



Western and Southern Area Planning Committee

Date: Thursday, 13 August 2020
Time: 10.00 am
Venue: MS Team Live Event This meeting will be held remotely as an MS Teams Live Event [see link below]

Membership: (Quorum 6)

Simon Christopher (Chairman), David Gray (Vice-Chairman), Pete Barrow, Kelvin Clayton, Susan Cocking, Jean Dunseith, Nick Ireland, Louie O'Leary, David Shortell, Sarah Williams and Kate Wheller.

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 contact Denise Hunt 01305 224878 - denise.hunt@dorsetcouncil.gov.uk



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Members of the public are invited to access this meeting with the exception of any items listed in the exempt part of this agenda.

This meeting will be held remotely as an MS Teams Live Event [see link below]

[Western & Southern Area Planning Committee – Thursday 13 August](#)

Members of the public are invited to make written representations provided that they are submitted to the Democratic Services Officer no later than **8.30am on Tuesday 11 August 2020**. This must include your name, together with a summary of your comments and contain no more than 450 words.

If a councillor who is not on the Planning Committee wishes to address the committee, they will be allowed 3 minutes to do so and will be invited to speak before the applicant or their representative provided that they have notified the Democratic Services Officer by **8.30am on Tuesday 11 August 2020**.

Please note that if you submit a representation to be read out on your behalf at the committee meeting, your name, together with a summary of your comments will be recorded in the minutes of the meeting.

Please refer to the guide to public participation at committee meetings for general information about speaking at meetings [Guidance to Public Speaking at a Planning Committee](#) and specifically the "***Covid-19 Pandemic – Addendum to the Guide to Public Speaking Protocol for Planning Committee meetings - effective from 20 July 2020***" included as part of this agenda (see agenda item 4 - Public Participation).

Using social media at virtual meetings

Anyone can use social media such as tweeting and blogging to report the meeting when it is open to the public.

AGENDA

Page No.

1 ELECTION OF VICE-CHAIRMAN FOR THE MEETING

2 APOLOGIES

To receive any apologies for absence

3 DECLARATIONS OF INTEREST

To receive any declarations of interest

4 PUBLIC PARTICIPATION

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Members of the public wishing to submit a written representation to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting.

Please note that the deadline to register to submit a written submission to the Area Planning Committee is at 8.30am on Tuesday 11 August 2020.

Please refer to the [Guide to Public Speaking at Planning Committee](#) and specifically the **"Covid-10 Pandemic – Addendum to the Guide to Public Speaking Protocol for Planning Committee meetings - effective from 20 July 2020"** included with this agenda.

5 PLANNING APPLICATIONS

To consider the applications listed below for planning permission

a WD/D/19/001343 - Land North of 6 Netherhay Lane, Drimpton

7 - 44

Erect 15 affordable dwellings and formation of new vehicular access

b WP/19/00273/RES - Curtis Fields (Phase 2b) Land South of Chickerell Road, Weymouth

45 - 80

Application for approval of reserved matters for Access, Appearance, Landscaping, Layout and Scale of outline application WP/14/00777/OUT.

**6 APPLICATION TO EXTINGUISH PART OF BRIDLEWAY 43,
MARSHWOOD AT PRIME COPPICE**

81 - 94

7 URGENT ITEMS

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.

Dorset Council

Covid-19 Pandemic – Addendum to the Guide to Public Speaking Protocol for Planning Committee meetings – effective from 20 July 2020

Due to the Covid-19 pandemic the council has had to put in place measures to enable the council's decision making processes to continue whilst keeping safe members of the public, councillors and council staff in accordance with the Government's guidance on social distancing by applying new regulations for holding committee meetings from remote locations.

The following procedures will apply to planning committee meetings until further notice, replacing where appropriate the relevant sections of the Guide to Public Speaking at Planning Committees:

1. While planning committee meetings are held remotely during the Coronavirus outbreak public participation will take the form of written statements (and not public speaking) to the committee.
2. If you wish to make a written statement it must be no more than 450 words with no attached documents and be sent to the Democratic Services Team by 8.30am two working days prior to the date of the committee – i.e. for a committee meeting on a Wednesday written statements must be received by 8.30am on the Monday. The deadline date and the email contact details of the relevant democratic services officer can be found on the front page of the committee agenda. The agendas for each meeting can be found on the Dorset Council website

[Dorset Council Committee List](#)

3. During this period the council can only accept written statements via email and you should continue to bear in mind the guidance in the public speaking guide when preparing your representation.
4. The first three statements received from members of the public for and against the application (maximum six in total) will be read out together with any statement from the town and parish council, by an officer (but not the case officer), after the case officer has presented their report and before the application is debated by members of the Committee. It may be that not all of your statement will be read out if the same point has been made by another statement and already read to the Committee. This is to align with the pre-Covid-19 protocol which limited public speaking to 15 minutes per item, although the Chairman of the Committee will retain discretion over this time period as she/he sees fit. All statements received will be circulated to the Committee members before the meeting.
5. This addendum applies to members of public (whether objecting or supporting an application, town and parish councils, planning agents and applicants).
6. Councillors who are not on the Planning Committee may also address the Committee for up to 3 minutes by speaking to the Committee (rather than submitting a written statement). They need to inform Democratic Services of their wish to speak at the meeting two working days before the meeting.

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1.0 Application Number – [WD/D/19/001343](#)

Site address: Land north of 6 Netherhay Lane, Drimpton

Proposal: Erect 15 affordable dwellings and formation of new vehicular access.

Applicant name: Broadwindsor Group Parish Community Land Trust

Case Officer: Bob Burden

Ward Member(s): Cllr Simon Christopher

2.0 Summary of Recommendation

Recommendation A: Delegate authority to approve to the Head of Planning to grant permission subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 in a form to be agreed by the Legal Services Manager to secure the following:

- To ensure the development remains as affordable housing in perpetuity,
- And to ensure the provision/maintenance of the footpath link to the public right of way.

and subject to the receipt of an acceptable landscape plan and subject to conditions.

Recommendation B: Refuse permission for the reasons set out below if the legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by 6 months from the date of the committee resolution of such extended time as agreed by the Head of Planning.

1. In the absence of a completed s106 legal agreement the development would not ensure the dwellings are provided as affordable housing. Hence the development would be contrary to policy HOUS2 of the West Dorset, Weymouth and Portland Local Plan (2015) and the National Planning Policy Framework (2019). Furthermore, this would not ensure the new pedestrian link to the right of way is provided and maintained. Hence this would be contrary to policy COM7 of the adopted Local Plan (2015) and the National Planning Policy Framework (2019).

3.0 Reason for the recommendation:

- Contribution towards 5 year housing land supply
- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The location is considered to be relatively sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.

- There are no material considerations which would warrant refusal of this application.

4.0 Key Planning Issues

Issue	Conclusion
Principle of development	The principle of this development is established by the site-specific allocation in the Neighbourhood Plan.
Visual amenity	The location, layout, design and materials are considered to be acceptable on this site within the Area of Outstanding Natural Beauty, subject to a satisfactory landscaping plan.
Heritage assets	The scheme is located at a significant distance from the listed buildings.
Residential amenity	The scheme itself, and its relationship with adjacent development are acceptable and would not result in unacceptable overlooking.
Drainage considerations	Surface water would be dealt with by an underground crating system, and a sewage treatment plant would be acceptable to deal with foul waste.
Ecological considerations	A biodiversity plan is currently being finalised, which will enhance the ecological value of the site.
Highway considerations	An alternative route for pedestrians to reach the village centre avoiding Netherhay Lane is included. The junction of Netherhay Lane/Chard Road is sub-standard in terms of visibility; however, it is not considered the modest scale of traffic increase in cumulative terms prevents its acceptance in this case.

5.0 Description of Site

5.1 The site is located on the west side of Drimpton village, north of the B3162 Chard Road, and on the east side of Netherhay Lane (north of No 6 Netherhay Lane).

5.2 The site comprises the south-west corner of a larger field used as pastureland, with a slope gently downwards toward the east. The west boundary with the lane has a bank surmounted by the limited remains of a hedge and several mature trees (oak and ash trees), with the site being slightly higher than the adjacent lane.

5.3 Netherhay Lane is a lane of varying width but generally in the order of 3.5 - 4.5m without footways. On the south boundary is vegetation including some open timber fencing and some bramble scrub on the boundary to the bungalow and garden known as 6 Netherhay Lane, with other dwellings beyond. No 6 is a buff reconstructed stone/concrete tiled bungalow. Other site boundaries at present are open to the remainder of the field.

6.0 Description of Development

6.1 The scheme proposes a new vehicular access from Netherhay Lane with an access road running eastwards, and another section running northwards to give an agricultural access point into the field. The dwellings would all be two storey apart from a semi-detached pair of bungalows to the south. The 15 dwellings would be arranged off the access roads in the site, with 4 flats, a pair of semi-detached houses and the semi-detached bungalows fronting Netherhay Lane, set back from the boundary planting. The remainder are arranged as two pairs of semi-detached to the south and a terrace of three facing north-east. The mix comprises 2 x 1 bed 2 person; 4 x 1 bed 2 person flats; 5 x 2 bed 4 person houses; 3 x 3 bed 5 person units and 1 x 3 bed 6 person unit. Parking is provided off-road either alongside the relevant dwelling or off the road frontage. The 4 flats would each have a private outside space, as well as a communal space surrounding the flats. An existing footpath at the north-west corner running towards Netherhay hamlet is accommodated. New hedge and tree planting would form the new north and east boundaries to the site. Two "outshoots" to the site within the site area include the foul/surface water drainage work outlet routes, and a new pedestrian path which would link with the existing public footpath to Netherhay and to the Chard Road in the village.

6.2 The dwellings would be of stone to the front /more prominent elevations supplemented by brick with slate roofs.

6.3 Following negotiation amended plans have been submitted which have repositioned the access onto Netherhay Lane slightly further north, moved the frontage units back to help safeguard the trees on Netherhay Lane, to curve the

access road route and to re-position some units closer to the access road to improve back garden sizes and to improve the outlook from dwellings over the open land.

7.0 Relevant Planning History

None applicable.

8.0 List of Constraints

On edge of settlement

Area of Outstanding Natural Beauty: (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)
Rights of Way

9.0 Consultations

Comments on Original Plans-

9.1 South West Water - As private sewage treatment facility is intended no involvement is expected. Regarding concerns raised by local residents over sewer flooding these incidents have been related to blockages rather than a lack of capacity.

9.2 Housing Enabling Team - Original comments, but with July 2020 figures update):

Housing Need:

There are currently just under 2000 households on the Housing Register requiring accommodation in the West area of Dorset. This demonstrates that there is a high level of housing need across the area.

To address the affordable housing need across the district the Council's Strategic Housing Market Assessment 2014 (SHMA) suggests that in the region of 104 new affordable dwellings need to be developed annually.

The revised NPPF sets out that affordable housing should be sought from major developments the qualifying threshold being 10 dwellings or more.

Policy-

Policy requires 35% affordable housing on site with the inclusion of 70% social/affordable rent and 30% intermediate affordable housing on open market

housing sites and financial contribution towards the provision of affordable housing when there is a shortfall on site.

To address the affordable housing need across the district the Council's Strategic Housing Market Assessment 2014 (SHMA) suggests that in the region of 104 new affordable dwellings need to be developed annually.

Local Plan Hous2 states that small scale sites for affordable housing can be brought forward on 'Exception Sites'; small scale sites adjoining settlements that would not be granted planning consent for open market housing but can provide affordable homes.

Application:

This application is from Broadwindsor Group Parish Community Land Trust for the development of 15 affordable homes. The proposed site is on a rural exception site on land north of Netherhay Lane, which lies between the settlements of Drimpton and Netherhay.

Drimpton lies within the Dorset Area of Outstanding Natural Beauty and the proposed site is a 'Rural Exception Site' which would not be granted planning consent for open market housing.

In the 2016 SHLAA this site was identified as site 7a and it was stated that although the site had constraints it would be "Suitable for a small scale rural exception site with a reduced developable extent to maintain the gap between Drimpton and Netherhay." It is intended that this development will only utilise a small corner of the site which will retain the gap between the settlements of Drimpton and Netherhay.

Broadwindsor Group Parish CLT was formed with the specific intention of providing affordable housing. A site search was carried out in the Parish in 2016. Eleven sites were assessed and this site was identified by the CLT as having the best potential and as being in a sustainable location.

In November 2018 Broadwindsor Group Parish Council submitted the draft neighbourhood plan which sets out a local need in the Parish for smaller properties. This site off Netherhay Lane, adjoining Drimpton, was one of the sites recognised in the submission.

There is an evident demand for a varied schedule of housing in the Broadwindsor group parish area. Dorset Home Choice figures provide a snapshot based on applicants currently accepted on the housing register from the area.

Broadwindsor Group Parish Area
Summer 2020 Count

Couple/single requiring 1 bedroom	14
Family requiring 2 bedrooms	4
Family requiring 3 bedrooms	6
Family requiring 4 bedrooms	2
Grand Total	26

This demonstrates that there is a clearly identified need in the local community. Dorset Home Choice provides evidence that a variety of housing is required from one bedroom upwards, therefore the proposed accommodation schedule for this project seems to provide an appropriate and balanced mix of dwellings.

Summary:

The proposed development has been initiated and driven by the local community who recognise the invaluable role the development of affordable housing plays in maintaining healthy, balanced and sustainable communities. The mix of dwellings proposed provides a balance of single person and family accommodation that will ensure the sustainability of the development, whilst helping to preserve a vibrant and thriving local community.

There is a significant need for affordable housing across the west area of Dorset and an identified need for a variety of dwelling in the Broadwindsor Group Parish area, therefore the provision of 15 affordable dwellings with a mix of sizes and tenures will assist in meeting this need.

The Dorset Council area is home to a significant number of active Community Land Trusts with several further emerging CLT groups eager to become established. The Council is keen to look at innovative ways of providing affordable housing and has championed all these projects recognising that the CLT model is a successful way of providing the homes that communities themselves identify as being needed.

Although a CLT can exist for other purposes typically their objectives are to provide affordable homes. CLT developments are important to communities; the homes are protected from the Right to Buy, they sustain the community by developing and managing properties as a local asset for the long term benefit of the community and, crucially, local residents are actively involved in planning and delivery.

