drawing Number 19.05.09 received on 06/06/2019
Site Perspectives received on 06/06/2019
Proposed Sections AA and BB - Drawing Number 15065 L 03.01P2 received on 14/06/2019
Proposed Sections CC and DD - Drawing Number 15065 L 03.02P2 received on 14/06/2019

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

2. 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).

3. No development above damp proof course shall commence until details and samples of all external walling and roofing materials to be used in the construction of the building hereby approved have been submitted to, and approved in writing by, the local planning authority. Thereafter the development shall be completed in accordance with the materials that have been approved or such other materials as shall first have been submitted to, and approved in writing by, the local planning authority.

REASON: To safeguard the character of the area.

4. The existing chestnut tree shown on the approved plan to be retained and the monkey puzzle tree in Paddock Garden, shall be fully safeguarded during the course of site works and building operations. No works shall commence for the digging of foundations on site until all trees to be protected on and immediately adjoining the site shall be protected from damage for the duration of works on the site to the satisfaction (to be confirmed in writing) of the Local Planning Authority in accordance with BS 5837:2005 (Trees in relation to construction - recommendations) 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 safeguard the trees on the site which are shown to be retained.

5. The development hereby approved shall be undertaken in accordance with the recommendations of the BIODIVERSITY MITIGATION & ENHANCEMENT PLAN dated 20/02/2019 submitted in support of the planning application.

REASON: To safeguard protected species on the site.

6. Before the development is brought into use a hard and soft landscaping scheme shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall include: (i) planting plans; (ii) written specifications and schedules of proposed plants noting species, planting sizes, proposed numbers/densities and - where appropriate - implementation timetables; (iii) a schedule of landscape maintenance proposals for a period of not less than five years from the date of completion of the scheme; (iv) full details of any level changes; and (v) full details of the positions, materials and proposed construction methods for all paths and other hard surfaces. Thereafter, unless otherwise approved in writing by the local planning authority, the approved landscaping scheme shall be implemented in the planting season November – March immediately following the commencement of development.

REASON: To safeguard the character of the area.

7. Any external lighting shall be installed and maintained in accordance with the lighting statement dated 17/10/2018.

REASON: To safeguard the amenity of the area.

8. The development shall not be occupied until further details clarifying

precisely how the proposed raising in height of the boundary walls is to be implemented have been submitted to, and approved in writing by, the local planning authority. Thereafter, use of the building hereby approved shall not commence until the height of the boundary walls has been raised in accordance with such details as has been agreed.

REASON: In the interests of safeguarding the amenity of adjoining residents and setting of listed buildings.

9. Prior to the occupation of the development, information regarding the operating noise levels of specific equipment to be installed shall be submitted to the planning authority, along with the calculated effect upon nearby properties. Suitable mitigation should be included should the parameters within the noise report be exceeded to prevent loss of amenity. The installations shall be agreed in writing by the planning authority. If operation is to cease for example during night time periods a suitable timer to control the hours of operation shall be installed to prevent human error i.e. to prevent unwarranted operation.

REASON: To safeguard amenity.

10. Prior to the occupation of the development, the building operator shall submit a site-specific written odour risk assessment surrounding the emissions of odour or particulates from the proposed development. This shall include the nature of the suitable mitigation to be installed for the control of odour from the kitchen area. This shall be agreed in writing by the planning authority.

REASON: To safeguard amenity.

11. No development above damp proof course shall take place until 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 surface water scheme shall be fully implemented in accordance with the submitted details before the development is completed.

REASON: To prevent the increased risk of flooding & associated nuisance, to improve and protect water quality, and to improve habitat and amenity.

12. No development above damp proof course shall take place until details of maintenance & management of both the surface water sustainable drainage scheme and adjacent receiving system have been 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 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.

13. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175.

Should any contamination be found requiring remediation, a remediation scheme shall be submitted to and approved by the Local Planning Authority. The approved remediation scheme shall be carried out to a timescale to be first agreed with the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted which is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure risks from contamination are minimised.

14. All on-site working, including deliveries to and from the site, associated with the implementation of this planning permission shall only be carried out between the hours of 8 a.m. and 6 p.m. Monday - Friday, 8 a.m. and 1 p.m. Saturday and not at all on Sunday, Public and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

REASON: To safeguard amenity.

15. Before the development hereby approved is utilised, an enhanced Travel Plan must be submitted to and approved in writing by the Planning Authority. The Travel Plan, as submitted, will include:

- Targets for sustainable travel arrangements.
- Effective measures for the on-going monitoring of the Travel Plan.
- A commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development.
- Effective mechanisms to achieve the objectives of the Travel Plan by the occupiers of the development
- The direction of coaches to the appropriate parking facilities
- Specific delivery instructions so as to avoid peak traffic periods

The development must be implemented only in accordance with the approved Travel Plan.

REASON: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding area.

16. Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Local Planning Authority. The CTMP must include:

- construction vehicle details (number, size, type and frequency of movement)
- a programme of construction works and anticipated deliveries

- timings of deliveries so as to avoid peak traffic periods
- a framework for managing abnormal loads
- contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- wheel cleaning facilities
- vehicle cleaning facilities
- Inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
- a scheme of appropriate signing of vehicle route to the site
- a route plan for all contractors and suppliers to be advised on
- temporary traffic management measures where necessary

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

REASON: 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.

17. Prior to the instillation of either of the green roofs, a specification of the construction, planting and ongoing maintenance of each green roof shall be submitted to the local planning authority for approval in writing. The specification shall be carried out in full prior to the first use of the building and thereafter the green roofs shall be retained and maintained in accordance with the agreed details.

REASON: To ensure that the setting of Sherborne House is adequately safeguarded through the retention of the green roofs.

NOTES TO APPLICANT

1. National Planning Policy Framework Statement

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

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

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
- The applicant was provided with pre-application advice.

2. DRAINAGE

Detailed proposals and finalised supporting calculations will need to be supplied and approved in respect of subsequent submissions and discharge of the conditions requested in respect of the surface water management.

Any detailed design supplied with regard to the above conditions must demonstrate that best practice are fully complied with, and critically, that no off-site worsening will result. To this end the previously requested clarification of the receiving system and downstream structures will be required in support and substantiation of the detailed design.

Further application(s) should be submitted to this Council where the above condition(s) require the written approval of the local planning authority. All such applications must be made in writing and must be accompanied by the relevant fee. To apply please visit www.planningportal.co.uk.

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1.0 Application Number: 2/2018/1240

Site address: Huntley Down, Milborne St Andrew, DT11 0LN

Proposal: Erect 25 no. dwellings with garages, form vehicular access.

Applicant: Lewis Wyatt (Constructions) Ltd.

Case Officer: Robert Lennis

Ward Member(s): Emma Parker

2.0 Summary of Recommendation:

2.1 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.

2.2 See previous committee report from 8th January 2019; appendix 1.

3.0 Reason for reconsideration and the recommendation:

3.1 The planning committee of (the former) North Dorset District Council on 8th January 2019 issued the following decision on this application:

“To 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.”

The S106 legal agreement to secure offsite contributions has recently been completed and is ready to be signed. However, with the passage of time there have been some changes to the National Planning Policy Framework (February 2019) and the Milborne St Andrew Neighbourhood Plan (MSANP) has progressed through examination.

Recently, at the Dorset Council Cabinet meeting of 25th June 2019, a Decision of Notice of Referendum for the Neighbourhood Plan was made for the 8th August 2019. Because of this, national planning guidance would suggest that more weight should be given to the MSANP. As the decision notice for this application had not been issued, it was considered prudent to refer the matter back to Planning Committee to update members on these changes which affect the ‘planning balancing exercise’ which was undertaken back in January.

3.2 This Council can only demonstrate 3.3 years of housing land supply, in relation to area that was North Dorset District Council. Therefore, the relevant policies for the supply of housing should not be considered up-to-date and there are no

specific policies in the National Planning Policy Framework that would indicate otherwise.

The location of the proposed development is considered to be sustainable adjoining one of our larger villages. The proposal has addressed the Council's concerns leading to the refusal of an earlier application for 30no. dwellings and is considered to be acceptable in terms of design and general visual impact and there would not be any significant harm to neighbouring residential amenity.

When this application was delegated for approval in January 2019, the emerging Milborne St. Andrew Neighbourhood Plan (MSANP) had not been consulted on by the District Council and therefore was given limited weight in the planning balance. The MSANP has now been through an examination by the Planning Inspectorate. The weight that should be given to these policies has therefore increased from limited weight to moderate weight.

In the context of this particular site and the absence of five year housing land supply, the additional weight that can be afforded to the emerging MSANP would not outweigh the benefits of delivering new homes now.

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	Accepted; having regard to the sustainability of the location and lack of a five year housing land supply.
Amenity	No significant harm; amended layout and design has addressed previous issues raised.
Layout and density	Acceptable; amended layout and proposal has reduced the number of proposed dwellings from 30 to 25.
Character and design	Acceptable; there is a mix of housing types and styles in the area. The proposed appearance and layout would respond to and reinforce the character of Huntley Down.
Impact on ecology	Addressed by way of condition to provide a Heathland Infrastructure Project (HIP) prior to occupation.
Highway safety and traffic generation	No objections raised by the Highway Authority.
Affordable housing	Acceptable; ten affordable dwellings would be delivered with this development.
Planning Contributions	The legal agreement is now completed

	and ready to be signed. The amount is acceptable and meets the legal tests required of planning contributions. The provision of a HIP and local area of play will be secured by conditions.
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5.0 Description of Site – see previous report/appendix 1

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.

6.0 Relevant Planning History

6.1 As mentioned above, this application (2/2018/1240/FUL) for 25no. dwellings was considered by the NDDC Planning Committee 8th January 2019. Their decision was to 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.

6.2 Application: 2/2017/1871/FUL
Proposal: erect 30no. dwellings with garages, form vehicular access.
Decision: refuse for the following reasons:
Dated: 25.07.2018

- 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).

6.3 Application: 2/2019/0843/FUL
Proposal: Change of use of agricultural land to an informal public open space as a Heathland Infrastructure Project (HIP)
Decision date: pending
Decision: pending

7.0 **List of Constraints** – see previous report/appendix 1

8.0 **Consultations** – see previous report/appendix 1

9.0 **Representations received** – see previous report/appendix 1

9.0 **Relevant Policies** – in addition to previous report/appendix 1

9.1 *Milborne St Andrew Neighbourhood Plan (2018-2033)*

- Policy MSA1. Meeting Local Needs – Amount and Location of New Development
- Policy MSA2. Meeting Housing Needs – Dwelling Types
- Policy MSA4. Supporting Community Facilities
- Policy MSA6. Settlement Boundary
- Policy MSA7. Creating safer roads and pedestrian routes
- Policy MSA8. Parking provision
- Policy MSA9. Reinforcing Local Landscape Character
- Policy MSA10. Protecting Local Wildlife
- Policy MSA12. Improving Recreation Opportunities, and having regard to European and internationally protected sites

- Policy MSA14. Character and Design Guidance

Other material considerations:

- National Planning Policy Guidance, paragraph: 007 Reference ID: 41-007-20190509, Decision-taking 'What weight can be attached to an emerging neighbourhood plan when determining planning applications?'

This states "... the community has the final say on whether the neighbourhood plan comes into force as part of the development plan. Where the local planning authority publishes notice of a referendum, the emerging neighbourhood plan should be given more weight, while also taking account of the extent of unresolved objections to the plan and its degree of consistency with NPPF..."

10.0 Human rights (standard text)

Article 1 – Protection of property

Article 6 - Right to a fair trial.

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

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

11.0 Public Sector Equalities Duty (standard text)

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. Access arrangements in particular have been given attention in the design.

12.0 Financial benefits

- Affordable housing; 10no. dwellings.
- Heathland Infrastructure Project (informal open space); 1.24 hectares

	Item	Cost/home	Cost for Development
1	Destination play facilities (NEAP, MUGA, etc)*	£967.52	£24,188.00
2	Maintenance of destination play	£359.36	£8,984.00
3	Allotments*	£288.00	£7,200.00
4	Formal outdoor sports*	£936.40	£23,410.00
5	Maintenance of formal outdoor sports	£128.73	£3,218.25
8	Community, Leisure & Indoor sport facilities*	£2,006.97	£50,174.25
9	Rights of way enhancement	£22.56	£564.00
10	Poole Harbour nitrates [addressed through HIP project or contribution]	£868.80	£21,720.00
11	Dorset Heathlands	£241.00	£6,025.00
12	Primary and secondary (not for 1-bed)	£6,094.00	£140,162.00
	TOTAL [including nitrates contribution]		£285,645.50

It is worth noting that applicant has worked with Officer's to find flexible solutions to allow contributions for some highways matters which the Local Highway Authority see as unnecessary to make the development acceptable in planning terms. As such, some of the definitions in the legal agreement have been drafted to allow money to go towards the 'facilitation of access' from the development to off-site destinations.

13.0 Planning Assessment

A planning appraisal was undertaken in the previous committee report and presented to the Planning Committee on 8th January 2019. This assessment will set out the relevant policy changes and reassess the planning balance.

The new policies issues to consider relate to:

- Revised NPPF (February 2019);
- MSANP and the Examiner's findings;

13.1 *National Planning Policy Framework (February 2019)*

The following three changes were made to the Framework that was published on 19 February, compared to the (July 2018) version at the time of the Planning Committee's resolution in January.

1. Paragraph 177 was amended to clarify that the 'presumption in favour of sustainable development' (paragraph 11) applies where an Appropriate Assessment concludes that a plan or project will not adversely affect the integrity of the habitats site.

2. Clarifications provided to footnote 37 and the glossary definition of local housing need.

3. A revised definition of 'deliverable' was provided in the Annex 2: Glossary of the NPPF.

13.2 With regard to paragraph 177, the Council had undertaken an Appropriate Assessment to consider the (cumulative) effect of the development on protected Dorset Heathland sites.

The previous Committee report stated:

“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.”

This mitigation would be secured by condition (see condition 15). Following the completion of the S106 the applicant submitted their planning application for the delivery of this HIP (publically-accessible informal open space) and is pending a decision.

These changes to the NPPF should not affect the planning balance or previous decision.

13.3 With regard to footnote 37, relates to local housing need and where the strategic policies are more than five years old. This is not relevant to the merits of this case at this time.

13.4 With regard to the revised definition of 'deliverable', the NPPF now sets out the following definition:

- *Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*

- a) *sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans.*
- b) *where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.*

This is important in the context of paragraphs 11 and 14 of the NPPF and the how we apply the 'presumption in favour of sustainable development'.

With regard to paragraph 11(c), we should be "*...approving development proposals that accord with an up-to-date development plan without delay...*" If the Council does not have a demonstrable 5 year housing land supply our development plan is not up-to-date.

The actual published figure in the Annual Monitoring Report 2018 (AMR) for North Dorset is slightly lower 3.3 yrs HLS than reported previously. This covers the period from 1 April 2017 to 31 March 2018, and for the 2017 AMR it was 3.4 years.

To meet the form District's housing needs the objective is to deliver more housing, including more affordable housing that better meets the diverse needs of the area. For North Dorset the housing target in the adopted Local Plan Part 1 is for 285 dwellings per annum. However, only in the first year (2011) of the adopted local plan was the Council able state net completions met this target. This can be call persistent under delivery. Therefore we do not have an up-to-date development plan.

Furthermore, these changes to the NPPF's definition of 'deliverable' will affect how we calculation our housing land supply. The Council expects to publish its next AMR for North Dorset later this year in December as per normal. Members should note that the revised definition of 'deliverable' is significant and is as generally seen as more onerous. In particular, sites should '*only be considered deliverable where there is clear evidence that housing completions will begin on site within five years*', including those with outline planning permission of which there are a quite a few in our calculations. In this light the applicant has submitted evidence to suggest that North Dorset's housing land supply is between 2.03 and 2.69 years but this has not be accepted by the Council.

With regard to paragraph 14 which relates to how neighbourhood plans should be viewed when the presumption of sustainable development is triggered, the NPPF remains unchanged as set out in the previous report. This 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."