This scheme has provoked objectors however the CLT carried out a comprehensive consultation process and the general community opinion and the majority of responses were supportive, recognising the need for affordable housing that would provide homes for households who sustain the community.

To date this has been a challenging project which has been worked on tirelessly by a dedicated group of volunteers and one which the Housing Enabling team at

Dorset Council has supported since its inception. The CLT has reached the stage of applying for planning permission through close collaboration with Yarlington Housing, Dorset Council and Wessex Community Land Trust Project and we are looking forward to providing continuing support for the project through the planning procedure and to completion.

9.3 AONB Landscape Officer - Overall, the proposal may be considered acceptable subject to some amendments. Key points to be borne in mind;
-Neighbourhood Plan process acknowledged the importance of maintaining a “green gap” between Netherhay and Drimpton- which this scheme does.
-appeals have demonstrated that significant weight should be attached to affordable home proposals, and that this can outweigh any harm caused to the AONB;
-AONB’s Management Plan review includes specific support; policy C.3b Support affordable housing within appropriate rural exception sites that meet proven local need. Good, locally sensitive design should be pursued.

I am broadly satisfied with the scale and design of the dwellings, including their layout and proposed materials. However, do not wish to see the 2 breaks in the north/east boundaries to provide agricultural access/access to the sewage treatment plant. Recommend the plans be amended to deliver an unbroken buffer.

9.4 Planning and Urban Design Officer - Vehicular access point to serve site is appropriately located to give good sense of arrival into scheme. Internal street layout sees less hard-surfacing which is beneficial. Too much close-boarded fencing in street scene; more sensitive approach to boundaries in the street scene required. Parking arrangement: some spaces on road edge emphasise fencing behind; Plot 3 parking encroaches on amenity space of unit. Flats block should be re-orientated to give frontage to the lane and internal street. Units 10 and 11 in disproportionately large plots - this area should house 3 plots to optimise site. Advise further design/layout changes are sought.

9.5 Conservation Officer - No comments.

9.6 Landscape Officer - Site on western edge of Drimpton, occupies the south-western corner of a field that is delineated with locally distinctive hedge-banks and scattered trees. To the east of site is residential estate development comprising a mix of modern two storey housing (Marksmead) and single storey housing (Oxhayes). To the immediate south of the site are bungalows accessed off Netherhay lane and Chard road. The western boundary comprises an attractive lane strongly delineated by earth banks supporting mixed trees (ash and oak) and sparse hedging.

Two footpaths run through the field W23/30 to the immediate north of the site- from Netherhay Lane to Crewkerne Road, and W23/29 which runs roughly north

to south from Chard Road to Crewkerne Road passing near the eastern boundary of the site.

A Landscape and Visual Appraisal has been submitted; this said the site is considered to have high landscape value and medium to high landscape quality. Site sensitivity is judged to be medium to high. I agree with these judgments.

I have a number of concerns over this development;

- the layout proposed has a standardised geometric arrangement of dwellings within rectangular plot fails to respond to the intrinsic landscape qualities of the site. The wider field has far-reaching views towards Seaborough Hill (to the north-east) disappointing that harsh linear boundaries are used with dwellings lacking in local character.
- proposed vehicular access would remove 25m of hedge-bank and associated young ash tree- can the access be re-located north to keep the ash tree?
- footpaths on western edge likely to detrimentally affect root protection areas.
- main entrance to the development is unsympathetic to the rural setting with brick walling dominating the access.
- Close boarded fencing would dominate the street scene in areas.
- appears there is no need for 2 access points into the wider field on the north and east boundaries (an existing gateway is present off Netherhay Lane to the north)
- Soft Landscape Strategy concerns: Western boundary- propose “retain hedge” whereas area is in fact largely bracken with limited shrubby species- would actually benefit from planting of shade tolerant species.
- proposed bund to north and east boundaries would be an alien feature in this area.
- lack actual and appropriate landscaping for site shown.
- in light of above overall landscape strategy would not conserve or enhance the local landscape character –unable to support application in its current form.

9.7 Tree Officer - Proposal on higher land with views from various public viewpoints. Suggest vehicular access is moved further north away from frontage trees. (G7) The mainly ash trees are key contributor to lanes character. Orientation and siting of houses along the hedge-line will impact on tree root protection zones- adjust dwelling positions advised. Hedgerow species should focus on native species already present. Internal landscaping needs to further develop rural character of area.

9.8 Highways Officer - Original comments: Recommend refusal;

1 The site is served by a narrow sub-standard road, Netherhay Lane and a substandard junction with the B3162 Chard road, where the junction width, radii, and visibility are unacceptable. The character and nature of both roads present conditions that are totally unsuitable to cater for the likely increased traffic generation from the development and would thereby introduce an unacceptable impact to the condition of safety for all users of the highway.

2. The proposed development would be likely to generate an increase in pedestrian traffic onto Netherhay Lane and Chard Road where carriageway widths are extremely restricted there are no usable roadside footways or verges that offer refuge for pedestrians. This would be likely to impact adversely on highway safety and the transport choices for potential occupiers and is, therefore, considered to be unsustainable and contrary to the guidance set out in the National Planning Policy Framework, local Policy and the guidance provided by the Department for Transport publication "Inclusive Mobility": A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure.

9.9 Flood Risk Management Team - In flood zone 1, with section to east in zones 2/3 adjacent the Ordinary watercourse. Holding objection pending the submission of an acceptable strategy of surface water management that is viable and deliverable. Advocate a SuDS feature rather than underground geo-cellular storage.

9.10 Natural Environment Team - An acceptable bio-diversity mitigation plan is required.

9.11 Crime Prevention Design Advisor - Advise development should meet standards in the Secured by Design Homes 2019 guide. Also recommend that all access gates that lead to dwellings are key-lockable from both sides. Burglaries most commonly occur at the rear of premises where access is not restricted (i.e. unlocked gates).

9.12 Technical Services - Almost fully in Flood Zone 1 (low risk of flooding). Flood Risk Management Team should be consulted regarding surface water management proposals for the site.

9.13 Mineral Planning Officer - Sand and gravel present. As comprises only as small part of site, no objection subject to informative.

9.14 Parish Council - Broadwindsor Group Parish Council has consulted widely on this application. The application was discussed at length with Councillors and members of the public at its meeting on 10 June, and upon request, the Council has spoken to individual residents who wanted to express their comments outside of a formal meeting. The Parish Council has raised awareness of the application and signposted members of the public to the application through its website and Facebook page and has encouraged those with views to present them. The need for affordable housing within the Grouped Parish area was identified in the Parish Plan of 2012 and later through the development of the Neighbourhood Plan, and in January 2018, there were 23 individuals, couples and families with a strong connection to the Grouped Parish area in need of affordable housing. There is strong support for such provision. The Parish Council is satisfied that the Broadwindsor Group Parish Community Land Trust has followed correct procedures and is proposing a high-quality

scheme which will provide much needed homes for local people and will stand as a real asset for the community. As such, the Parish Council fully supports this application.

Despite strong support for the application within the community, the Parish Council recognises and understands that there is some opposition to the proposal and would like to include the concerns raised as part of its corporate response. The Parish Council has encouraged those opposing the application, to also submit their comments directly to Dorset Council. A summary of comments received from members of the public at its 10 June 2019 meeting are listed below.

A number of comments were made stating that affordable homes should have access to good local amenities, including good transport links and access to leisure facilities and employment opportunities and some members of the public did not feel that Drimpton could offer this, which would lead to an increased number of cars being used.

A number of comments were also made stating that Drimpton had its own vibrant village hall, offering a wide choice of recreational activities, an excellent play park, two places of worship, a pub and should be viewed as part of a wider Grouped Parish area which further offers a community shop, school and village hall and that Drimpton had a great deal to offer new residents.

Comments were also made about the unsuitability of Netherhay Lane to cope with additional traffic and the potential danger to both pedestrians and motorists. A comment was also made about the removal of a large section of hedgerow and ancient trees in an area of Outstanding Natural Beauty and that over 24 metres of bank would have to be removed.

Whether the scheme offered value for money was questioned.

An objection was raised to the proposal due to the negative impact that such a scheme could have on the environment. The methodology for the disposal of chemicals used in the treatment of sewerage was questioned and concern raised about the possible pollution of the stream.

A member of the public stated that they had lived in the village all of their lives and had seen it expand and stated that it was important to move forward and plan for the next generation, stating their full support for the scheme.

A number of comments were made about the reduction of privacy for an existing resident of Netherhay Lane, stating that the proposal would see five back gardens bordering his property which they felt was very unfair and would impact on his well-being.

A comment was also made that the proposed houses would not be in keeping with the surrounding bungalows and would lead to light and noise pollution. A member of the public commented that the scheme would fit in with the existing population and add to the vibrancy of the village, stating that an inflow of new people over the years has helped make Drimpton the great village that it is today.

A comment was also made that the application proposed that children would be walked to the school bus through the field, which was thought to be extremely difficult for young families, especially during winter months. This may then lead to additional car journeys being made.

A member of the public stated that they had no objection to the proposal but was concerned about pollution of the stream and asked whether any consideration had been given on connecting the new homes to the existing sewerage system and making improvements to the system to enable it to function more efficiently.

A member of the public questioned why a gate providing access to the adjoining field had been included in the plan, stating that it did not serve a purpose and could be there to allow for further development.

A comment was made that the site was viable agricultural land and should remain so.

A member of the public questioned the track record of the chosen Housing Association and their ability to maintain the site adequately. Councillor Leader stated that the Housing Association had been chosen based on its track record locally.

A member of the public stated that there is a real struggle facing young families, with low rates of pay and high house prices, getting on the property ladder is almost impossible. Working families do not qualify for traditional social housing and are often forced into private properties with high rents and no home security. These families are active members of their communities, with children attending the local school.

A comment was made that the Community Land Trust does not have majority support for the site from the residents of Netherhay and Drimpton.

Comments on Amended Plans (April 2020) –

9.15 Highways Officer - Amended comments in light of consideration of further information from applicant and overall planning policy context):

It is understood that on 23 December 2020 an amended plan was provided, Dwg No 7446 10-001 Rev Q, that indicated that an all-weather footpath will be provided linking to the existing Right-of-Way to the west (W23/29) this plan has been subsequently updated to Rev T as of 9th April 2020. Whilst it would be preferable if the existing R-o-W was also surfaced, a suitable alternative to having to walk along Netherhay Lane will be available and, for this reason, we would withdraw our initial recommended reason for refusal.

It is acknowledged that the development site is allocated within the Broadwindsor Group Parish Neighbourhood Plan (2018-2031) and this has been fully considered in our deliberations. However, it is noted that the applicant's submitted Transportation Advisory Note (23 January 2020) confirms that the "visibility splays at the B3162 do not comply with Manual for Streets (MfS) guidance", as previously advised by the Highway Authority. The visibility to both the west and the east at the junction of Netherhay Lane with the B3062 Chard Road, from a driver position of 2.4m (that does not necessitate a hesitant nosing into the carriageway), falls well below the criteria identified by MfS. It has been suggested that this issue could be mitigated by the use of a mirror on the highway verge immediately opposite the junction but the Highway Authority does not accept this as an appropriate or safe mechanism and is not one that Dorset Council employs. It is recognised that this is an historic situation, but the HA considers that the existing junction has limited visibility and as such we would ask that is taken into consideration when determining the application.

9.16 South West Water - No comments to make.

9.17 Flood Risk Management Officer - Limited potential for the incorporation of open Sustainable Urban Drainage features (ponds/swales). More recent information submitted; underground crating system with controlled release to the stream to the east could be more likely means, subject to a detailed drainage scheme and maintenance/management details.

9.18 Planning Obligations Officer - Since wholly for affordable housing and is likely to be eligible for Social Housing Relief, I have no comment from this perspective.

9.19 Natural Environment Team - Revised and acceptable biodiversity plan submitted and Certificate of Approval now issued; some final adjustments currently being addressed.

9.20 Crime Prevention - No further comments to add to original comments.

9.21 Environmental Health Officer - No objection. Comments that sewage treatment plants of this size are unlikely to cause excesses of noise, and that normal rules around complaints remain and would be made against the site management.

9.22 AONB Landscape Officer - We would like to make the following observations with regards the latest amended design (with reference the Soft Landscape Strategy 1284-06, and proposed Site Plan 7446 10 -001 Rev T):

The Revised Layout and associated landscaping:

We note the following improvements to the Site Layout:

- Reconfiguration of the Units to provide a slightly less geometric layout – with Units 9-11 incl. orientated to the south-east.
- The removal of the perimeter earth banking.
- The creation of a central 'green space'.

With reference the latest Soft Landscape Strategy we would like to make the following observations:

We have serious concerns about the design of the planting layout. There appears to be a general lack of knowledge of planting design – in that forest species trees are planted in close proximity to each other and that the proposed design would fail to address the local distinctiveness of the setting within the designated landscape. To elaborate;

- The northern/eastern periphery: This is to comprise a boundary hedge with standard sized trees planted within it. Whilst the 'hedge' specification (a native species mix) would be acceptable the 'standard trees' shown need far more consideration. Oak trees (*Quercus robur*) are shown planted in a regimented fashion – and within just a few metres of each other. In reality – Oaks require a suitable space in which to establish and so far more space needs to be allocated. Also, within the hedgerow planting, are *Acer campestre* (field maple) and *Prunus avium* (bird cherry). These are best planted in small groups/clusters – and not in a regimented fashion. A more considered design is required that takes into consideration the 'habit' and 'form' of the trees to be planted.
- Eastern boundary – I note that 'earth bund' is shown along this boundary – It was previously advised that bunding be removed along here.
- Eastern boundary 'Woodland Planting': In reality these areas, as shown on the Strategy Drawing, are very small – and never likely to form 'woodland'. The species proposed are in line with the Biodiversity Mitigation Plan and would be acceptable.
- Eastern boundary – Sewage Pumping Station: We note that there is a lack of planting to the field side of the SPS. Hedge planting should be provided in order to soften the structure from the proposed footway to the east.
- Eastern boundary – Access point: There is disparity between the Proposed Site Plan and the Landscape Strategy. The Site Plan illustrates that planting is to be provided within this area – allowing space for the proposed footpath. I would, therefore, recommend that the 'woodland planting' is extended across this area.