We can only apply moderate weight to the MSANP as it has not been to referendum therefore criteria (a) needs to be considered in this context. Criteria (b) is addressed below. Criteria (c) was considered above. With regard to criteria (d), the Council has delivered rate of approximately 61% of the required housing over the previous three years (2015/16, 2016/17, 2017/18).

13.5 *Milborne St Andrew Neighbourhood Plan*

Limited weight was given to the policies of the MSANP in the planning balance in January. It is considered moderate weight should be given the Policies of the MSANP in light of the Examiner's Report and the fact that a referendum date has been set and its degree of consistency with NPPF. The Examiner's recommendations were all accepted and I am not aware of any unresolved objections to the plan. In the The outcome of the referendum will dictate how much weight can be ascribed to the emerging Neighbourhood Plan.

The Examiner's Report for the Neighbourhood Plan (dated 13 May 2019) has been received by the Council. The reporting of this to Dorset Council's Cabinet on 25th June included the following recommendations:

a) members agree that the Milborne St Andrew Neighbourhood Plan 2018 to 2033, as modified (please see Appendix B), can proceed to referendum; and

b) a recommendation to 'make' the Milborne St Andrew Neighbourhood Plan 2018 to 2033 be made to the next Cabinet meeting after the referendum if the result of the referendum is in support of making the plan and there are no other issues identified that would go against such a decision.

The Examiner's Report found that the Neighbourhood Plan meets the 'basic conditions' and provides recommendations for further modifications/ revisions. However, importantly, the Neighbourhood Plan does not preclude additional (unallocated) sites within the Plan area being approved.

With regard to the MSANP's approach to determining housing need, the Examiner noted that *"...it also remains the case that any planning application for development of land not allocated in the MSANP would need to be assessed on its merits, and in the light not just of the development plan, but all other material planning considerations – such as the latest information about the supply of, and need for, housing land, and the broad presumption in favour of sustainable development;*

I also take note of the fact that Policy MSA1 specifically allows for the possibility (in certain carefully-prescribed circumstances) of unallocated greenfield sites outside the settlement boundary being released for housing, thus providing further flexibility should the need for it be demonstrated."

It is considered that flexibility should be exercised with regard to this proposal having regard to its merits and the demonstrable need for housing in North Dorset.

On its merits the location of the proposed development is a logical extension to Huntley Down and would not project into the countryside relative to the existing pattern of development. Local services are easily accessible from this site. The design and layout are good. The scale of development proposed is modest in relation to the size of Milborne St. Andrew, representing an increase of approximately 5% in the number of homes. Cumulatively speaking, and taking account of the MSANP's additional housing requirement of 54no. dwellings, this would amount to approximately 15% housing growth for MSA.

Policy MSA1. Meeting Local Needs – Amount and Location of New Development is most relevant to the concerns being raised by the parish council. This states:

"Sufficient sites are allocated in the Neighbourhood Plan, which together with other limited infill and rural conversion, should more than meet the projected housing need of about 2.8 dwellings per annum over the plan period (2018 – 2033).

The release of unallocated greenfield sites outside the settlement boundary for open market housing should be resisted unless it can be demonstrated that there is a local need for additional housing that will not otherwise be met, or substantial community benefits to justify their release, and that the site's development would align with all of the following objectives (as detailed in Figure 2):

- *Support a working, active village*
- *Promote a walkable village*
- *Retain important green spaces*
- *Strengthen the village form and character*
- *Create attractive places to live*
- *Minimise flood risk*
- *Minimise the risk of traffic problems*

Any net new residential development will need to avoid giving rise to any adverse impacts on the integrity of a European site. This can be achieved by adhering to the Dorset Heathlands Planning Framework SPD and Nitrogen Reduction in Poole Harbour SPD.”

The preamble to this Policy recognises that “...if there were substantial benefits over and above the standard requirements for affordable housing, recreation and infrastructure contributions, further development could be favourably considered...”

There are benefits to be gained with this application. A new informal open space is substantial and would be delivered before the homes are occupied. Affordable housing and financial contributions have been listed above. It is considered that this would accord with the emerging Neighbourhood Plan. Furthermore, the proposed development aligns with the objectives identified in Policy MSA1, as follows:

- *“Support a working, active village”*: The delivery of additional homes with a mix of new homes (in terms of size, types and tenure) would support a working and active village and help to sustain and enhance existing services and facilities.
- *“Promote a walkable village”*: The site is well-related to the village centre, and the legal agreement has flexibility to improve walkways.
- *“Retain important green spaces”*: The site is not identified as an ‘important green space’. With the inclusion of new publically-accessible open spaces (HIP adjacent), the development provides the opportunity for enhanced public enjoyment of green spaces.
- *“Strengthen the village form and character”*: The site is well-related to the existing character and form of the village. The development has been carefully considered to reflect the character and appearance of the village. The layout and appearance of the proposed homes is fitting.

- *“Create attractive places to live”*: As above, the development has been conceived to provide an attractive living environment for future residents.
- *“Minimise flood risk”*: The site is not at risk of flooding and the drainage strategy has been accepted by the LLFA.
- *“Minimise the risk of traffic problems”*: There are no highway objections to the development and no requirements identified for off-site highways works.

With regard to the other MSANP policies listed above, it is considered that the proposed development with financial contributions would adequately address these.

13.6 *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.

The emerging MSANP is also a material consideration. MSANP, which has allocated land for housing growth, has been through examination and will go to referendum in August of this year. Therefore, moderate weight can be given to these policies.

This Council’s Policies in the adopted Local Plan Part 1 follow the approach of the presumption in favour of sustainable development. It has been noted above that this Council can only demonstrate 3.3 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.

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.

This application has addressed the concerns and objections raised by the Council regarding development of this site for housing.

It is considered that the sustainable aspects and benefits of this proposed development outweigh the conflicts with the MSANP.

14.0 Conclusion

There were three notable changes to the NPPF (February 2019). These would have no impact on the previous recommendation to approve this development. It has been noted that the changes to the definition of deliverability may have a negative impact on the Council's ability to demonstrate a five year housing land supply but this won't be known until December of this year at the earliest.

Notice of referendum has been given for the MSANP, therefore moderate weight can be attributed to the development policies therein. There is flexibility to the delivery of housing in the NP. This proposed development would deliver benefits which accord with the NP beyond the conflict of it not being an allocated site in the NP.

Having regard to the District's shortfall in housing land supply and the sustainability merits of this particular proposal, the moderate weight to be applied to the MSANP would not change the recommendation to grant planning permission 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.

15.0 RECOMMENDATION

- A) 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.

16.0 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:

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

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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:

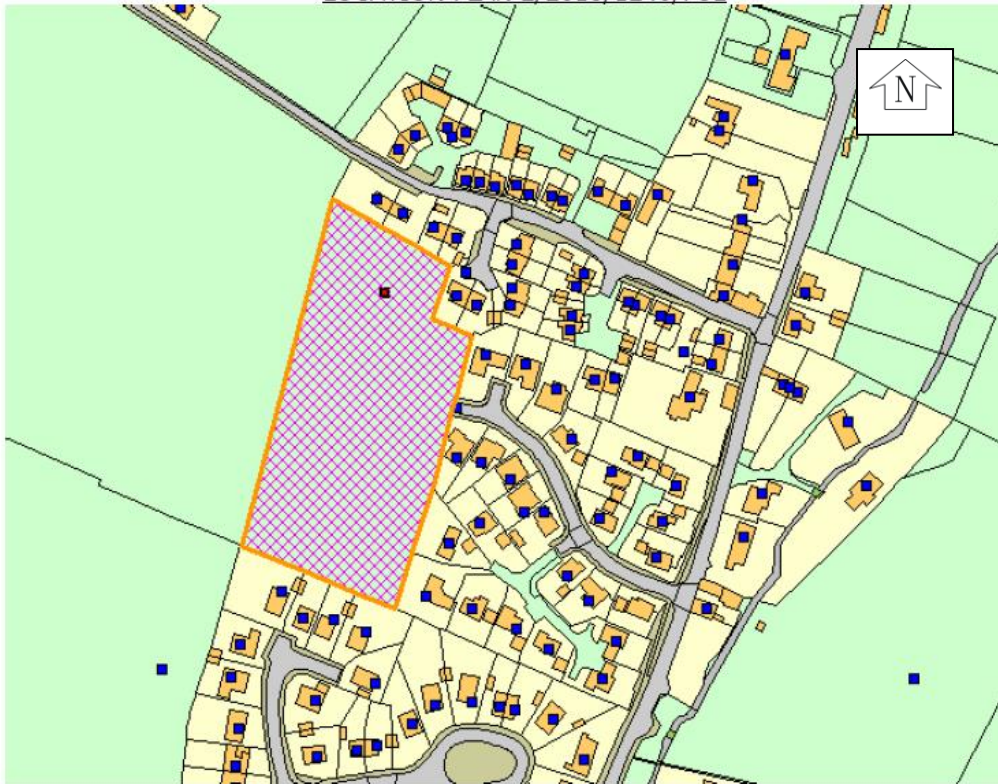
Removing or minimising disadvantages suffered by people due to their protected characteristics.

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:



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1.0 APPLICATION NUMBER:

WD/D/19/001377 FUL

SITE ADDRESS: THE ROMAN TOWN HOUSE, COUNTY HALL, COLLITON PARK, DORCHESTER, DT1 1XJ

PROPOSAL: Carry out improvement works to Roman Town House complex to include seating, access, parking, circulation, new timber steps and paths, laying of hard surfaces and other landscaping works

APPLICANT: Dorset Council

CASE OFFICER: Cass Worman

WARD MEMBERS: Cllr Andy Canning; Cllr Les Fry

2.0 Summary of Recommendation: Approve with conditions

3.0 Reason for the Recommendation:

The scheme encompassing proposals for landscape enhancement, improving visitor access, site interpretation and displays, provision of seating, and repair work to the Town House and surrounds

Historic England is supportive of the proposals which in their view would enhance the conservation and heritage interest of the Roman Town House scheduled monument, and benefit both the Town House and the Roman Walls monument and Dorchester as a whole

The scheme will have considerable public benefits, both through the improved conservation management of the site, and the improved public access and interpretation.

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	Dorchester's Roman Town House is an exemplary and unique archaeological site of considerable importance. The site's location behind County Hall and the convoluted and poorly sign-posted route to discover it often sends visitors through the car park which people feel significantly impacts on the enjoyment of the site.
Impact on heritage assets	The proposals would enhance the conservation and heritage interest of the Roman Town House scheduled monument, and benefit both the Town House and the Roman Walls monument and Dorchester as a whole.

Economic benefits	The site is an underappreciated 'hidden gem'; the scheme would improve access to, and interpretation of the site and enhance its context in the historic town of Dorchester. It would result in an improved and enhanced visitor attraction
Access and Parking	The scheme improves access to and circulation around the site, new parking closer to the site is provided.
Biodiversity & Trees	The bank of conifers are to be removed which will open the views into the site and help reinstate the original context of the Town House inside the setting of the north west corner of the Roman town's walls. New planting and biodiversity enhancement measures are proposed.

5.0 Description of Site:

5.1 Historically the Town House is located just inside the north western defences of the Roman town of Durnovaria. During the first half of the 18th century, Dorchester's Roman defences were converted into boulevards known as The Walks, with a path running along the top of the inner bank. The Town Walls/Walks border the site on the north and west sides. The Walks are still well used public spaces and routes today which link the town and form the historic context of the Town House. From the 17th century until the 1930s, its site was within the grounds of Colliton House (which survives in the south-east corner of the present County Hall complex) – hence the name 'Colliton Park' which is still in use.

5.2 Parts of the remains of a high status Roman Town House (excavated in the 1930s when the construction of County Hall began) are contained within a modern building erected in the 1990s to protect the remains and facilitate public display. This is reputedly the only Roman domestic complex within a town that is fully on display in Britain. Individual elements within the Town House are of intrinsic interest for their quality, such as mosaics and two hypocausts; and in the case of an original window opening and evidence for an upper storey, for their rarity. Evidence of Roman buildings of a more industrial nature were found elsewhere within Colliton Park, indicating that the Roman Town House may have belonged to an industrialist operating in a remote corner of Roman Dorchester.

5.3 The Dorchester Roman Walls and Colliton Park Roman House are designated Scheduled Ancient Monuments. The Roman House is also Grade I Listed Building. The Dorchester Town Walks are a Grade II Registered Park & Garden. The Boundary Walls to the west and north sides of Colliton Park are Grade II listed. The site is also within the Dorchester Conservation Area.

5.4 The archaeological site is of considerable importance in its own right, as well as for making an outstanding contribution towards an understanding and appreciation of the Roman settlement and development of Dorchester as a Roman regional capital, the forerunner of the present county town.

5.5 The site lies behind County Hall and the current primary pedestrian access into the site is from the North Walks, however many visitors access the site via the County Hall car parks from the east and south of the site. The asphalt path from North Walks winds up to the main entrance into the site on the southeast corner where there is currently a series of interpretation boards. A garage, storage building and bike shelter lie in the southeast corner behind the main entrance into the site. A row of stone blocks to the side of the eastern path provides an informal seating wall, and a handful of benches are scattered throughout the site.

5.6 The Town House sits in the excavated dip within the southwest corner site, surrounded by raised grassy banks to the north, south and east, and a bank of coniferous trees to the west.

6.0 Description of Proposal:

6.1 New Access from West Walks

The key objective of the project is to improve access and circulation of pedestrian users to and around the site. This principally involves reinstating a former access west of the Colliton Park site from the West Walks. This new pedestrian access will pass through the Wall, through a former opening, up a new ramped access path. The path would then cross a small section of car park, and along the hedge on the western edge of the site into the northwest corner. A new pathway would then cross along the top (north of the site) and connect to the existing pathways linking to the main entrance along the north walks and the existing ramped access from the south east corner.

Some visitors entering the site from this new access at the northwest of the site will be drawn directly to the Town House down the grassy slope. To prevent erosion of the bank, a set of timber steps would be created leading from the new path directly to the Town House.

6.2 Improvement at the southeast corner

At the southeast corner, the storage building and bike shelter are to be removed. This would facilitate the creation of 7 new parking spaces at the south east entrance. The screen fencing around the bin store is to be replaced. A new hedgerow to separate the parking from the entrance into the site is to be planted. The double garage is to remain.

The southeast entrance into the site is to be reconfigured with new interpretation. This redesigned entrance would result in an overall improved visitor experience by the removal of unsightly structures and a more logical visitor flow down into the site.

6.3 Improved interpretation

There are currently timber posts demarking the footprint of the building sited outside the modern shelter. There are also remains of a Roman path/road below ground level. It is proposed to improve the interpretation of this area of the Town House outside the shelter by replacing the timber marker posts with concrete posts and a new hard hoggin surface. New interpretation boards etc would be installed, details to be agreed via a landscape management plan

6.4 New Seating

It is anticipated that the new interpretation area will function as a multi-functional public space for events. To facilitate this, a new amphitheatre style seating area on the grassy bank is proposed. Details of how this will look/be constructed would be determined at a later date.

6.5 Landscaping

It is proposed to remove the belt of coniferous trees on the western bank, this would result in multiple benefits:

- It will open the views into the site and help reinstate the original context of the Town House inside the setting of the north west corner of the Roman town's walls;
- The removal of the trees will help address issues caused with shade and damp suffered by the western side of the monument
- Removal of the tree belt will also help deter the occasional antisocial behaviour related to the west part of the site by opening up the area.

The established ash tree on the southwest corner of the bank it to be retained. The newly open west slope would be seeded with a low maintenance grass mix and this treatment will follow around along the south slope.

6.6 Repairs to Roman Town House

A small section of the pathway will be extended around the south west corner of the Town House west range, to allow a safe route past the low hanging roof eaves.