- Southern boundary: This boundary appears to have been neglected in terms of planting proposals. The boundary, as existing, comprises long grass and patches of bramble. It adjoins the private garden space of an existing bungalow (No.6). All that is shown on the Landscape Strategy are 3 standard trees –within the back gardens of proposed Units 12, 13 and 15. Hedge planting is advised along this boundary – although space is extremely restricted to the south of Unit 1. Clarification is required as to how this boundary is to be treated.
- Wildflower Meadow Areas: The seed mixes specified would be suitable – but the expanse of grassed area in the ‘centre’ of the Site could be vastly improved. This is the largest of the green ‘open spaces’ and it only has 2 no. small field maple trees (which are tucked into the edge of the area). This green space needs more thought – with specimen tree planting to provide fruiting/foliage interest. The two green spaces shown either side of the ‘agricultural access’ along the northern boundary could also be improved. This is a ‘transition zone’ between the housing and the farmland – so native species planting would be preferable around the sides of the ‘sheds/drying areas’. This would better relate to the native trees that are planted there.
- Ornamental Planting and Amenity Grass Areas – Ornamental planting has been kept to a minimum across the Site – largely being restricted to a small number of beds at the entrance and a couple of other random ‘blocks’. Hedge planting is shown to the front of some of the Units – but not all? There is a lack of any ornamental planting to Units 9-11 incl. Where there are larger ‘ornamental beds’ – it would be preferable to see small ornamental varieties of trees within them – as they are there to provide ‘structure’ and spatial definition. There are lost opportunities within the larger areas of ‘amenity grassland’ – where token native species trees are shown. Far more could be made of these areas.

Conclusions:

Whilst the revised Scheme shows some improvements to previous layouts – we feel that the overall approach to this site is disappointing in terms of design and character. House detailing is ‘generic’ and shows little of local distinctiveness (conflicting with the aims of the Neighbourhood Plan Policy BGNP7 Built Character: which states that: “Development should be designed to complement and reinforce the distinctive local character of the settlement or outlying rural area to which it relates”).)

Taking the above into account – whilst we support affordable housing (AONB Management Plan Policy C3b) we advocate ‘good, locally-sensitive design’. This Scheme, in its architectural treatment and proposed landscape strategy – is weak and does little to ‘conserve and enhance the AONB’.

I would advise that the landscape design for the Site be re-considered – with particular thought being paid to the transition between the formal areas within the housing and the transitional areas/ rural interface.

9.23 Parish Council - Broadwindsor Group Parish Council has consulted extensively on this application and its revision and supports the proposal. Broadwindsor Group Parish Council instigated the creation of the Community Land Trust to seek to address the concerns of residents regarding the lack of affordable housing for local people. The Parish Plan of 2012 surveyed the residents of the group parish area and the biggest concern that the community had was over the lack of affordable housing for local people.

West Dorset District Council were engaged, they wholeheartedly supported the objectives. A search of the group parish for suitable sites, working with the Planning Department of WDDC identified the Netherhay Lane site as being suitable. The scheme for 15 affordable homes for local people only was designed after considerable discussion with the community, Planners, Parish Council and other experts.

The homes will be only for local people, they cannot be sold off and will be held in perpetuity for local people.

The Neighbourhood Plan included this scheme and the Parishioners voted on the Plan and received overwhelming support. The Plan was independently reviewed by a planning inspector and supported. The Plan was approved by Dorset Council without alteration.

Highway and planning experts have confirmed that Drimpton Cross is safe and able to take the traffic from this scheme.

The homes will be built to the highest standards, their appearance, faced in stone and brick we believe will add positively to the built environment.

The proposed footpath from the scheme to meet the existing right of way that starts and finishes on the Chard Road is included at the request of the Dorset Council Planning Department.

There will be a self-contained sewerage system on site which will have no impact on the existing system. This system will discharge only clean water into the local stream.

All existing trees and hedges, apart from the entrance, will be kept, there will be considerable planting of trees and hedges on site to create a green environment.

The Parish Council have been involved with this scheme from the outset, they support absolutely the need for affordable housing for local people, they support

this site as being suitable for this development and support the design and access.

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

10.0 Representations

Representations on Original Plans:

61 letters of objection/comment have been received. Several writers have written more than once. The main planning-related points include:

Council for the Protection of Rural England (CPRE) -
lack of affordable housing need in Drimpton; should be located in a larger settlement as per local plan strategy; lack of public transport links to centres of employment/towns; lack of local facilities in village-unsustainable development; will result in loss of privacy to neighbours; if affordable housing is to be permitted in Drimpton it should be on the (lapsed permission) (Axe Mill) industrial site instead.

Dorset CPRE-consider the highway refusal concerns should be followed.

- access onto Netherhay Lane not acceptable- too narrow for 2 vehicles to pass in most places
- excessive traffic generation from site -30 cars likely
- inadequate car parking given visitor and emergency vehicle needs
- lane and site entrance not suitable for emergency vehicles
- traffic accidents have occurred in the lane/locality
- will exacerbate existing problems of lane blocking by vehicles, particularly large ones, causing reversing movements
- poor visibility at chapel end of Netherhay Lane
- no need for more houses in this village
- junction of Netherhay Lane with Chard Road is dangerous with poor visibility
- detrimental to visual character of Netherhay Lane
- will not enhance the Area of Outstanding Natural Beauty
- will affect setting of listed buildings
- loss of frontage bank/planting and trees
- will erode extent of green gap between Netherhay and Drimpton
- site is close to a listed building
- site affects public rights of way
- should put the houses in a more sustainable location
- concerns of the highway authority must be observed
- narrow lane, lack of passing places, no footway and 60 mph speed limit mean lane is unsafe for further development
- loss of frontage trees/hedging-detrimental to visual character
- detrimental to safety of pedestrians, dog walkers and children who use lane

- lack of local services and facilities in village
- proposed houses not in keeping with existing bungalows
- no local employment opportunities
- would exacerbate existing sewerage system capacity
- potential contamination from sewage treatment plant
- chemicals from sewage would contaminate the Little Axe stream, its wildlife and banks
- CLT scheme does not have majority support
- insufficient local need in the village
- increase light pollution
- erode wide corridor of open land separating Netherhay and Drimpton.
- loss of productive agricultural land
- loss of fauna and flora
- sewage plant could be detrimental to neighbouring properties
- noise from activity of residents
- increased noise and fumes to area
- vehicle emissions will increase
- overlooking from dwellings and loss of privacy to the existing property 6 Netherhay Lane to south
- would not sufficiently respect the human rights of adjacent neighbour to south
- loss of privacy to existing properties
- flats would be out of keeping for the village
- harm to countryside views
- lack of adequate bus service- residents would be over-dependent on private cars
- no public transport to Broadwindsor, Bridport or Dorchester
- no school, shop or post office
- have to travel to Beaminster or more likely Crewkerne for most services/facilities
- detrimental to public rights of way
- potential damage to lanes/banks from construction vehicles
- limited support from village residents for this CLT project
- detrimental to setting of listed buildings
- should look to use other local brownfield sites.
- unnecessary gate on site- opportunity to further extend into field?
- too many units
- query safety of LPG storage facilities
- materials must be appropriate to this countryside location
- pollution and noise risk from drainage for sewerage plant
- site has surface water drainage problems
- ensure surface water drainage does not detrimentally affect water table
- solar panels should be provided
- query if enough school places available at Broadwindsor School
- existing field public footpath from site to village opposite hall is not surfaced and not suitable in poor weather; highway danger from pedestrians crossing Chard Road at this point to reach the hall/playing field
- disagree with conclusions of submitted Traffic Advisory Note

- some support for low cost housing, but no majority support for this particular site
- precedent for more development of rest of the field.
- would require upgraded roads and drainage
- slow broadband speeds
- consider insufficient housing need for this number of houses in Drimpton itself
- not convinced by applicants Transport Statement regarding accident dangers
- CLT supporting documents are not persuasive.

25 letters of support have been received. Several writers have written more than once. The main planning-related points include-

- efforts with landscaping are appreciated
- highway officer concerns are overstated; Drimpton has few footways in any part;
- consider safer to walk along Netherhay Lane than Bramblehay, Marshwood or Garmans Field, Timber Hill Lyme Regis(where highways supported affordable housing with no footways)
- site has been considered for development in strategic housing allocations list
- support provision of housing for the local community and the young
- support the work of the Broadwindsor SLT for the best interests of the area
- greater part of field remains undeveloped
- consistent with the Neighbourhood Plan
- CLT process has been appropriately consultative.
- scheme has support of Parish Council
- applicant has sought to develop an appropriate scheme for the site; homes will have environmental benefits; a lot of tree planting; the biodiversity of the site will be enhanced
- following concerns over pressure on existing system an on-site sewerage system deliberately used to break down and digest foul waste resulting in a small amount of clean water out flow- would be licensed by environment agency
- affordable housing essential for rural communities to thrive; allows local young people to live in village who couldn't otherwise
- Drimpton has a lot to offer with its community/recreational facilities
- primary and secondary schools nearby served by free school bus, craft centre and community shop only two miles away, and larger shopping facilities at Crewkerne and Beaminster; regular bus service
- have minimised tree loss, and involves extensive new planting and encouraging wildlife
- employment available in local towns
- needed to stop locals having to pay high rents; young people will keep the village vibrant
- two footpath links into village
- Neighbourhood Plan Inspector concluded this site is suitable
- bungalow next to the existing neighbour; scheme would minimise overlooking
- village hall, two churches and pub will all benefit from more people using them
- more local children would help increase local schools attendance
- will increase use of local facilities

- additional traffic would make little difference to any highway concerns
- bus stop is convenient to site
- bus service passes site multiple times a day
- suitable building materials used.

Comments on Amended Plans: (vehicular access moved northward; layout and dwelling positions adjusted; new footpath link; additional supporting information)

35 letters of objection. Several writers have written more than once. The main planning-related points include:

- drainage from the scheme will worsen the existing poor drainage situation
- pollution risk from foul drainage into stream; harm to wildlife
- loss of trees
- Dorset CPRE-consider the highway refusal concerns should be followed; If approval is given should incorporate green energy measures
- effect on flora and fauna- biodiversity deficit
- unacceptable traffic increase on Netherhay Lane and area
- junction does not comply with Manual for Streets Guidance
- new vehicular access on to a dangerous lane at narrow point
- lane is too narrow for two vehicles to pass
- large agricultural/commercial vehicles or buses- cause dangerous reversing on single track lane.
- no footways-dangerous for pedestrians and other road users
- unsafe junctions at either end of lane- limited visibility
- loss of privacy to adjacent bungalow-6 Netherhay Lane
- noise and disturbance activity to adjacent bungalow
- lack of infrastructure in village
- lack of local employment opportunity
- lack of facilities for young parents
- should be built in larger, more sustainable settlement
- inadequate bus service
- TPO trees may consequently need trimming
- footpath route would be difficult in dark
- privacy of adjacent dwellings affected by proposed footpath use
- new footpath should be lit and maintained
- footpath route is boggy and therefore difficult to use
- footpath route into village beyond proposed surfaced section, via timber bridge is boggy and difficult to use, particularly for wheel chairs/pushchairs
- footpath would encourage more people to use it in addition to residents
- footpath link was not in neighbourhood plan
- footpath is an expensive, impractical solution, also needing to use gates
- footpath should not be tarmac or lit
- poor visibility from the public footpath opposite village hall
- underground springs-site unsuitable for development
- home could still be too expensive

- visually out-of-keeping with the surrounding area
- harm to the Area of Outstanding Natural Beauty
- light pollution
- should not build flats in a village
- schools and doctors surgeries at capacity
- additional agricultural access from site to field unnecessary as access exists elsewhere to this field; precedent for more development?
- increased vehicle damage to hedgerows and banks
- more screen planting needed, including to help address privacy concerns for 6 Netherhay Lane
- do not want urban fencing solution to footpath route
- too many houses-biodiversity plan not correctly signed
- better site at Axe Mill
- loss of agricultural land

Dorset CPRE- note footpath provision to village, but object if the remainder of route cannot be surfaced also. Gaps in the pavements on Chard Road. Still have concerns over public transport and employment. If scheme is supported full insulation and solar panels should be installed.

38 letters of support. The main planning related points include:

- valuable opportunity for local born people to stay in home village rather than having to move away to cheaper rental/purchase areas
- longstanding need for affordable housing in this area
- will provide a good mix of people
- proposed plans and location are ideal
- will make little difference to traffic in area
- lack of road accident statistics for Netherhay Lane
- nature of the lane slows down vehicles
- there is nothing exceptional to make this lane unsuitable for 15 dwellings
- high existing private rents mean these homes are a welcome addition
- high demand for these due to locals forced losing out by those buying second homes and holiday homes
- new footpath helps the scheme and could encourage more people to take exercise
- a well designed development
- would help sustain local and other facilities in the area.
- will enable families to live near each other and provide child care
- environmental benefit of new tree and hedge planting
- detail and design will have minimise any impact on neighbouring properties
- ecological benefits plan
- energy efficient housing
- scheme is supported by the Parish Council
- village needs to grow and thrive to avoid an ageing population
- amended plans address the concerns of residents

- the CLT worked with the (former) WDDC Planning Dept to identify the site as suitable
- site identified in the (now “made”) Broadwindsor Group Neighbourhood Plan which followed extensive consultation
- new sewage system will have no adverse impact on the existing system
- will have positive impact on community

Full copies of all letters of representation are available to view at doretforyou.com

11.0 Relevant Policies

West Dorset, Weymouth and Portland Local Plan (2015).

INT1 - Presumption in Favour of Sustainable Development
 ENV1 – Landscape, Seascape and Sites of Geological Interest
 ENV2 – Wildlife and Habitats
 ENV4 - Heritage Assets
 ENV5 – Flood Risk
 ENV10 - The Landscape and Townscape Setting
 ENV11 - The Pattern of Streets and Spaces
 ENV12 - The Design and Positioning of Buildings
 ENV13 - Achieving High Levels of Environmental Performance
 ENV 15 - Efficient and Appropriate Use of Land
 ENV 16 – Amenity
 SUS 2 - Distribution of Development
 SUS5- Neighbourhood Development Plans
 HOUS 2 - Affordable Housing Exception Sites
 COM7 Safe and Efficient Transport Network
 COM 9 - Parking Standards in New Development

Broadwindsor Group Parishes Neighbourhood Plan 2019–

Policy BGNP6 Important Gaps-
 (Gap protected to Netherhay, with appropriate design/landscaping to any new development)

Policy BGNP7 Built character-
 (development should be designed to complement and reinforce the distinctive local character)

Policy BGNP15. Site 7a: Land East of Netherhay Lane, adjoining Drimpton-
 (local housing need; appropriate character/design; minimise loss trees/landscaping; safe access onto Netherhay Lane; drainage strategy; biodiversity mitigation)

National Planning Policy Framework 2019-

- 2. Achieving sustainable development
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 11. Making effective use of land
- 12. Achieving well-designed places flooding and coastal change
- 14. Meeting the challenge of climate change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment
- 17. Facilitating the sustainable use of minerals

Decision making:

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

West Dorset Landscape Character Assessment 2009

AONB Management Plan 2019-24

Design and Sustainable Development Guidelines 2009

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

13.0 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 development includes car parking located conveniently to associated dwellings which would assist any less able persons.