7.0 RELEVANT PLANNING HISTORY:

Application No.	Application Description	Decision	Date of decision
1/E/06/000732	Addition of timber gable infills to the cover building over the West range of the Roman Town House and some building up of the flint walls, a new ramped access footpath down to the Roman Town House, a new ramped	Approve	05 June 2006

	footpath from the County Hall site to North Walks and associated work and landscaping		
1/E/96/000473	Erect building over west range of Roman Town House and erect new interpretation centre with associated landscaping works. Construct new pedestrian access	Approve	08 October 1996

8.0 Constraints

The Dorchester Roman Walls and Colliton Park Roman House are designated Scheduled Ancient Monuments

As the development site lies within a scheduled monument, any works affecting or altering the scheduled monument requires Scheduled Monument Consent (SMC) in addition to planning permission and / or Listed Building Consent. Historic England administers SMC on behalf of the Secretary of State for Digital, Culture, Media and Sport. For the purposes of SMC, 'works' include any groundworks (e.g. for removing structures, digging new foundations, drainage trenches, levelling or lowering the ground, laying hard surfaces etc.). In this case, SMC has been applied for and granted, for the works to the monument. The SMC is conditional on the submission and approval of an archaeological programme in the event that groundworks are undertaken which might impact on archaeological remains.

The Roman House is also Grade I Listed Building

(statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

The Dorchester Town Walks are a Grade II Registered Park & Garden

(statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

The Boundary Walls to the west and north sides of Colliton Park are Grade II listed

(statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

The site is within the Dorchester Conservation Area

(statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

9.0 Consultations

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

Historic England - support

- Have been actively engaged advising on the preparation of the current proposals for enhancing the site and visitor
- Re setting, consider that the development will have either a neutral or a positive impact on the settings of the scheduled monuments and nearby listed walls
- Scheme has potential archaeological implications, however these will be minor and any impacts would be far outweighed by the public benefits of the scheme. Condition recommended in line with SAM Consent.

Dorset Council Senior Archaeologist - Support

- Has provided archaeological advice during this project
- No concerns about the archaeological impact of the proposed works and how they are to be mitigated.
- Condition supported as per SAM Consent.

Dorset Council Highways - No objection

Dorset Council Conservation Officer - Support

Dorset Council Environmental Health - No comment

Dorchester Town Council – Support

Representations

No representations were received at the time of report preparation

10. Relevant Planning Policies

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

INT1- Presumption in favour of Sustainable Development

ENV1 - Landscape, seascape & sites of other geological interest

ENV2 - Wildlife & Habitats

ENV4 - Heritage assets

ENV10 - The landscape and townscape setting

ENV16 - Amenity

COM2 - The retention of local community buildings and structures

COM5 - The retention of open space and recreational facilities

COM6 - The provision of education and training facilities

COM7 - Creating a safe & efficient transport network

COM9 - Parking standards in new development

ECON5 – Tourism attractions and facilities

National Planning Policy Framework (2019)

6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
8. Promoting healthy and safe communities
9. Promoting Sustainable transport
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

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

Other material considerations

Ancient Monuments and Archaeological Areas Act 1979 (as amended).

Dorchester Conservation Area Appraisal (2003)

WDDC Design & Sustainable Development Planning Guidelines (2009)

11. Human Rights

6.1 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

The proposed improvements have been developed with improved accessibility at the forefront of the design:

- The new access from West Walks will be via a DDA compliant ramp. The new pathway from the northwest corner will be a user-friendly gradient of 1:12, and the camber of the new paths will be designed and built to recommended gradients. The path surfaces will use a reasonable firm wearing course suitable for all users.
- The overall strategy for circulation is to enable everyone of all abilities to access and appreciate most of the site so its setting and context is understood and enjoyed. This circulation and access strategy will be made clear via the signposting and waymarking plans for the site which will be developed as part of the overall interpretation strategy.
- Disabled car parking spaces and drop off points will be available immediately adjacent to the site in new and remarked spaces.

13. Financial Benefits

Increased revenue from improved visitor numbers via guided tours, school & educational groups etc

Enhanced visitor attraction for the town

14.0 Planning Assessment

Impact on Designated Heritage Assets - Scheduled Ancient Monuments, Listed Buildings, Listed Parks & Gardens, Conservation Area

The application concerns a scheme encompassing proposals for landscape enhancement, repair work to the Town House and surrounds, improving visitor access, site interpretation and displays and provision of seating. Historic England is supportive of the proposals which in their view would enhance the conservation and heritage interest of the Roman Town House scheduled monument, and benefit both the Town House and the Roman Walls monument and Dorchester as a whole.

The scheme will have considerable public benefits, both through the improved conservation management of the site, and the improved public access and interpretation

Impact on Designated Heritage Assets

With regard to heritage impacts, the scheme will mainly impact on the site and the setting of the Town House and Roman Walls monuments, and the later listed walls. Regarding setting, it is considered that the proposed development will have either a neutral or a positive impact on the settings of the scheduled monuments and nearby listed walls. The proposed improvements and maintenance of the Town House and surrounds will have a positive impact on the designated heritage asset

With regard to potential archaeological impacts, some of the site works may have archaeological implications, however these will be minor and any impacts would be far outweighed by the public benefits of the scheme. A planning condition will be sought requiring the implementation of a programme of archaeological work for investigation and recording, in accordance with a written scheme of investigation, to be submitted to, and approved by the Planning Authority prior to commencement of any works which have the potential to impact on archaeological interests.

It is considered that the proposal will not adversely affect the building, setting nor any features of special interest of the listed buildings. This conclusion has been reached having regard to: (1) section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the setting of Listed Buildings; and (2) Policy ENV4 of the Local Plan.

Similarly, the proposal is considered to enhance the character or appearance of the conservation area. This conclusion has been reached having regard to: (1) section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area; and (2) Policy ENV4 of the Local Plan.

Archaeology

As the development site lies within a scheduled monument, any works affecting or altering the scheduled monument requires Scheduled Monument Consent (SMC) in addition to planning permission and / or Listed Building Consent. In this case, SMC has already been applied for and granted, for the works to the monument. The SMC is conditional on the submission and approval of an archaeological programme in the event that groundworks are undertaken which might impact on archaeological remains. This archaeological condition will be repeated in the planning consent to ensure that prior to any development taking place which has the potential to impact on archaeological interests, that a scheme is submitted to and agreed by the LPA prior to works taking place.

Access & Parking

The overall access to the site would be vastly improved by the proposals by the creation of a new western access point, in combination with improved access from the east.

8 Parking spaces are lost from the creation of the new pedestrian access from West Walks. However 7 parking spaces (plus motorcycle space) are created from the removal of the storage building on the southeast corner. The loss of 1 parking space is considered an acceptable impact when taking into account the considerable public benefits of the scheme. The parking spaces closest to the site on the western side will be designated disabled parking. The Dorset Council Highways Engineer has no objection to the proposals.

The covered bicycle store is to be removed, but bike stands are to be provided in the newly configured eastern parking area.

Details of this, and the new access from the opening in the West Wall across the car park (surfacing, demarcation etc) will be detailed and agreed via a landscaping condition.

Biodiversity & Trees

The application is accompanied by an approved Biodiversity Mitigation and Enhancement Plan (BMEP).

The hedges around the site would not be classified as 'important' under the Hedgerow Regulations, but would be largely retained except for two small sections which would be removed to create new pedestrian access.

The conifers are to be removed, the removal of these trees will open the views into the site and help reinstate the original context of the Town House inside the setting of the north west corner of the Roman town's walls. The BMEP confirms the stand of conifers contributes little to the site's biodiversity interest, with a limited understory and holding negligible potential for roosting bats.

The newly open west slope will be seeded with a low maintenance grass mix and this treatment will follow around along the south slope to create a flowing continuous character reflecting a Roman amphitheatre. This will also help with the interpretation and context of the Town House being set below the build-up of the 1930s County Hall earth works.

The loss of the conifers would be mitigated by additional trees, details of which will be contained in a Landscape and Ecological Management Plan which will be sought and agreed via condition.

The large ash tree in the southwest corner is to be retained with minor management works planned. The application is accompanied by a statement from the Council's Arboricultural Manager which clarifies that none of the proposed works will impact on the root protection areas of this ash tree to be retained.

The scrub, grassy banks and compost heap were considered suitable habitat for common reptiles and amphibians, nesting birds and hedgehogs, and the BMEP details methodology and procedures to appropriately carry out the proposed development, and to relocate the compost heap whilst protecting birds and animals onsite, and also to provide additional habitat for biodiversity.

Having had regard to the submitted BMEP, and with a Landscape and Ecological Management Plan to be submitted and agreed secured by a planning condition, it is considered that the proposal will have no adverse impact on biodiversity interests

Amenity

The site is in a discreet corner of Colliton Park behind County Hall, the nearest residential properties being outside the walls, across the roads to the north and west. It is therefore considered that the proposed development would not have a significant adverse impact on the living conditions of occupiers of residential properties.

15.0 Conclusion

The application concerns a scheme encompassing proposals for landscape enhancement, repair work to the Town House and surrounds, improving visitor access, site interpretation and displays and provision of seating. The proposals would enhance the conservation and heritage interest of the Roman Town House scheduled monument, and benefit both the Town House and the Roman Walls monument and Dorchester as a whole.

The scheme will have considerable public benefits, both through the improved conservation management of the site, and the improved public access and interpretation

16.0 Recommendation

GRANT subject to conditions

WD/D/19/001377 FUL

- 1 PLAN The development hereby permitted shall be carried out in accordance with the following approved plans:
- Location Plan - Drawing Number L107 Rev P1 received on 23/05/2019
Site Plan - Existing Arrangement - Drawing Number L100 P1 received on 06/05/2019
Site Plan - Proposed Arrangement - Drawing Number L101 P2 received on 14/06/2019
Section - Drawing Number L106 Rev P1 received on 23/05/2019
Steps Section and Plan View - Drawing Number L104 P1 received on 14/06/2019
Tree Survey Plan - Drawing Number L103 P1 received on 14/06/2019

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

- 2 K10A 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).

- 3 C030 No works shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to, and approved by, the Local Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results. The works shall thereafter accord with the agreed scheme.

REASON: to ensure the development makes provision for the investigation and recording of any archaeological heritage assets lost (wholly or in part) and to make this evidence (and any archive generated) publicly accessible.

- 4 NS The protected species mitigation proposals set out in the approved Biodiversity Mitigation and Enhancement Plan (BMEP) dated 21st May 2019; shall be undertaken in full as per the timetable described in the BMEP, and shall be maintained in the approved condition permanently thereafter.

REASON: To ensure adequate habitat is provided and protected to accommodate protected species

5 NS No works shall commence on site until full details of both hard and soft landscape proposals shall, by reference to site layout drawings of an appropriate scale, be submitted to and approved in writing by the Local Planning Authority. The details shall include, as appropriate, the following information:

- (a) Car parking layouts & means of enclosure/pedestrian protection
- (b) Path & hard surfacing materials, construction & methodology
- (c) Design and construction of the proposed seating (supported by annotated scale drawings & method statement)
- (d) Details & location of proposed interpretation (supported by annotated scale drawings & method statement)
- (e) Planting plans, to include: Schedule of plants, species, size, proposed numbers and densities
- (f) Landscape and Ecological Management Plan to include: details of implementation timetables and schedule of maintenance

The development shall thereafter accord with the approved details.

REASON: To ensure the provision of amenity afforded by appropriate landscape design, and in the interests of the designated heritage assets

NOTES TO APPLICANT

1. National Planning Policy Framework Statement

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

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

In this case:

- The application was acceptable as submitted and no further assistance was required.

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8.0 APPLICATION NUMBER:

WD/D/19/001378 LBC

SITE ADDRESS: THE ROMAN TOWN HOUSE, COUNTY HALL, COLLITON PARK, DORCHESTER, DT1 1XJ

PROPOSAL: Carry out improvement works to Roman Town House complex to include seating, access, parking, circulation, new timber steps and paths, laying of hard surfaces and other landscaping works and relocation of Roman sarcophagus

APPLICANT: Dorset Council

CASE OFFICER: Cass Worman

WARD MEMBERS: Cllr Andy Canning; Cllr Les Fry

2.0 Summary of Recommendation: Approve with conditions

3.0 Reason for the Recommendation:

Historic England is supportive of the proposals which in their view would enhance the conservation and heritage interest of the Roman Town House scheduled monument

The scheme will also have considerable public benefits, both through the improved conservation management of the site, and the improved public access and interpretation.

4.0 Table of key planning issues

Issue	Conclusion
Impact on heritage assets	Dorchester's Roman Town House is an exemplary and unique site of considerable importance. Maintenance works of the Roman Town House is required for its ongoing conservation. The new access in West Walks utilises an existing opening in the listed wall.

5.0 Description of Site:

5.1 Historically the Town House is located just inside the north western defences of the Roman town of Durnovaria. During the first half of the 18th century, Dorchester's Roman defences were converted into boulevards known as The Walks, with a path running along the top of the inner bank. The Town Walls/Walks border the site on the north and west sides. The Walks are still well used public spaces and routes today which link the town and form the historic context of the Town House. From the 17th century until the 1930s, its site was within the grounds of

Colliton House (which survives in the south-east corner of the present County Hall complex) – hence the name ‘Colliton Park’ which is still in use.

5.2 Parts of the remains of a high status Roman Town House (excavated in the 1930s when the construction of County Hall began) are contained within a modern building erected in the 1990s to protect the remains and facilitate public display. This is reputedly the only Roman domestic complex within a town that is fully on display in Britain. Individual elements within the Town House are of intrinsic interest for their quality, such as mosaics and two hypocausts; and in the case of an original window opening and evidence for an upper storey, for their rarity. Evidence of Roman buildings of a more industrial nature were found elsewhere within Colliton Park, indicating that the Roman Town House may have belonged to an industrialist operating in a remote corner of Roman Dorchester.

5.3 The Dorchester Roman Walls and Colliton Park Roman House are designated Scheduled Ancient Monuments. The Roman House is also Grade I Listed Building. The Dorchester Town Walks are a Grade II Registered Park & Garden. The Boundary Walls to the west and north sides of Colliton Park are Grade II listed. The site is also within the Dorchester Conservation Area.

5.4 The archaeological site is of considerable importance in its own right, as well as for making an outstanding contribution towards an understanding and appreciation of the Roman settlement and development of Dorchester as a Roman regional capital, the forerunner of the present county town.

5.5 The site lies behind County Hall and the current primary pedestrian access into the site is from the North Walks, however many visitors access the site via the County Hall car parks from the east and south of the site. The asphalt path from North Walks winds up to the main entrance into the site on the southeast corner where there is currently a series of interpretation boards. A garage, storage building and bike shelter lie in the southeast corner behind the main entrance into the site. A row of stone blocks to the side of the eastern path provides an informal seating wall, and a handful of benches are scattered throughout the site.

5.6 The Town House sits in the excavated dip within the southwest corner site, surrounded by raised grassy banks to the north, south and east, and a bank of coniferous trees to the west.

6.0 Description of Proposal:

6.1 New Access from West Walks

The key objective of the project is to improve access and circulation of pedestrian users to and around the site. This principally involves reinstating a former access west of the Colliton Park site from the West Walks. This new pedestrian access will pass through the Wall, through a former opening, up a new ramped access path. The path would then cross a small section of car park, and along the hedge on the western edge of the site into the northwest corner. A new pathway would then cross

along the top (north of the site) and connect to the existing pathways linking to the main entrance along the north walks and the existing ramped access from the south east corner.

Some visitors entering the site from this new access at the northwest of the site will be drawn directly to the Town House down the grassy slope. To prevent erosion of the bank, a set of timber steps would be created leading from the new path directly to the Town House.

6.2 Improvement at the southeast corner

At the southeast corner, the storage building and bike shelter are to be removed. This would facilitate the creation of 7 new parking spaces at the south east entrance. The screen fencing around the bin store is to be replaced. A new hedgerow to separate the parking from the entrance into the site is to be planted. The double garage is to remain.

The southeast entrance into the site is to be reconfigured with new interpretation. This redesigned entrance would result in an overall improved visitor experience by the removal of unsightly structures and a more logical visitor flow down into the site.

6.3 Improved interpretation

There are currently timber posts demarking the footprint of the building sited outside the modern shelter. There are also remains of a Roman path/road below ground level. It is proposed to improve the interpretation of this area of the Town House outside the shelter by replacing the timber marker posts with concrete posts and a new hard hoggin surface. New interpretation boards etc would be installed, details to be agreed via a landscape management plan

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- The removal of the trees will help address issues caused with shade and damp suffered by the western side of the monument
- Removal of the tree belt will also help deter the occasional antisocial behaviour related to the west part of the site by opening up the area.