14.0 Financial benefits

Affordable housing -15 homes
Employment during construction phase

15.0 Climate Implications

15.1 Construction of the development will invariably involve emissions due to operation of plant and building operations. Following occupation use of non-electric vehicles will result in vehicle emissions. However, this must be balanced against the opportunity to provide much needed affordable housing for Drimpton and the local area.

16.0 Planning Assessment

Principle of development-

16.1 Policy HOUS2 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 supports the principle of small scale sites for affordable housing adjoining settlements, subject to details, and is applicable in this case. Furthermore, the emergence of the Broadwindsor Group Parishes Neighbourhood Plan 2018-2031 “made” (given final approval) on 1st October 2019, specifically allocates this site for up to 15 affordable dwellings. Policy BGNP15 of the Neighbourhood Plan (NP) addresses this with the site referred to as 7a in the Plan. The Policy is set out below:

Policy BGNP15. Site 7a: Land East of Netherhay Lane, adjoining Drimpton Land east of Netherhay Lane, adjoining Drimpton, as shown on the Policies Map, is allocated for a rural affordable housing exception site, subject to all of the following requirements:

- a) the scheme comprises no more than 15 dwellings, and the exact type and number of dwellings provided must meet an identified, current, local need within the neighbourhood plan area which cannot otherwise be met, and restrictions are included to ensure that these homes are prioritised and remain affordable to local people (with a connection to the neighbourhood plan area) in perpetuity;
- b) the scheme is of a character, scale and design appropriate to the location, new buildings are designed to complement and reinforce the distinctive local character in line with Policy BGNP7, and appropriate landscaping is included to

avoid the development being prominent in long-distance views and to provide a soft landscaped edge to the remaining field;

- c) the layout should be designed to avoid impinging on the protection area of the mature trees along the site boundaries, and retain the hedgerow as far as practicable;
- d) any vehicular access onto Netherhay Lane must be provided with a suitable visibility splay achieved;
- e) the provision of a drainage strategy to ensure run-off from the site is suitably managed to avoid impacting on properties off-site;
- f) the retention and enhancement of the existing hedgerow boundaries and mature trees as far as practicable, and the provision of biodiversity mitigation to secure a net biodiversity gain (in line with the Dorset Biodiversity Protocol).

16.2 The Neighbourhood Plan becomes part of the development plan, and its policies will work alongside, and, where appropriate, replace the policies in the local plan where they overlap. In this case the general Local Plan policy support given in HOUS2 is refined and made specific to the application site as identified in the Neighbourhood Plan allocation under Policy BGNP15.

In the light of this clear supportive policy background this particular site is acceptable in principle, subject to relevant detailed matters as are material to the application.

16.3 The comments of the Housing Enabling Team are strongly supportive of this application; they set out in their comments the background and refer to the site being identified in 2016 as part of the Strategic Housing Land Availability Assessment. They point out that there is evident demand for a varied schedule of housing in the Broadwindsor Group Area (this includes the Parishes of Broadwindsor, Burstock, and Seaborough). The units are likely to be for affordable rented purposes. They further comment that the proposals represent an appropriate and balanced mix and that the provision of 15 dwellings will assist in meeting that need.

16.4 It is not intended to explore the sustainability issue in depth here because the principle of this site is already established under the Neighbourhood Plan. However in brief, Drimpton is a modest sized settlement which is acknowledged to have some facilities and consequently appears in the “settlements of 200+ population” as listed in the adopted Local Plan (approximate village population is about 400). The local facilities include a church, public house, village hall, children’s playground and playing field. There is also a chapel at Netherhay. There is a bus service; the South West Coaches Route 96 - albeit it is a very limited service. The route connects to Chard- Crewkerne-Yeovil, via Winsham, Drimpton, Misterton, Hazelbury Plucknett, East Chinnock and West Coker. Nearer towns are Broadwindsor (about 2.3 miles), Crewkerne (about 3.6 miles) and Beaminster (5 miles). As such, private cars are likely to be used mainly. Shops and schools are available at Broadwindsor and Beaminster.

16.5 It has been checked and there is spare capacity at both Broadwindsor Primary and Beaminster Secondary Schools to accommodate the anticipated additional children that would be expected from a scheme of this size.

Highway Safety Considerations-

16.6 Highway safety is an important material consideration and it is pertinent to explore this issue in the context of the background and progression of this application.

Background

When the application was originally received the Highway Officer recommended refusal based on two reasons:

1. The site is served by a narrow sub-standard road, Netherhay Lane and a substandard junction with the B3162 Chard Road, where the junction width, radii, and visibility are unacceptable. The character and nature of both roads present conditions that are totally unsuitable to cater for the likely increased traffic generation from the development and would thereby introduce an unacceptable impact to the condition of safety for all users of the highway.
2. The proposed development would be likely to generate an increase in pedestrian traffic onto Netherhay Lane and Chard Road, where carriageway widths are extremely restricted there are no usable roadside footways or verges that offer refuge for pedestrians. This would be likely to impact adversely on highway safety and the transport choices for potential occupiers and is, therefore, considered to be unsustainable and contrary to the guidance set out in the National Planning Policy Framework, Local Policy and the guidance provide by the department for transport publication "Inclusive mobility": A Guide to Best Practice on Access to Pedestrian and transport Infrastructure.

16.7 Given that this specific site is allocated under the Neighbourhood Plan (NP) these comments were at variance with the expected response. The Highways Officer was consulted during the progression and amendment of the NP but it appears feedback on the reduced site area identified (Site 7a in the NP) was not received to indicate opposition in principle to this site - although it indicated the need for appropriate visibility splays onto Netherhay Lane.

16.8 Consequently discussions have taken place with the applicant and the Highways Officers to explore possible measures to address these objections. The applicant has also provided additional information including a Transport Advisory Note prepared by a transport consultant, and a letter dated 28th

January 2020 making reference to the NP Examiners Report and the Inspectors deliberations on the NP. Copies of these documents are available on the website.

16.9 Taking reason for refusal 2 first (unsuitability of Netherhay Lane for pedestrian traffic) the applicant has provided an alternative option for pedestrians, which would avoid use of the lane by providing a pedestrian link to the existing public footpath which then gives access more centrally to the village at a point opposite the village hall. The surface of the pathway would be all-weather such as self-binding gravel/hoggin. In the light of this amendment the Highways Officer has withdrawn his objection as set out below:

It is understood that on 23 December 2020 an amended plan was provided, Dwg No 7446 10-001 Rev Q, that indicated that an all-weather footpath will be provided linking to the existing Right-of-Way to the east (W23/29) this plan has been subsequently updated to Rev T as of 9th April 2020. Whilst it would be preferable if the existing R-o-W was also surfaced, a suitable alternative to having to walk along Netherhay Lane will be available and, for this reason, we would withdraw our initial recommended reason for refusal.

16.10 In an ideal world, an all-weather surface would be provided along the full route from the site to the junction of the footpath with the Chard Road in the village. That is not possible due to different land ownership. The unsurfaced section of this route is laid to grass crossing a smallholding and can at times be boggy in places. Two gates are present on the route. Consequently, whilst it is true to say the unsurfaced section of this footpath is not ideal, it does nevertheless provide an alternative to using the narrow Netherhay Lane which has no footways. It is also fair to say that particularly in wet weather, it may be less readily usable by the less able or those with pushchairs or similar.

16.11 The "junction" of this route with the Chard Road has limited visibility on emergence. Nevertheless, it should be noted that this route is a definitive public footpath and therefore is already in use by pedestrians in any event. The route would be usable by most with suitable footwear.

16.12 Moving onto the other reason of highway concern (narrow nature of Netherhay Lane and substandard junction with Chard Road) in the light of a combination of reviewing the policy background, the submitted Transport Advisory Note, the Neighbourhood Plan Examiners comments, and additional site review the Highways Officer has replaced the earlier comments with the below:

It is acknowledged that the development site is allocated within the Broadwindsor Group Parish Neighbourhood Plan (2018-2031) and this has been fully considered in our deliberations. However, it is noted that the applicant's submitted Transportation Advisory Note (23 January 2020) confirms that the

"visibility splays at the B3162 do not comply with Manual for Streets (MfS) guidance", as previously advised by the Highway Authority. The visibility to both the west and the east at the junction of Netherhay Lane with the B3062 Chard Road, from a driver position of 2.4m (that does not necessitate a hesitant nosing into the carriageway), falls well below the criteria identified by MfS. It has been suggested that this issue could be mitigated by the use of a mirror on the highway verge immediately opposite the junction but the Highway Authority (HA) does not accept this as an appropriate or safe mechanism and is not one that Dorset Council employs. It is recognised that this is an historic situation, but the HA considers that the existing junction has limited visibility and as such ask that it is taken into consideration when determining the application.

16.13 Taking Netherhay Lane first, this is a lane which is narrow, typically varying in width between 3.5 - 4.5m much of effectively single carriageway width with no footways. It links the B3162 Chard Road with the B3165 Crewkerne Road. The national speed limit applies here. It is clearly used by larger traffic such as agricultural vehicles and buses. As well as vehicular traffic it is clearly used by pedestrians for exercise, dog-walking, etc. There are various areas along the lane where pedestrians can take "refuge" from passing (sometimes large) vehicles, albeit there are narrower sections. It is also notable that the main route through the village has only very limited footpath sections. There appears to be no recorded traffic-related injuries for that area.

16.14 The NP Examiner noted in his report (dated 26 April 2019) when considering the allocation of this site on Netherhay Lane:

"4.6.8 Netherhay Lane is a narrow road without footways which is used by walkers and joggers. According to the NP, the lane is not heavily trafficked, and the bus service which uses it is infrequent. Although the design of an access onto Netherhay Lane would require care, no more than 15 dwellings would be permitted on the site, and there is no convincing evidence before me to suggest that the traffic generated would be sufficient to constitute a significant threat to safety or amenity."

Later the Examiner concludes:

"4.16.15 Taking all these matters together, I consider that the Parish Council have properly identified the adverse effects of developing the site, as set out in the Strategic Environmental Assessment (SEA), and have assessed the balance between those adverse effects and the benefits of development. They have made a reasonable planning judgement that the site should be developed to help provide the affordable housing need within the NP area."

16.15 Specifically regarding the new proposed vehicular access to the Lane, the positioning and visibility splays shown on the amended plans is acceptable to the Highways officer to provide adequate visibility on access to and egress from the

site. It is also worth mentioning that the creation of this access here would in effect provide an additional point of wider lane width which could ease the passage of vehicles travelling in opposite directions.

16.16 Turning to the Junction of Netherhay Lane with the B3162 Chard Road, visibility at this junction is not ideal. Approaching southwards along Netherhay Lane on reaching the junction it is bordered by a circa 3m high native species hedge on the west side, and a circa 2.5m high conifer/hawthorn, etc. hedge on the east side. In my own judgement as a driver and as Case Officer turning eastwards there is some visibility to the west. Turning west, it is necessary to “nose out” to gain improved vision to the east. The “bell-mouth” of the junction is about 21m wide. A 30 MPH speed limit applies to this section of the Chard Road.

16.16 The applicant has provided a Transport Advisory Note prepared by a transport consultant. This includes reference to recorded collision data for Netherhay Lane; just one “slight” injury collision about 200m north of the site is recorded.

16.17 However, there are in representations received indications of incidents and “near misses” on the lane and junctions. The Manual for Streets (MfS) indicates the visibility splays at the Chard Road junction- for full compliance- should be 2.4 x 43m in each direction. This junction clearly does not comply with that. Having said this, there appears to be no recorded collision data for the past 20 years at this junction.

16.18 The transport consultant points out that the forward visibility for east and westbound vehicles on the Chard Road to the crossroads junction (65m and 39m respectively) is in his words “excellent” when compared with the MfS sight stopping distance of 43m plus the Highway Code’s 23m for vehicle speeds of 30 mph.

16.19 Both the Highway Officer and the applicant’s consultant recognise the sub-standard nature of the visibility at the junction. The historic record of any incidents has not it appears prompted any steps by the Highway Authority to introduce additional safety measures at this junction. So the judgement is would the overall additional traffic generated by 15 further dwellings on the Lane be so serious as to resist the scheme. Policy COM7 of the Local Plan includes the criterion: Development will not be permitted where the residual cumulative impacts on the efficiency of the transport network are likely to be severe.

16.20 This is reinforced by the NPPF 2019 guidance at para 109; Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

16.21 The pragmatic reality is that particular care has to be taken at this junction. As the Highways Officer indicates:

It is recognised that this is a historic situation but the Highway Authority considers that the existing junction has limited visibility and as such we would ask that it is taken into consideration when determining the application.

16.22 It is also worth noting that limited visibility at rural junctions in the wider West Dorset area is encountered from time to time; extra care has to be taken in such circumstances.

16.23 In the light of the foregoing exploration of the issue it is considered by the Case Officer, on balance, that the relatively modest scale of the development would not result in a severe and unacceptable impact on highway safety.

Visual Amenity-

16.24 The site is located on the edge of Drimpton village, within the Area of Outstanding Natural Beauty, within the Axe Valley Hills Landscape Character Area and is adjacent to or near public rights of way, alongside a lane, and is slightly elevated. As such it is a visually sensitive site. The initial submission was supported by a landscape and visual Impact assessment. This assessed the impact of the development which would be visible from a variety of public viewpoints and by residents near-by. It recognised the site as of medium to high landscape value, and concluded that overall there would be an overall minimum adverse effect, and that this would be mitigated by the maturing of the boundary landscape planting.

16.25 In terms of the general location it emerged over time through assessment that the land between Drimpton and Netherhay formed an important visual gap between the two settlements. Accordingly, the submitted scheme is confined to the one (south-west) corner of the wider land parcel thereby leaving the greater share of the land as green open space.

16.26 The scheme has been amended in the light of comments from Officers. The main areas of amendment included moving the vehicular access point northwards; adjusting the layout so the frontage dwellings to Netherhay Lane were parallel with it but sufficiently far back from the boundary trees, re-orientating the plots 9-11 to face the north-east deletion of boundary and moving the plots 12-15 closer to the access road, adjusting the parking layout and introducing more curve into the access road. The vehicular access has been positioned to minimise any effect on frontage trees. Frontage banking will be removed but compensatory ecological measures will be carried out. It should be noted that the frontage trees are now subject to a Tree Preservation Order (WD969). The scheme as designed would not threaten those trees.

16.27 The AONB Landscape Officer feels there should be a more locally distinctive character to the scheme. However, the scheme does now follow some sound principles with a layout that has more variety in its orientation of units whilst also ensuring most units “front” the lane or access road in traditional layout form. The design of most of the dwellings follows a traditional cottage- inspired approach, each having a chimney and cottage proportion windows and simple porch canopies. There are a proposed semi-detached pair of single storey dwellings to the south-west corner of the site, although even these have a chimney and smaller proportion windows.

16.28 The materials include a mix of stone and brick with stone used more especially for the elevations addressing Netherhay Lane and more prominent elevations. All roofing would be in slate. Drimpton in fact has a wide variety of age, type and materials in its housing. The materials present include render, stone, brick, slate, plain tile and concrete tile. This palette of materials are present in the village, and indeed are also present in the more modern Marksmead development in the village. If approved final choice of materials would be conditioned. Architectural detailing includes over-sailing eaves, stone-effect quoins and coxcomb tile ridge detailing in the scheme. The dwellings also usefully include the option of either solar thermal or photo-voltaic panels on the roofs.

16.29 It is considered, that overall the scheme as now amended is acceptable in terms of its layout, design and materials; it would comply with policy BGNP15 in relation to the character and design but this must be subject to an acceptable landscaping scheme. Subject to appropriate landscaping it is considered that the scheme would have an acceptable effect on the street scene, the character of the AONB and on views from public rights of way in the locality.

16.30 In the light of the AONB officer comments a revised landscaping scheme for the site is currently being prepared based on the AONB Landscape Officers comments, which will include revisions to the north and east boundary trees and revisions to the character and form of planting.

Heritage Assets-

16.31 The site is at a significant distance from heritage assets; the nearest in terms of relatively open visibility are to the north; the grade II listed Old Netherhay House and Netherhay Methodist Chapel, about 184 and 280m away respectively. Given these distances it is considered the scheme would have minimal effect on their setting. Reflecting that position, the Conservation Officer has been consulted and did not consider it necessary to comment. It is considered there is less than substantial harm to the listed building settings. Due consideration has been given to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Local Plan policy.

Residential amenity-

16.32 In terms of the scheme itself the relationship between the proposed units provides appropriate distances such that unacceptable over-looking would not occur. All units would have suitable amenity space commensurate with the size of unit, including private outside space for the flats, each with a shed on the northern edge of the site.

16.33 The site has a common boundary with just one property; the bungalow known as 6 Netherhay Lane on the south boundary. This has an obscure glazed window on the end elevation facing the site. The single storey pair of semi-detached bungalows are the closest at 2m from the boundary. As a single storey building this would not have an overbearing effect nor result in unacceptable overlooking. The two pairs of semi-detached houses (plots 12-15) on the south side of the access road were re-positioned further north as part of the amendments. They are now a minimum of about 18m from the garden of No 6. Given this distance this would not result in unacceptable overlooking of that property or garden.

16.34 Representations have been received querying if the sewage treatment plant located near the south-east corner will result in unacceptable noise. The Environmental Health Officer has been consulted and advises that he considers this to be unlikely.

Drainage Considerations-

16.35 Regarding surface water a drainage strategy was submitted with the application. This has been referred to the Flood Risk Management Team. To date, this is more likely to involve an underground geo-cellular crate system to manage run-off. There would be an attenuation system into the existing stream to the east of the site. The Flood Risk Management team are content with the drainage strategy and recommend approval subject to final details of the drainage scheme and its maintenance/management.

16.36 Turning to foul drainage, there have been some issues with the existing mains network in the area. Consequently the applicant has opted for a private sewage treatment plant on-site. This would treat the sewage effluent to an acceptable level that can be discharged into the stream to the east of the site. The quality of the output would be controlled as a licence is required from the Environment Agency to do this.

Ecological Considerations-

16.37 The applicant has submitted a Phase 1 habitat survey and a recent revised bio-diversity plan (BMP). The Natural Environment Team have considered this

and with some minor further adjustments have now accepted this and issued a Certificate of Approval. The “field part” of the site is currently rye grass, and the bank to Netherhay Lane has very little hedging actually present so the BMP represents an opportunity to enhance the ecological value of the site. The measures include about 98m of new hedge planting to the north and east boundaries using native species mix, and trees such as oak and field maple. Bee bricks, bat boxes and bird boxes will be included together with hedgehog-friendly fencing. New wildflower grassland planting would occur adjacent to the western boundary and additional areas, with planting of standard trees in open spaces. The banking to the western boundary would be supplemented by hedgerow planting- hazel hawthorn, dogwood, etc.

Other Matters-

16.38 The scheme includes a proposed new agricultural access on the site into the field on the northern boundary. A number of letters have commented on this being unnecessary, suggesting it might provide the opportunity to extend the site at a later date. It is true there are other agricultural accesses to this field. The Case Officer did ask for this to be removed, but it is understood it is a contractual obligation of the applicant to provide this. As far as this application is concerned in planning merit terms it is only a small interruption to the northern landscape boundary planting.

16.39 Clearly, if any further housing application were to come forward in the future the Planning Authority would be able to exercise control over that, if and when it occurred.

17.0 Conclusion

17.1 The principle of this development is established by the site-specific allocation in the Neighbourhood Plan and the scheme is considered to comply with policy BGNP15 relating to this site. This is an opportunity to secure 15 affordable dwellings to serve Drimpton and the local area. It would also be a useful contribution towards addressing the 5 year housing land supply (currently at 4.83 years). Whilst the village has a limited range of facilities it does have some. In terms of the sustainable development objectives, the economic objective is helped by the employment created by the construction of the development and the possible increased use of the public house. In social terms the development is likely to add to the younger local population base, and help support the community facilities in the village and area. Regarding environmental considerations the combination of appropriate landscape planting and ecological enhancements will benefit the site.

18.0 RECOMMENDATION

Recommendation A: Delegate authority to approve to the Head of Planning to grant permission subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 in a form to be agreed by the Legal Services Manager to secure the following:

- To ensure the development remains as affordable housing in perpetuity,
- And to ensure the provision/maintenance of the footpath link to the public right of way.

and subject to the receipt of an acceptable landscape plan and subject to conditions.

1. Plans list-

Location plan 7446 01-001 A
Proposed site plan 7446 10-001 T
Plans/elevations plots 1 and 2: 7446 10-005 D
Plans/elevations plots 3 and 4: 7446 10-008 E
Plans/elevations plots 5 and 8: 7446 10-007 F
Plans/elevations plots 9-11: 7446 10-006 E
Plans/elevations plots 12-13: 7446 10-009 E
Plans/elevations plots 14-15: 7446 10-010 D
Site sections 7446 10-012 D

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 be commenced until details and samples of all external facing materials for the wall(s) and roof(s) shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, unless otherwise agreed in writing by the Local Planning Authority the development shall proceed in strict accordance with such materials as have been agreed.

REASON: To ensure a satisfactory visual appearance of the development.

4. The windows and frames shall be externally finished in white and permanently retained as such thereafter.

REASON: In the interests of protecting the character of the area.

5. No development shall take place until all existing trees, shrubs and other natural features not scheduled for removal have been fully safeguarded and fenced in accordance with a scheme to be first approved in writing by the Local Planning Authority. Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels and chemicals, soil or other materials shall take place inside this fenced area. The soil levels within the fenced area shall not be raised or lowered and no trenching or excavation shall take place. In the event that protected trees (or their roots) become damaged, are lost or become otherwise defective in any way during such period, the Local Planning Authority shall be notified immediately and a programme of remedial action as directed by the Local Planning Authority shall be carried out within a timescale to be specified by the Local Planning Authority.

REASON: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity.

6. The development hereby approved shall be carried out in accordance with the landscaping and tree planting scheme (plan reference and date to be added when received). Such scheme shall be implemented during the planting season November - March inclusive, immediately following commencement of the development, or as may be agreed otherwise in writing by the Local Planning Authority. The scheme shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years from completion of the development.

REASON: In the interest of visual amenity.

7. No development above damp proof course shall be carried out until details of the hard landscaping of the site including the surfacing of the new pedestrian path to the right of way to the east shall first have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the approved details shall all be completed before first occupation of any dwelling.

REASON: In the interests of ensuring provision of the footpath link(s) and in the interests of visual amenity.

8. The development shall be carried out in accordance with the submitted bio-diversity plan dated 21/07/20. The measures carried out shall be permanently retained thereafter. There shall be no variation to this plan unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of enhancing the ecological value of the site.

9. Prior to the commencement of any development a detailed surface water sustainable drainage scheme for the site, based on an assessment of the hydrological and hydrogeological context of the development, and a timetable for implementation (including clarification of how drainage is to be managed during construction) shall have been submitted to and approved in writing by the local planning authority. The submitted scheme shall include details of the maintenance and management of the surface water sustainable drainage scheme and any receiving system and shall be designed to include a plan for the lifetime of the development for its maintenance and management, 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. Thereafter the scheme shall be implemented in accordance with the approved details and timetable for implementation. The scheme shall be managed and maintained thereafter in accordance with the approved details.

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

10. The finished floor levels shall be carried out in accordance with the levels details shown on the approved layout plan 7446 10-001T.

REASON: In the interests of visual amenity.

11. No dwelling shall be first occupied until details of the means of enclosure for all plots/boundaries shall first have been erected in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. Such details as are approved shall be retained thereafter.

REASON: In the interests of visual amenity and residential amenity

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

REASON: To ensure that adequate provision is made to enable occupiers of and visitors to the development to be able to charge their plug-in and ultra-low emission vehicles.

13. Notwithstanding the submitted plans no development shall commence until details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Planning Authority. The development shall not be carried out otherwise than in accordance with the details as are approved.

REASON: To ensure the proper and appropriate development of the site.

14. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on the submitted plans must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

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

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

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

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

REASON: To minimise the likely impact of construction traffic on the surrounding highway network.

Informatives-

-NPPF

-s106

-Highways

-Minerals.

Recommendation B:

Refuse permission for the reasons set out below if the legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by 6 months from the date of the committee resolution of such extended time as agreed by the Head of Planning:

1. In the absence of a completed s106 legal agreement the development would not ensure the dwellings are provided as affordable housing. Hence the development would be contrary to policy HOUS2 of the West Dorset, Weymouth and Portland Local Plan (2015) and the National Planning Policy Framework (2019). Furthermore, this would not ensure the new pedestrian link to the right of way is provided and maintained. Hence this would be contrary to policy COM7 of the adopted Local Plan (2015) and the National Planning Policy Framework (2019).

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WP/19/00273/RES

Curtis Fields (Phase 2b) Land South Of, Chickerell Road, Weymouth.
Application for approval of reserved matters for Access, Appearance, Landscaping, Layout and Scale of outline application WP/14/00777/OUT.
Applicant name – Mr. J. Saunders
Case Officer – Lachlan Robertson
Ward Member(s) – Councillor Jean Dunseith and Councillor John Worth

The application is presented to Committee at the Service Manager for Development Management & Enforcement's discretion.

1.0 Summary of Recommendation: APPROVAL subject to conditions.

2.0 Reason for the recommendation:

- The proposal is for “reserved matters” approval and other details required by planning conditions pursuant to the outline planning permission previously granted under reference WP/14/00777/OUT and as amended by a grant of non-material amendments application reference WP/18/00467/NMA.
- The proposed “reserved matters” are submitted for the layout, design and general visual impact of the development including its proposed access arrangements, parking, landscaping and external appearance are acceptable.
- In regard to the proposed geometric highway layout (condition 7), improvements to the surface of Cockles Lane (condition 8), Travel Plan (Condition 9), surface water drainage scheme (condition 10), boundary treatments (condition 12), earthworks to form SuDS Ponds (condition 13), finished floor levels (condition 17) the Construction Environment Management Plan (condition 18) and the equipped recreation facilities (condition 20) all these details are also supplied and are acceptable.
- In regard to the supply of a Biodiversity Management Plan (Condition 16) this remains to be considered as a separate matter and not under this application.
- There is not considered to be any significant harm to neighbouring residential amenity.
- The proposal complies with the general drainage strategy previously approved under the outline planning permission.
- The proposal forms a reasonable visual and operationally compatible relationship with the SNCI and the local footpath network.
- The proposal has been considered by an Appropriate Assessment under the Habitat Regulations and is considered to have a significant impact on protected sites, including at Chesil Beach and The Fleet. However,

appropriate mitigation is in place that allows the application to be approved.

- There are no material considerations which would warrant refusal of this application.

3.0 Key planning issues

Issue	Conclusion
Urban Design: Layout, Design and Visual Appearance	The layout is reflective of the main constraint of the sloping nature of the site. It is responsive to the requirements of good urban design principles of coherent structure, easily navigable road layout, useful open space, appropriate landscaping, varied design and general compatibility with the surrounding character of the area.
Natural England's statement that an Appropriate Assessment under the Habitats Regulations is required as there are likely to be significant impacts on protected sites.	<p>An Appropriate Assessment has been undertaken and it has been concluded that there will be a significant impact on protected sites, particularly Chesil Beach and The Fleet, due to the additional recreational pressure that will occur as a result of the development.</p> <p>However, Dorset Council agreed at its Cabinet Meeting of 28th July 2020 to implement a range of measures intended to mitigate the impact of development using monies obtained from the Community Infrastructure Levy. It is this mitigation which allows this proposal and other similar developments in the locality to proceed.</p> <p>Natural England confirmed in correspondence that it is content with the AA and the mitigation proposed, provided that the latter is secured.</p>
Neighbouring Amenity	No significant harm to neighbouring residential amenity and provides a convenient second access to the neighbouring school.
Drainage and Flood Risk	The proposal is compatible with the strategic drainage system previously approved.