The established ash tree on the southwest corner of the bank it to be retained. The newly open west slope would be seeded with a low maintenance grass mix and this treatment will follow around along the south slope.

6.6 Repairs to Roman Town House

A small section of the pathway will be extended around the south west corner of the Town House west range, to allow a safe route past the low hanging roof eaves.

The application provides some details in S&L Kelland's report, as to the proposed maintenance and restoration of the Roman Town House's historic features, including repairs to the floor and stonework inside the shelter. This document also details the approach to relocating the Roman sarcophagus.

6.7 Relocation of Roman sarcophagus

The Roman coffin currently adjacent to the path on the eastern side of the site is to be relocated. Its current position among the domestic complex of the Roman Town House is incongruous (Roman law forbade human burials within towns). It is proposed to move the coffin to a position next to the new access path as a feature of interest along the path. It will also enable it to be interpreted separately from the former living area of the Roman Town House itself.

7.0 RELEVANT PLANNING HISTORY:

Application No.	Application Description	Decision	Date of decision
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9.0 Consultations

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- Scheme has potential archaeological implications, however these will be minor and any impacts would be far outweighed by the public benefits of the

scheme. Condition recommended in line with SAM Consent.

Dorset Council Senior Archaeologist - Support

- Has provided archaeological advice during this project
- No concerns about the archaeological impact of the proposed works and how they are to be mitigated.
- Condition supported as per SAM Consent.

Dorset Council Highways - No objection

Dorset Council Conservation Officer - Support

Dorset Council Environmental Health - No comment

Dorchester Town Council – Support

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10. Relevant Planning Policies

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ENV4 - Heritage assets

National Planning Policy Framework (2019)

15. Conserving and enhancing the natural environment

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

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6.1 Article 6 - Right to a fair trial.

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

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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

The proposed improvements have been developed with improved accessibility at the forefront of the design:

- The new access from West Walks will be via a DDA compliant ramp. The new pathway from the northwest corner will be a user-friendly gradient of 1:12, and the camber of the new paths will be designed and built to recommended gradients. The path surfaces will use a reasonable firm wearing course suitable for all users.
- The overall strategy for circulation is to enable everyone of all abilities to access and appreciate most of the site so its setting and context is understood and enjoyed. This circulation and access strategy will be made clear via the signposting and waymarking plans for the site which will be developed as part of the overall interpretation strategy.
- Disabled car parking spaces and drop off points will be available immediately adjacent to the site in new and remarked spaces.

13. Financial Benefits

Increased revenue from improved visitor numbers via guided tours, school & educational groups etc

Enhanced visitor attraction for the town

14.0 Planning Assessment

Impact on Designated Heritage Assets - Scheduled Ancient Monuments, Listed Buildings, Listed Parks & Gardens, Conservation Area

The application concerns a scheme encompassing proposals for landscape enhancement, repair work to the Town House and surrounds, improving visitor access, site interpretation and displays and provision of seating. Historic England is supportive of the proposals which in their view would enhance the conservation and heritage interest of the Roman Town House scheduled monument, and benefit both the Town House and the Roman Walls monument and Dorchester as a whole. The majority of the works to the listed building are covered by the previously issued SAM.

The scheme will have considerable public benefits, both through the improved conservation management of the site, and the improved public access and interpretation.

As the development site lies within a scheduled monument, any works affecting or altering the scheduled monument requires Scheduled Monument Consent (SMC) in addition to planning permission and / or Listed Building Consent. In this case, SMC has already been applied for and granted, for the works to the monument. The SMC is conditional on the submission and approval of an archaeological programme in the event that groundworks are undertaken which might impact on archaeological remains.

Impact on Designated Heritage Assets

The new entrance proposed in the West Walks appears to be an original feature of the Colliton Park wall and retains a stone pier on either side. Its purpose was perhaps to allow the movement of livestock that were used to graze the Park to and from a former farm and open countryside in the adjacent Frome valley. A likely date for the blocking of this entrance with stonework was in the 1930s when construction of County Hall began. The archaeological evaluation already undertaken has shown there was an associated trackway on the inside of the entrance, which was infilled in the 20th century.

The proposal would involve the removal of the infill of the entrance only (i.e. the piers will be retained). These works will be supervised and recorded by the archaeological contractor undertaking the programme of archaeological works. A detailed method statement of these works will be secured via condition.

The Roman coffin is to be relocated. Its current position among the domestic complex of the Roman Town House is incongruous (Roman law forbade human

burials within towns!). Moving it to a position next to the new access path will make it a feature of interest along the path and will enable it to be interpreted separately from the former living area of the Roman Town House itself.

Inside the shelter, maintenance works to the floor are proposed, The application provides details of this in S&L Kelland's report. This document also details the approach to relocating the Roman sarcophagus.

Regarding setting, it is considered that the proposed development will have either a neutral or a positive impact on the settings of the scheduled monuments and nearby listed walls. The proposed improvements and maintenance of the Town House and surrounds will have a positive impact on the designated heritage asset

It is considered that the proposal will not adversely affect the building, setting, nor any features of special interest of the listed buildings. This conclusion has been reached having regard to: (1) section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the setting of Listed Buildings; and (2) Policy ENV4 of the Local Plan.

15.0 Conclusion

The proposals would enhance the conservation and heritage interest of the Roman Town House scheduled monument, and benefit both the Town House and the Roman Walls monument and Dorchester as a whole.

The scheme will have considerable public benefits, both through the improved conservation management of the site, and the improved public access and interpretation

16.0 Recommendation

GRANT subject to conditions

WD/D/19/001378 LBC

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

Location Plan - Drawing Number L107 Rev P1 received on 23/05/2019
Site Plan - Existing Arrangement - Drawing Number L100 P1 received on 06/05/2019
Site Plan - Proposed Arrangement - Drawing Number L101 P2 received on 14/06/2019
S & L Kelland 2018 report : "Input to Roman Town House Lottery Bid" received on 14/06/2019

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

- 2 K40A The work to which it relates must be begun no later than the expiration of three years beginning with the date on which the consent is granted.
- REASON: This condition is required to be imposed by reason of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 3 NS The repairs and maintenance to the Roman Town House, and the moving of the Roman Coffin, shall accord with the methodology described in the S&L Kelland report "Input to Roman Town House Lottery Bid".
- REASON: To protect and safeguard the fabric and features of the heritage asset
- 4 NS Prior to the opening up of the new access in the West Walks hereby approved, a detailed method statement shall be submitted to, and approved by, the Local Planning Authority. The works shall thereafter accord with the agreed details.
- REASON: In the interest of the architectural and historic interest of the listed wall

NOTES TO APPLICANT

1. National Planning Policy Framework Statement

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

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

In this case:

- The application was acceptable as submitted and no further assistance was required.

1.0 APPLICATION NUMBER:

WD/D/19/001187

SITE ADDRESS: PIDDLEHINTON CAMP, CHURCH HILL, PIDDLEHINTON

PROPOSAL: Installation of six new pitches comprising 2 No. Double units and 2 No. Single units

APPLICANT: Dorset Council

CASE OFFICER: Hannah Smith

WARD MEMBERS: Cllr Jill Haynes

2.0 Summary of Recommendation: Grant with conditions.

3.0 Reason for the Recommendation:

The scheme will have considerable social benefits, through the provision of an additional 6 pitches towards the Council's available supply.

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	There is an identified need for additional pitches at this site. The principle of the development is supported by the development plan and by the NPPF.
Access and Parking	There is no highway objection and sufficient parking would be provided.
Biodiversity & Trees	The ecological impacts associated with the proposed six new pitches can be adequately mitigated.
Contamination	The contaminated land issues associated with the proposed new pitches can be adequately mitigated through condition.
Amenity	There are no adverse amenity impacts.

5.0 Description of Site:

5.1 The Enterprise Business Park is an industrial area located 5 miles to the north east of Dorchester. The Business Park forms part of the former Piddlehinton Camp and is located in open countryside to the east of Piddlehinton village.

5.2 Located to the south of the business park is a permanent gypsy site which includes a line of plots with amenity and large storage buildings. There is also an area of land behind the former scrap and metal store to be demolished which is now open space.