Highway Safety, Road Hierarchy, Convenience and Car Parking	The proposed roads are acceptable in regard to their design but the sloping nature of the site does require sections of the internal roads to accommodate substantial changes in level.
Landscaping, Open Spaces, Play Areas, Footpaths and Integration with the Neighbourhood.	The proposals include a substantial introduction of new tree planting, open spaces and footpath network, incorporating and improving much of the existing Cockles Lane,
Biodiversity	<p>The proposals will involve a substantial change to the ecological character of the area, however it provides new water and green infrastructure environments.</p> <p>A Biodiversity Management Plan will be required under the terms of condition 16 of the original outline planning permission. This will cover all remaining phases of Curtis Fields, including phase 2B the subject of this application</p>
Affordable Housing	The proposal includes approximately 27% of the dwellings as affordable housing. Whilst this is less than the 30% requirement, the proposals are for a part of the Curtis Fields development only and other phases will be expected to make up the difference.
Relationship to Master Plan included in the original outline planning permission.	The proposals generally accord with the Master Plan.
Community Infrastructure Levy (CIL)	N/A.

4.0 Description of Site

4.1 The application site is located within, and is a phase of, the existing development area known as Curtis Fields. The first phase of development under the original outline planning permission is nearing completion and this proposal will likely be the next phase to be developed, so continuing the delivery of housing. The first phase has been developed on sloping land from its high point at the entrance on Chickerell Road down to the bottom of the valley. The site of this second phase continues southwards within an area that begins on the valley

floor and slopes upwards considerably to the southern boundary of the permitted site towards the Site of Nature Conservation Interest.

4.2 The current visual appearance of the site is defined by the artefacts of construction and is therefore dominated by the storage of topsoils, security fencing and temporary trackways.

4.3 The proposal has been substantially revised from the original submission and significant additional information and plans has been supplied during the course of the application period. Therefore this report refers to the amended scheme only unless otherwise specifically indicated.

5.0 Description of Proposal

5.1 The proposal is for 99 dwellings in the form of detached, semi-detached houses or flats over garage type properties; of which 27 will be classed as affordable housing. There are a variety of housing types combined into a variety of configurations each of which are the subject of individual drawings supplied.

5.2 The development will add considerably to the changes permitted by the outline planning permission from a largely rural to a largely urban character. However, there are substantially retained areas of open space in the form of sustainable urban drainage features (SUDs), retained and landscaped footpaths, a significant area for a play/sport facility (a NEAP and a MUGA) and general casual amenity space.

5.3 Cockles Lane is broadly retained and incorporated forming a through route on the edges of the development area.

5.4 Due to the differing house types and the placement of the buildings on sloping ground, the overall visual appearance will be of considerable variety in form, heights and roofscapes which will thereby result in a residential area which will become a landmark feature in the local landscape.

5.5 Materials are generally in the form of red brick, stone or render walls under brown or dark red tiled roofs or using slate coloured fibre cement tiles. The materials are specified by house-type in the materials schedule (dated 18/12/19) which is in tabular form but is also specified on the individual house-type drawings.

5.6 The submission is accompanied by detailed landscaping proposals, throughout the development. There is a schedule of the planting of individual trees, mostly around the SUDs area, footpaths, the open spaces, Cockles Lane and notably as an avenue through the main spine road through this phase. This is supplemented by a wildflower planting plan and schedule along the existing lanes, the SUDs and the open spaces and buffer zone on the southern edge of

the development next to the SNCI. Finally, there is landscaping associated with individual parts of the development, with variations in planting types to differentiate one part of the development from another.

5.7. The proposal is designed to incorporate three levels of highway hierarchy, each with a specified road treatment, forming a “block” structure of housing development and providing a distinctive style to assist in navigation through the area. There are some private driveways and cul-de-sacs.

5.8 Privacy and amenity standards are generally fair with the use of the “block” structure and privacy fencing to ensure that most properties have a reasonable small private garden area and that public areas are reasonably surveilled for security purposes.

6.0 Relevant Planning History

6.1 There is a substantial planning history related to the area, but only the most relevant decisions are recorded here which directly involve the reserved matters submission for residential development at Curtis Fields.

Application No.	Proposal	Decision	Decision Date
WP/14/00777/OUT	Outline planning permission (with all matters being reserved including access) for the development of approximately 500 residential dwellings in 3 phases (phases 2 to 4)	Permission Granted	24 th August 2016
WP/18/00467/NMA	Amendment to planning permission WP/14/00777/OUT: Variation of conditions 7 and 13 of outline planning permission Ref: WP/14/00777/OUT relating to the provision of the Spine Road and a comprehensive Drainage Strategy for the whole site. Variation to wording of conditions 1,5,17 and 18 to include the words ‘on any phase’ and ‘for that phase’ to reflect and clarify the relationship of these conditions to the title of the outline planning permission for a phased development of the site.	Grant of Non-Material Amendments	31 st July 2018
WP/18/00749/RES	Application for approval of reserved matters for access and layout of outline application WP/14/00777/OUT	Approved	20 th March 2019

	<i>(Case Officer note: for clarity, this did not include the route of the road through phase 2b which is the subject of this reserved matters application)</i>		
WP/19/00635/RES	Application for approval of reserved matters (Phase 4) for Access, Appearance, Landscaping, Layout and Scale of outline application WP/14/00777/OUT	To Be Determined	-
WP/19/00693/RES	Application for approval of reserved matters (Phases 2A, 3A and 3B) for Access, Appearance, Landscaping, Layout and Scale, of outline application WP/14/00777/OUT.	T.B.D.	-
Other Relevant Decisions relating to Phase 1 (development now complete on adjacent site)			
WP/14/00591/OUT	Outline Application for residential development (approx. 62 dwellings)(revised scheme)	Permission Granted	15 th July 2016
WP/17/00916/RES	Application for approval of reserved matters for Access, Appearance, Landscaping, Layout and Scale in relation to Outline approval WP/14/00591/OUT	Approved	3 rd May 2018

7.0 Relevant Constraints

Area susceptible to surface water flooding *[Case Officer's Note: but subject to an approved drainage strategy and also proposals detailed within the application.]*

Public Footpath

Tree Preservation Order

SSSI Impact Risk Zone

Close to Chesil Beach and The Fleet Special Area of Conservation (SPA), Special Protection Area (SPA) and Ramsar designated area.

8.0 Consultations

Note: The proposal has been substantially revised and significant additional information and plans have been supplied during the course of the application

period. Therefore this report on consultation responses refers to the amended scheme only unless otherwise specifically indicated.

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

8.1 Dorset Natural Environment Team – Referring to the original proposals submitted in March 2019, it is recommended that the non-native species *Cotoneaster simonsii* should be removed from the planting list. A BMEP should be submitted. A SNCI management plan should be submitted.

Case Officer Comment. As a result of these comments on the revised plans the applicant's ecology consultants entered into substantial discussions and additional information was provided on the content of a Biodiversity Management Plan for this site and the other phases of Curtis Fields. As a result, it has been agreed that this can be completed and dealt with under a separate submission to discharge Condition 16 which related to that matter. The specified species has been removed from the planting schedule.

8.2 Natural England - Natural England initially responded to the application with no objection in principle, subject to a number of minor adjustments. However, Natural England subsequently objected to the principle of development when responding to the revised plans that were submitted on 20th December. This was undertaken by email and enclosing a copy of the NE letter dated 7th November 2019 in response to different reserved matters applications under references WP/19/00635/RES and WP/19/00693/RES. The body of that letter also made reference to application WP/19/00273/RES. These objections and comments therefore related to all three applications.

Natural England objected to the applications; principally on the lack of information on the following topics.

1. That the application could have potential significant effects on Chesil and the Fleet Site of Special Scientific Interest, the Fleet Special Area of Conservation and the Chesil Beach and the Fleet RAMSAR site:
 - Recreational Impacts to Radipole Lake and the Chesil and the Fleet designated sites and contribution secured thereto. NE state: *“Natural England’s position remains that this cost is calculated and agreed with the manager of Radipole Lakes and the authority to make the application acceptable on this point. This payment should be secured through the reserved matters application and paid to the reserve prior to first occupation or before.”*

- NE consider that there is evidence, prepared following the original outline planning application submission in 2014, to highlight that recreational pressure on Chesil and the Fleet is an issue.
- 2. That no air quality assessment has been made by the applicant of the likely impacts of the development from additional vehicular movements within close proximity to designated sites.
- 3. That the ecological corridor in phase 3 has been narrowed. [Author's note: this does not apply to the current application for phase 2b.]
- 4. That the planting schedule includes an invasive species, Cotoneaster.
- 5. That a compensation payment for offsite biodiversity measures may be necessary as set out in condition 16 of the outline planning permission WP/14/00777/OUT.
- 6. Plans for the restoration and management of the SNCI.
- 7. The provision of an adequate buffer zone; the plans show an encroachment from that shown in the Master Plan associated with the outline planning permission.
- 8. The specific identification of and permanent establishment of dog walking routes.
- 9. Agreement of a method for protection of reptiles via a BMEP.
- 10. Further survey work on the use of barns, proposed to be demolished, will harm barn owls. [Author's note, this does not apply to the phase 2b as no barns on site.]
- 11. A BMEP will need to be approved.

In addition, Natural England advised that:

"In the light of the recent ECJ ruling (People Over Wind & Sweetman v Coillte Teoranta (Case C-323/17)) which concluded that the avoidance/mitigation cannot be taken into consideration when considering the Likely Significant Effects of proposals on European wildlife sites (and Ramsar sites as a matter of Government policy). Natural England advise your authority to undertake an Appropriate Assessment of the application as is required under Reg 63."

And also,

"Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence."

Furthermore, Natural England queried the process of dealing with the various reserved matters applications and their relationship with the original planning conditions imposed on the outline planning permission WP/19/00777/OUT.

As a result of these comments and following substantial discussions with the relevant Dorset Council officers, Dorset Council's Environmental Assessment Officer undertook an Appropriate Assessment, in consultation with Natural England. A copy of that AA is included as an Appendix to this Report.

Further comments were then received from Natural England on the 24th July 2020 in the light of this AA which stated:

"No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given."

8.3 Open Spaces Society/Parks and Open Spaces – No response.

8.4 Highways – Referring to the original proposals submitted in March 2019, it is noted that the scheme would be considered for adoption subject to amendments being made in respect of the detailed highway geometry and other detailed design matters. Referring to the revised scheme submitted on 29th November 2020, further comments were received on 5th March 2020 and amended plans were consequently submitted by the applicant's agent.

Case Officer Comments – The layout of the scheme has changed considerably, and has taken into account further comments from the Highways team on the revised layout. In general the scheme has been considerably improved in all respects referred to.

8.5 Environment Agency – Raise no objections subject to the reserved matters complying with the details provided under the original outline planning permission

8.6 Flood Risk Management Team – State that they are aware of the EA comments expressing no objection, but would highlight that the submission includes part of the comprehensive surface water attenuation ponds that are

required for the development as a whole. Therefore, the downstream sensitivities, constraints and prevailing risk must be adequately considered.

8.7 Housing Enabling Team – Comment as follows:

“Phase 2B proposes a total of 104 dwellings with 30% to be provided as affordable homes which equates to 31.2 homes. The plan shows that 31 homes are being offered as affordable homes with 19 homes for rented accommodation and 12 for shared ownership. The Council will accept a financial contribution for the addition. The affordable units are well incorporated across the site and integrated amongst the market housing.”

Case Officer comment: The scheme has been amended to provide 99 dwellings with 27 provided as affordable homes, which equates to about 27%. There are other phases to be developed and the difference to the required 30% can still be provided elsewhere.

8.8 Planning Obligations Manager – States that no comment on the planning obligations requirements is required.

Case Officer comment: The site relating to phases 2 – 4 (i.e. that covered under application WP/14/00777/OUT) is subject to a Planning Agreement dated 17th August 2016. Nothing in this application alters the requirements of that Agreement.

8.9 Dorset Police Crime Prevention – No response.

8.10 Dorset Waste Partnership – No response.

8.11 Environmental Health – No objections but comments that in regard to the Construction Environmental Management Plan (CEMP) it should be stated that there are to be no bonfires on site and that hours of construction should be restricted.

Case officer comment: The applicant has provided a revised CEMP which refers to the restriction of bonfires and also corresponds with the hours of operation which were originally required by planning condition on the original outline planning permission reference WP/14/00777/OUT.

8.12 Wessex Water – State that the foul drainage strategy is as anticipated (drawing P/500D). The drainage strategy proposes to attenuate surface water runoff in an attenuation pond located to the north east, and discharge to the local

Peartree Lane ditch at a restricted rate. It is left to the local lead flood authority to provide any further comment in that respect.

8.13 Scottish and Southern Energy – No response.

8.14 Weymouth Town Council – Raises no objection.

8.15 Technical Services – No response.

8.16 Senior Archaeologist - No response.

8.17 Public Health Dorset – No response.

8.18 Conservation Officer – No comment as no heritage assets affected.

8.19 Urban Design Officer – In summary, comments as follows:

In responding to the revised plans submitted 29th November 2019, it is noted that the scheme has been comprehensively revised to address the concerns previously raised and the scheme has improved immensely. There are a number of additional minor matters of clarification that could be made or dealt with by condition.

Case Officer Comments. The layout has been substantially amended from the original submission and in minor respects on the 28th July 2020 as a result of the involvement of the Urban Design officer and the case officer. The agent provided additional and revised plans which dealt with the detailed matters raised as well as other matters of clarification.

8.20 Dorset Wildlife Trust – Referring both to the original and revised proposals submitted in March 2019, states that there is insufficient information to comment.

Case Officer Comment – Further information was provided in respect of a BMEP, reptile survey report, associate mitigation statement and updated badger survey and prompted further comment from the Dorset Wildlife Trust. However, the case officer has, in consultation with the Council's Natural Environment Team agreed with the applicant that these requirements can be dealt with under a separate application to discharge condition 16 of the original outline planning permission.

8.21 The Senior Ranger - Referring to the original proposals submitted in March 2019, notes that the proposed works directly affect Footpath 130. This will require diversion by a separate legal order.

8.22 The Landscape Officer - Referring to the original proposals submitted in March 2019, submits detailed and comprehensive criticism of the landscaping

proposals as generally considered to be inadequate. Has further commented on revised plans submitted and there are a number of minor amendments awaited.

Case Officer Comments – The scheme has been amended considerably since these detailed comments were made. In general, the scheme has improved the quantity and quality of planting and is considered to be acceptable.

9.0 Representations

9.1 The Governors at St Augustine's School expresses serious concern in respect of the siting of the SUDs pond in the immediate vicinity of the boundary of the school. There is concern that any overflow will enter the school site.

Case officer comments. The SUDs is designed to contain significant flood risk events as far as these may be anticipated and is in accordance with the requirements of the original outline planning permission and Master Plan.

10.0 Relevant Policies

West Dorset, Weymouth and Portland Local Plan

INT1 – Presumption in Favour of Sustainable Development
ENV1 – Landscape, Seascape and Sites of Geological Interest
ENV 2 – Wildlife and Habitats
ENV4 – Heritage Assets
ENV 5 – Flood Risk
ENV10 – The Landscape and Townscape Setting
ENV11 – The Pattern of Streets and Spaces
ENV12 – The Design and Positioning of Buildings
ENV15 – Efficient and Appropriate Use of Land
ENV16 – Amenity
SUS1 – The Level of Economic and Housing Growth
SUS2 – Distribution of Development
HOUS1 – Affordable Housing
HOUS3 – Open Market Housing Mix
COM7 – Creating a Safe and Efficient Transport Network
COM9 – Parking Standards in New Development
COM10 – The Provision of Utilities Service Infrastructure

National Planning Policy Framework

Section	Title
2.	Achieving sustainable development
5.	Delivering a sufficient supply of homes

11. Making effective use of land
12. Achieving well-designed places

Other material considerations

- DCC Parking standards guidance
- Weymouth and Portland Landscape Character Assessment 2013
- Urban Design (SPG3)

11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

12.0 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.

In the context of the above PSED duties the scheme is unable to fully mitigate the disadvantage to disabled access due to the nature of the site where there are substantial level changes. Some mitigation is in place to ensure level access is provided to public facilities, though footpath gradients to open spaces in some circumstances are severe and unable to be mitigated fully.

13.0 Financial benefits

Material benefits of the proposed development	
Affordable housing	27 units in total: 17 rented and 10 shared equity.

Non-material benefits of the proposed development	
Council Tax	Not known at this stage
New Homes Bonus	Not known at this stage

14.0 Climate Implications

14.1 There is no specific information provided on the degree to which the project will be carbon neutral. However, attention to the road hierarchy and structure has resulted in a more efficient layout than that originally submitted. The dwellings will require to be built to latest building regulation standards. The plans include the positioning of electric vehicle charging points in convenient locations by the public highway.

15.0 Planning Assessment

Principle of Development

15.1 This has been established by the previous grant of planning permission and the conditions imposed thereon.

The Appropriate Assessment

15.2 Officers have taken legal opinion on the application of the Habitats Regulations in general and on the need for an Appropriate Assessment (AA) in particular insofar as it applies to applications for Reserved Matters approval. In short, it is necessary for the Council to undertake an Appropriate Assessment of a reserved matters application where the impact on a protected area (in this case Chesil Beach and The Fleet) is significant. In coming to such a decision, the views of Natural England are of considerable weight.

15.3 The fact that outline planning permission has been granted does not obviate this need for an Appropriate Assessment in each relevant case.

15.4 This AA has been undertaken and is attached as an Appendix to this report. In summary,

- i. Discounting any mitigation, the application will have a likely significant effect on the Chesil and the Fleet European wildlife site (including Ramsar sites).
- ii. Natural England have provided a series of measures which they consider likely to provide the mitigation necessary to avoid the impacts of recreational pressure upon the Chesil and the Fleet European Site.

- iii. This mitigation is to be provided by Dorset Council itself (see below, Use of the Community Infrastructure Levy).
- iv. The Appropriate Assessment concludes that in light of the mitigation that has been secured and provided, there will be no adverse effect on the integrity of the designated sites.

Use of The Community Infrastructure Levy

15.5 It is apparent from the comments of Natural England and from the Appropriate Assessment that the mitigation required is wide ranging and more comprehensive than can be addressed solely by individual development proposals in the affected area. There are practical difficulties in seeking specific funding from each development in turn; particularly so where the principle of development has already been granted as in this case. In essence, without the Council's involvement in undertaking these mitigation measures, development in the affected area would stall as any further planning permissions likely to have a significant effect on the protected areas would require to be refused.

15.6 For that reason, Cabinet considered a report on 28th July 2020, *Dorset Council – Community Infrastructure Levy Governance Arrangements* and its *Appendix D – Emerging Habitat Regulation Costs Chesil Beach & The Fleet*, which sought to utilise the Council's Community Infrastructure Levy to finance the mitigation measures required. As an aside, these Habitat Regulation measures are as set out in the Appropriate Assessment and are agreed by Natural England in their most recent correspondence. The Recommendations of this Cabinet Report were agreed by Cabinet and on the basis therefore that the measures can now be funded from CIL, it releases this application for decision.

15.7 In the light of the above, each objection of Natural England, as set out in the consultations section above, is taken in turn:

Natural England Objections

Objection 1: Recreational Impact

15.7 The recreational impact of the residential development at Curtis Fields is mitigated by the measures and funding process through CIL as agreed by Cabinet.

Objection 2: Air Quality

15.8 The AA refers to a screening report from the applicant which states that;

“the increase in traffic on Portland Beach Road due to the proposed development in-combination with committed development is less than 1,000 AADT. Therefore,

the impact on the integrity of the protected areas due to emissions from road traffic generated by the proposed development will be insignificant and detailed assessment should not be required.”

Given that the principle of development has already been granted, and further mitigation of impact is included in the mitigation package, it is not considered that further information gathering about the impact on air quality is necessary to make a decision on this reserved matters application.

Objections 3 and 10: Ecological Corridor and Barns

15.9 Not applicable to this phase of development under consideration.

Objection 4:

15.10 The named invasive species was removed and amended plans issued on 29th November 2019.

Objections 5, 6,7,8, 9 and 11.

15.11 A BMEP and Management Plan for both the Site of Nature Conservation Interest and the associated buffer zone will be dealt with under a separate application to discharge the requirements of Condition WP/14/00777/OUT. Nevertheless, detailed discussions on these topics has been held with the applicant and Dorset Council Officers and it is likely that a satisfactory conclusion can be reached.

Urban Design: Layout, Design and Visual Appearance

15.12 The underlying urban design is based on providing a straightforward road hierarchy to help navigate across a sloping site, creating residential “block” structures that are coherent and readily accessible. The design of the dwellings is varied and similar to that found on the earlier phase 1, but with an emphasis on detached and semi-detached dwellings to fit into the character of the wider area. The use of red brick and tile is similar to that used in the earlier phase.

15.13 The level changes across the site will mean that the residential area will be readily visible from many private and public viewing points around, and the overall effect will be of a substantially varying roofscape interpolated with trees, landscaping and open spaces on the southern boundary. Overall, the layout design and visual appearance of the development are considered to generally accord with relevant policies of the local plan; namely policies ENV10, 11, 12, 13, 15 and ENV16.

Drainage and Flood Risk

15.14 The overall drainage strategy for Curtis Fields has been established under a previous planning permission under reference WP/14/00777/OUT and the current proposals include specific further detail as required under condition 13 of that permission.

15.15 The first phase of development contains the main drainage and flood risk mitigation measures for the development as a whole in the form of substantial drainage channels and SUDs. All subsequent phases will use these drainage structures in conjunction with new drainage features within their own areas.

15.16 Phase 2b, the subject of this current submission, includes two new SUDs features in the form of a new SUDs pond, similar in design to that found on the earlier phase, and grass swales on the upper slopes to be used as an intervening drainage measure from overland flooding from land to the south. The ponds are shown to be fenced to deter casual access and the gradients are kept shallow in the interests of health and safety.

Highway Safety, Road Hierarchy, Convenience and Car Parking

15.17 The proposed highway structure has been designed with a central, looping spine road with secondary roads off this principle route. Level changes across the site are challenging but substantial gradients have been minimised to those parts where they are unavoidable. The overall residential “block” structure is coherent and navigable with parking areas for both residents and visitors clearly marked and located close to the properties they serve.

Landscaping, Open Spaces, Play Areas, Footpaths and Integration with the Neighbourhood.

15.18 The application is accompanied by detailed landscaping proposals which re-inforce the existing vegetation, particularly along Cockles Lane and in the buffer zone area. Additional tree planting, wildflower planted areas and individual soft and hard landscaping is included. These are considered to be acceptable.

15.19 The proposal includes the play areas required by the original outline planning permission and locates these on the upper slopes to the south of the site. It includes an equipped NEAP and MUGA as well as general open space.

15.20 The design includes the usual footways associated with modern estate development but in addition links into Cockles Lane which runs through the site and connects to the SCNI to the south of the site. These paths are brought up to a suitable standard. There is a new link created to the adjoining school. In addition, the application is accompanied by an overall footpath route Master Plan

which illustrates the various footpath journeys that can be taken across the adjacent SNCI area and thus linking with other areas beyond.

Biodiversity

15.21 The proposals include a number of green infrastructure measures, broadly in the form of the land and planting associated with the SuDS ponds, the maintenance of the route of Cockles Lane and the provision of a wildflower planted buffer zone next to the SNCI to the south of the site. The management of these areas will be considered under the requirements of Condition 16 on the original outline planning permission.

Affordable Housing

15.22 The proposal includes a plan and schedule that shows 27 dwellings defined as affordable housing. These are scattered across the site and are of the same house types as the general market housing. Seventeen of the units would be made available for rent and ten as shared equity. These will be subject to the requirements of the original Section 106 Planning Agreement.

Relationship to Approved Master Plan

15.23 The proposal locates housing, road structure, open spaces and drainage infrastructure broadly in accordance with the Master Plan. Some changes to the road hierarchy have been made to accommodate changes in level and principles of good urban design.

Community Infrastructure Levy (CIL)

15.24. As the outline consent pre-dated CIL in this area, the requirement is not relevant. However, the use of CIL funding for the mitigation required to satisfy the Appropriate Assessment and Natural England is a significant draw upon that funding source.

Neighbouring Privacy and Amenity

15.25 The proposals share only a small part of the boundary with the established residential area in the locality at the north-eastern corner, separated by a part of Cockles Lane. The northern boundary is shared with the sister development on the first phase of development but is separated by the reconfigured footpath of Cockles Lane. The eastern boundary is shared with St Augustine's School grounds. The western boundary will be separated from a later phase of development by a substantial open space, swales and landscaping. The southern boundary, including a substantial buffer of undeveloped land, is shared with the SNCI.

15.26 It is therefore expected that there will be no impact on the privacy and amenity of neighbouring residential properties or impact directly upon the amenity of the neighbouring school buildings and playing fields.

16.0 Conclusion

16.1 The proposal is in accordance with the outline planning permission and relevant national and local planning policies in respect of the design and appearance of residential developments. It will have a significant impact on protected areas, but with the approved mitigation, it is appropriate to approve the reserved matters and the associated details.

16.2 In addition, there is sufficient information provided to allow for the approval of various conditions applied to the outline planning permission WP/14/00777/OUT as follows:

- The proposed geometric highway layout (condition 7),
- Improvements to the surface of Cockles Lane (condition 8),
- Travel Plan (Condition 9),
- Surface water drainage scheme (condition 10),
- Boundary treatments (condition 12),
- Earthworks to form SuDS Ponds (condition 13),
- Finished floor levels (condition 17)
- The Construction Environment Management Plan (condition 18) and ,
- Equipped recreation facilities (condition 20)

All these details are acceptable.

16.2 In considering specific matters that are raised by the proposal, the following conclusions are reached:

Issue	Conclusion
Urban Design: Layout, Design and Visual Appearance	The layout is reflective of the main constraint of the sloping nature of the site. It is responsive to the requirements of good urban design principles of coherent structure, easily navigable road layout, useful open space, appropriate landscaping, varied design and general compatibility with the surrounding character of the area.
Natural England's statement that an Appropriate Assessment under the Habitats	An Appropriate Assessment has been undertaken and it has been concluded that there will be a significant impact on protected sites, particularly Chesil Beach and The Fleet, due to the additional

Regulations is required as there are likely to be significant impacts on protected sites.	<p>recreational pressure that will occur as a result of the development.</p> <p>However, Dorset Council agreed at its Cabinet Meeting of 28th July 2020 to implement a range of measures intended to mitigate the impact of development using monies obtained from the Community Infrastructure Levy. It is this mitigation which allows this proposal and other similar developments in the locality to proceed.</p> <p>Natural England confirmed in correspondence that it is content with the AA and the mitigation proposed, provided that the latter is secured.</p>
Neighbouring Amenity	No significant harm to neighbouring residential amenity and provides a convenient second access to the neighbouring school.
Drainage and Flood Risk	The proposal is compatible with the strategic drainage system previously approved.
Highway Safety, Road Hierarchy, Convenience and Car Parking	The proposed roads are acceptable in regard to their design but the sloping nature of the site does require sections of the internal roads to accommodate substantial changes in level.
Landscaping, Open Spaces, Play Areas, Footpaths and Integration with the Neighbourhood.	The proposals include a substantial introduction of new tree planting, open spaces and footpath network, incorporating and improving much of the existing Cockles Lane,
Biodiversity	<p>The proposals will involve a substantial change to the ecological character of the area, however it provides new water and green infrastructure environments.</p> <p>A Biodiversity Management Plan will be required under the terms of condition 16 of the original outline planning permission. This will cover all remaining phases of Curtis Fields, including phase 2B the subject of this application</p>

Affordable Housing	The proposal includes approximately 27% of the dwellings as affordable housing. Whilst this is less than the 30% requirement, the proposals are for a part of the Curtis Fields development only and other phases will be expected to make up the difference.
Relationship to Master Plan included in the original outline planning permission.	The proposals generally accord with the Master Plan.
Community Infrastructure Levy (CIL)	N/A.