5.3 To the north-west of the bungalow is an area of hardstanding which is occupied by two permanent pitches. The remainder of the hardstanding is vacant. The site lies outside the Puddletown village development boundary but is not within the Dorset AONB. To the west of the site there is a belt of woodland. Units on the adjacent business park site include, NJT Mechanics, Crendon Timber Engineering, Knighton Countryside Management and JMC Auto Salvage.

6.0 Description of Proposal:

6.1 Piddlehinton Gypsy sites existing pitches are currently full to capacity. Each pitch fits either one tourer or one static caravan, which is not sufficient space for the growing family units who are living there. The site is in a rural setting that is very well managed and is accepted by the local community.

6.2 The proposed development is to provide 6 new family pitches. Each pitch will accommodate a static caravan, a utility building and two off road parking spaces.

6.3 Three pitches will be located to the North of the site– upper. Three further pitches will be located to the South of the site– lower.

7.0 RELEVANT PLANNING HISTORY:

Application No.	Application Description	Decision	Date of decision
WD/D/14/000368	To create a temporary gypsy transit site for three years including August 2016 for 25 caravans. To start March 2014 and end August 2016 inclusive for six months a year	A	05 March 2014
WD/D/16/001217	Variation of Condition 2 of planning permission	A	19 August 2016

	WD/D/14/000368 to allow for continued use of the temporary transit site for up to a further 3 years, to end 31 August 2019, for six months a year.		
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A planning application in 1973 identified an existing permanent gypsy site on the southern edge of the Piddlehinton Enterprise Park. A further application for amenity blocks was submitted and approved in 1994. Both applications included an area of land extending from the western boundary of Puddletown Farm land to the rear of the site bungalow.

8.0 Constraints

The site is located outside of any AONB. There are no designated or non-designated heritage assets that would be impacted by the development.

9.0 Consultations

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

Piddle Valley Parish Council - No objection.

Dorset Council Natural Environment Team: Suggest that a Biodiversity Mitigation Plan is submitted (NOTE: a BMP accompanies the application).

Dorset Council Highways - No objection

Dorset Council Environmental Health - No objection, suggest a contaminated land condition. The other matters raised are dealt with by other legislation and with this in mind, there is no requirement for additional environmental conditions.

Natural England- No objection.

Representations

No representations were received at the time of report preparation.

10. Relevant Planning Policies

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

INT1- Presumption in favour of Sustainable Development
ENV1 - Landscape, seascape & sites of other geological interest
ENV2 - Wildlife & Habitats
ENV10 - The landscape and townscape setting
ENV16 - Amenity
COM9 - Parking standards in new development
SUS2- Settlement pattern

Until such a time as the Gypsy and Traveller Development Plan Document is finalised, decisions on gypsy and traveller sites will be determined in accordance with national policy and with reference to policies INT1 and SUS2.

National Planning Policy Framework (2019)

5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting Sustainable transport
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

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

The Government's Planning Policy for Traveller Sites was published in August 2015 and should be read in conjunction with the National Planning Policy Framework (NPPF).

The overarching aim of this policy is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. The policy seeks to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply.

Other material considerations

Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites... sets out good practice in relation to gypsy and traveller sites. It states that the Government wishes to see a more positive approach being taken to making adequate provision for gypsies and travellers in appropriate locations.

11. Human Rights

6.1 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.

The proposal would contribute to meeting the need for Gypsy and Traveller accommodation where there is an identified shortfall.

Level threshold would be provided at all door openings. The gradients would be no greater than 1:21 where an accessible route is indicated.

13. Financial Benefits

None identified.

14.0 Planning Assessment

Principle

Both local and national policy seeks to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply. This application would satisfy this aim.

Policy SUS.2 of the local plan seeks to locate development in the main towns and the larger villages and to strictly control most forms of development within the open countryside, having particular regard to the need for the protection of the countryside and environmental constraints. There is an exception made for various countryside uses and this includes sites for gypsies, travellers and travelling showpeople. The local plan states that development proposals for sites for travelling showpeople will also need to provide adequate space for residential, maintenance and storage uses and be well related to the public highway network to accommodate the safe passage of large vehicles and pedestrians and located so as to minimise the impact of on-site business activities on neighbouring properties.

The national planning policy for traveller sites seeks to reduce tensions between settled and traveller communities in plan-making and planning decisions. It also seeks to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure. In considering such applications, local planning authorities must have due regard to the protection of local amenity and the local environment.

The proposed development site would be located on an established permanent Gypsy and Traveller site. The site is screened by a belt of trees on three boundaries and by the boundary fence to the business park to the north. The highway network is capable of accommodating the development. Furthermore, the layout of the proposed plots is sufficient to allow for an acceptable degree of amenity for the future occupiers. The extra pitches would be consistent with the approved use of the site and provide much needed accommodation for gypsies and travellers in the area.

Access & Parking

There is no highway objection in this case. Sufficient parking of two spaces would be provided for each pitch.

Biodiversity & Trees

The application is accompanied by a Biodiversity Mitigation and Enhancement Plan (BMEP). The impact on biodiversity would be acceptable subject to a

condition that requires the implementation of the biodiversity enhancement measures.

The pitches and amenity blocks would be screened from views outside of the site and would not have an adverse impact on the character and appearance of the area.

Amenity

The pitches would be sited so as not to cause any unacceptable overlooking or overbearing. The amenity of the occupiers of the pitches would be acceptable having regard to the size of the proposed residential units and the amenity space afforded to them.

Contamination

A stage 1 ground investigation report was carried out on the lower site by GCC, dated July 2018. This report concluded that there was potential for asbestos in the ground surrounding the redundant building to be demolished as well as a potential range of contaminants, including oil, fuel hydrocarbons. The risk to users being low to moderate. As such, an intrusive investigation is recommended as the project progresses. This matter would be addressed by the recommended contaminated land condition.

15.0 Conclusion

The scheme will have considerable social benefits, through the provision of additional pitches to meet an identified housing need.

The rural location of this well-established site is very well managed. The 6 proposed plots would include a utility building, and allocated spaces for a touring caravan, a static caravan and two car spaces. All of which will meet the current regulations for family sized plots.

The new plots would make use of the untidy area surrounding the former scrap store, and the under used hardstanding space within the site. This would allow the primary stake holders to create a flexible area, therefore improving the overall conditions for the traveller families.

There would be no impact on the belt of woodland to the west of the site. The plots are not located in an area that is at risk of flooding and there are no public rights of way that would be impacted.

In summary, this proposal will be hugely beneficial as it would provide family pitches that meet the needs of the travelling community, and contribute towards the current shortage of adequate plots.

Weighing strongly in favour of granting permission are the social benefits of the proposal. No environmental or economic harm has been identified and as such, the application is considered to fulfil the three strands of sustainable development.

16.0 Recommendation

GRANT subject to conditions.

WD/D/19/001187

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Block Plan received on 01/05/2019
Elevations-Double Unit - Drawing Number 1 421 P2 received on 01/05/2019
Elevations-Single Unit - Drawing Number 1 420 P3 received on 01/05/2019
Location Plan - Drawing Number L100 P1 received on 01/05/2019
Proposed Upper Site Location Plan - Drawing Number L101 P3 received on 01/05/2019
Proposed Lower Site Location Plan - Drawing Number L102 P5 received on 01/05/2019
Topographical Survey Drawing received on 01/05/2019

Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 The site shall not be used other than as a caravan site for the occupation by gypsies and Travellers as defined by Section 24(8) of the Caravan Sites and Control of Development Act 1960 (as amended).

Reason: In accordance with Policy SUS.2 of the Local Plan.
- 4 In the event that previously unidentified contamination is found at any time when carrying out the approved development, this must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment, conducted in accordance with recognised good practice, shall be submitted to the Local Planning Authority for consideration and approval. Following completion of measures identified

in the approved remediation scheme a verification report shall be submitted to the local planning authority for approval.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, having regard to the National Planning Policy Framework

- 5 The development shall be carried out in full accordance with the agreed biodiversity mitigation plan dated 03/11/2016.

Reason: To ensure that the ecology impact of the proposal is acceptable.

NOTES TO APPLICANT

1. National Planning Policy Framework Statement

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

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

In this case:

- The application was acceptable as submitted and no further assistance was required.

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