17.0 Recommendation Reserved Matters

Recommend:

APPROVAL, SUBJECT TO THE FOLLOWING CONDITION:

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

Layout and Design:

101, 200, 201B, 202B, 203, 204, 205, 206B, 207, 208A, 209, 210B, 211A, 212A, 213A, 214, 215A, 216B, 217B, 218, 219, 220, 221B, 222A, 223, 224B, 225A, 226, 227, 228, 229, 230A, 231B, 232A, 234A, 236A, 237A, 238A, 239A, 240B, 241A, 246B, 273, 235, 237, 240, 241, 242, 243, 244, 245, 247A, , 249B, 248A, 250B, 251A, 252B, 253B, 254A, 255A, 256A, 256A, 257B, 258A, 259A, 260, 261A, 270A, 303A, 304B, 305B, 306B, 307B, 308B, 309B, 310B, 311B, 312B, 313B, 314B, 315, 330, 331, 333, 334, 335B, 336A, 337A, 338A, 339, 340, 341, 342, 343, 344, 345, 346A, 347, 348, 349A, 350, 351, 352, 353, 354A, 355A, 356A, 357A, 358A, 359A, 360, 361A, 362A, 363, 364, 365, 366A, 367, 368, 369, 370A, 371A, 372A 373, 374, 375A, 376, 377, 378, 379B, 380B, 381B, 382, 1000B.

Landscaping:

170-1-R5, 170-2-R7, 170-3-R5, 170-4-R6, 170-5-R5, 170-6-R5, 170-7-R3, 170-8-R4, 170-9-R1, 170-10-R1, 170-11-R1, 170-12-R1, 170-13-R2.

Engineering:

IMA-17-203-P-100E, IMA-17-203 D\510B, IMA-17-203 D\511B, IMA-17-203 D\512B, IMA-17-203 D\550B, IMA-17-203-101_D, IMA-17-203-9100_D, IMA-17-203-P-101_B, IMA-17-203-P-102_B, IMA-17-2030P-103_B, IMA-17-203-P-150_E, IMA, IMA-17-203-P-200_C, IMA-17-203-P-210_B (18th December 2019 version), IMA-17-203-P-500_D (18th December 2019 version), IMA-17-203-P-550_D (18th December 2019 version), IMA-5-001_B, IMA-5-002_A, IMA-5-003_A, IMA-5-004_A, IMA, -5-005_B, IMA-5-006_A, IMA-5-008_C, IMA-5-009_A, IMA-5-010_B,

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

2. No development above damp proof coursing level shall proceed until details & samples of all external facing materials shall have been made available to view on site and subsequently approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the approved materials.

REASON: In the interests of visual amenity

Informative:

1. In the interests of clarity, the approved plans and additional information provided are also approved, for this phase, in respect of the following condition of outline planning permission WP/14/00777/OUT as amended:
 - a. The geometric highway layout (condition 7),
 - b. Improvements to the surface of Cockles Lane (condition 8),
 - c. Surface water drainage scheme (condition 10),
 - d. Boundary treatments (condition 12),
 - e. Earthworks to form SuDS Ponds (condition 13),
 - f. Finished floor levels (condition 17)
 - g. The Construction Environment Management Plan (condition 18),
 - h. The equipped recreation facilities (condition 20).

All other conditions in the outline planning permission, as amended, remain in force.

Appropriate Assessment for Application: Land south of Curtis Fields, Chickereil Road, Weymouth

This document represents the Appropriate Assessment undertaken by Dorset Council as Competent Authority in accordance with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity.

This Appropriate Assessment considers the reserved matters applications under the outline planning permission which includes:

- Phase 2B, WP/19/00273/RES;
- Phase 4 WP/19/00635/RES;
- Phases 2A, 3A and 3B; and
- WP/19/00693/RES.

In accordance with *People Over Wind & Sweetman v Coillte Teoranta* (Case C-323/17), Dorset Council has concluded that, discounting any mitigation, the above application will have a likely significant effect on the Chesil and the Fleet European wildlife site (including Ramsar sites).

The Chesil Beach and the Fleet European site is characterised by a 29km long shingle storm beach and a coastal lagoon called the Fleet.

The primary reasons for the designation of the Chesil and the Fleet SAC are the following habitats:

- Coastal lagoon;
- Mediterranean and thermos-Atlantic halophilous scrubs (*Sarcocornetea fruticoia*);
- Perennial vegetation of stony banks; and
- Annual vegetation of drift lines.

The shingle beach encloses a brackish lagoon called the Fleet, which is the largest lagoon in England occupying 495ha and supports the greatest diversity of habitats and species of any lagoon in the UK¹. Due to the salinity gradient, peculiar hydrographic regime, and associated reedbed and intertidal habitats, the Fleet is extraordinarily rich in wildlife with outstanding numbers of aquatic plants and animals present.

The Mediterranean and thermos-Atlantic halophilous scrubs habitat is largely associated with the lagoon habitat, since it is found predominantly on the seaward margin of the Fleet.

¹ Bamber, R. N. 1997. Assessment of saline lagoons within Special Areas of Conservation (SACs). Peterborough: English Nature

Chesil Beach represents a large area of 'perennial vegetation of stony banks' habitat which supports the most extensive occurrences of the rare sea-kale *Crambe maritima* and sea pea *Lathyrus japonicas* in the UK, together with other grassland and lichen-rich shingle plant communities typical of more stable conditions.

In addition, Chesil beach is also one of two representatives of Annual vegetation of drift lines on the south coast of England. The inner shore of the beach supports extensive drift-line vegetation dominated by sea beet *Beta vulgaris maritima* and orache *Atriplex*.

The Chesil Beach and the Fleet SPA occupies the Fleet lagoon and immediate surroundings which support saltmarshes and reedbeds. The SPA supports over wintering bird species such as the Dark Bellied Brent Goose *Branta bernicla*. In Spring and Summer, Chesil Bank is an important breeding ground for the Little Tern *Sterna albifrons* which feed in the shallow waters of the lagoon. The site also provides a habitat for bird species which do not breed at this location, such as Wigeon *Mareca Penelope*.

Chesil and the Fleet is also a designated Ramsar site in recognition of its international importance as a wetland.

Designated site	LSE Y/N	Adverse effects caused by:
Chesil Beach and the Fleet SPA	Y	Phase 2 to 4 of the Curtis Fields application will result in an additional 425 dwellings approx. 0.9km to the east of Chesil and the Fleet European site.
Chesil and the Fleet SAC		Natural England objected to the reserved matters planning applications for Phases 2 to 4 of the Curtis Fields development (WP/19/00635/RES, WP/19/00693/RES, WP/19/00273/RES) in November 2019 ² and March 2020 ³ , and requested the following:
Chesil Beach and the Fleet Ramsar		<ul style="list-style-type: none"> • Details of the likely recreational impacts on the designated site features and the scope for mitigation; and • An Air Quality Assessment of the likely impacts of traffic movements on designated sites. <p>Natural England advised that the increase in residential dwellings of up to 500 units within a kilometre from Chesil Beach and the Fleet European site, as a result of the Curtis Fields development as a whole (Phases 1 to</p>

² Letter from Jack Potter c/o Natural England to Dorset Council, dated 7th November 2019 (ref: 297149 and 297654)

³ Letter from Jack Potter c/o Natural England to Dorset Council, dated 9th March 2020 (ref: 297149 and 297654)

	<p>4), would be likely to substantially increase the recreational pressures on the features of the designated area. This may result in an 'alone' impact given the proximity to and connectivity with the European site.</p> <p>Natural England advise that trampling of habitats and species by people are resulting on adverse effects on the features of the SAC designation. Furthermore, recreational pressure particularly from dog walkers and water sports during the winter period is having an adverse effecting the over-wintering birds of the SPA.</p> <p>Natural England cited evidence on the excess recreational use of the Chesil and the Fleet European Site which has emerged since they provided advice on the outline application in 2015, including:</p> <ul style="list-style-type: none"> • 'Chesil Beach 2019 Recreational Activity Strategy', Footprint Ecology (2019) (ref: 549); and • Supplementary Advice for Conservation Objectives (SACO) for the Chesil Beach and the Fleet SPA, Natural England (2019)⁴. <p>Natural England advice is that the Footprint Ecology report confirms that there is currently an unacceptable level of existing recreational pressure at Chesil Beach and the Fleet which is likely to be compromising the integrity of the SAC site features.</p> <p>The SACO identified significant concerns regarding recreational pressures on the features of the site, in particular Little Tern, which is in unfavourable condition with a target to restore to the former population numbers to those upon designation.</p> <p>Natural England commented in March 2020 that no air quality assessment had been made of the likely air quality impacts as a result of additional vehicular movements upon the Chesil and the Fleet European site from the Curtis Fields development.</p> <p>In addition to the impacts of the proposed development 'alone', Natural England have advised that the proposed development is also likely to contribute to the 'in-combination' effects from the existing recreational</p>
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⁴ SACO for Chesil and the Fleet may be viewed here, at the time of writing:
<https://designatedsites.naturalengland.org.uk/Marine/SupAdvice.aspx?SiteCode=UK9010091&SiteName=&SiteNameDisplay=Chesil+Beach+and+The+Fleet+SPA&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=&NumMarineSeasonality=2>

		<p>pressures on the Chesil and the Fleet European site. Effects from recreational activities frequently act in a cumulative way requiring a careful visitor management approach.</p> <p>Natural England have advised Dorset Council that a wider strategy is also likely to be needed to address the 'in-combination' issue of recreational pressures at Chesil and the Fleet.</p>
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Designated site affected	Confirmation that adverse effects on integrity are avoided for <u>all</u> features with avoidance/mitigation secured by adherence to the SPD Y/N
Chesil Beach and the Fleet SPA	<p>In light of Natural England's comments, Dorset Council recognise that a strategic solution is required to tackle the effects of recreational pressure at Chesil and the Fleet. This will ensure that future development which comes forward through the emerging Dorset Local Plan which is currently scheduled for adoption in 2023, will not affect the integrity of the Chesil and the Fleet European site.</p> <p>Substantial evidence, which includes site-specific data on the recreational use of Chesil Beach and the Fleet, will need to be gathered to ensure that the strategy comprehensively addresses the issue. It is currently not possible to undertake these works due to the measures in place to tackle the Covid-19 virus.</p> <p>In the interim period, prior to evidence being gathered and a strategy being adopted, Natural England have suggested that a potential approach is for the local authority to consider interim measures. This would allow the Curtis Fields planning application to be determined in the shorter term, prior to a more permanent strategy being adopted.</p> <p>Natural England have provided a series of measures which they consider likely to provide the mitigation necessary to avoid the impacts of recreational pressure upon the Chesil and the Fleet European Site in the interim period (Appendix A).</p> <p>Natural England have also estimated the costs of these measures to be £191,673 per year, which over the period to 2038 equates to a total cost of £3,450,114 (Appendix B).</p> <p>The approach taken has been to estimate the charge per dwelling which will need to be secured through planning obligations in order to fund the mitigation required to</p>
Chesil and the Fleet SAC	
Chesil Beach and the Fleet Ramsar	

	<p>address the impacts. This has been derived from the cost of the mitigation required and the anticipated housing supply within the surrounding areas.</p> <p>Dorset Council do not currently have sufficient data to determine where visitors to Chesil Beach and the Fleet for recreational purposes are travelling from. Natural England have advised that the approach should focus on development within 5km of the Chesil Beach and the Fleet European site (see map in Appendix C).</p> <p>This anticipated housing delivery from future strategic development and windfall development in the areas surrounding Chesil and the Fleet in the period up to 2038 totalled 6,904 dwellings (see Appendix D and E).</p> <p>The cost charge per dwelling is therefore £499.73 (£3,450,114 / 6,904), plus an administration fee of 5%.</p> <p>This approach has been applied to the Curtis Fields development, to ensure that it contributes to the mitigation at Chesil and the Fleet in a fair and proportionate way.</p> <p>Phase 2 to 4 of the Curtis Fields application will result in an additional 425 dwellings, and the proportionate contribution towards mitigation is therefore:</p> $(425 \times £499.73) + 5\% = £223,003.10$ <p>This financial contribution towards the mitigation will be taken from Dorset Council's CIL pot⁵.</p> <p>In terms of air quality, the applicant has submitted an air quality screening report⁶ to explore the potential impacts of the additional traffic as a result of the development. The report concludes that:</p> <p style="padding-left: 40px;">“the increase in traffic on Portland Beach Road due to the proposed development in-combination with committed development is less than 1,000 AADT. Therefore, the impact on the integrity of the protected areas due to emissions from road traffic generated by the proposed development will be insignificant and detailed assessment should not be required.”</p>
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⁵ For further explanation please refer to the report going before Dorset Council's Place Scrutiny Committee on 23 July 2020 titled: "Dorset Council – Community Infrastructure Levy Governance Arrangements".

⁶ 'Screening Statement', Air Quality Assessments Ltd, dated 17th March 2020 (document ref: J0402/1/F1)

Having concluded that the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European sites, an Appropriate Assessment was undertaken by Dorset Council as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive.

The Appropriate Assessment concluded that in light of the mitigation provided, there will be no adverse effect on the integrity of the designated sites.

Appendix A: A table showing the interim mitigation measures required to address the impacts of recreational pressure at Chesil and the Fleet (provided by Natural England)

Ecological Impact	Source of Impact	Mitigation Measure
Land based disturbance to breeding Little Terns	Dogs and walkers	<ul style="list-style-type: none"> • Little Tern wardening, fencing, monitoring, volunteer co-ordination • Visitor Centre presence for dissuading inappropriate activities and source of information for users • Chesil Beach Carpark spaces and charges review • Expansion of Dorset Dogs • Interpretation; leaflets, signage (land and water), smartphone app, • Infrastructure projects • Seasonal by-laws to re-inforce encouragement of positive behaviour • Provision of alternative strategic green space • Policy based major development (10 dwellings or equivalent) within 400m of the designated site to provide bespoke infrastructure mitigation measures
Water based disturbance to breeding Little Terns	Recreational watercraft users	<ul style="list-style-type: none"> • Little Tern Wardening, fencing, monitoring, volunteer co-ordination • Interpretation; leaflets, signage (land and water), smartphone app, • Review of water access points • Use of existing watercraft permit system

Land based disturbance of wintering birds	Rambling, dog walking, wildlife watching and jogging	<ul style="list-style-type: none"> • Wardening of activity hotspots • Interpretation; leaflets, signage (land and water), smartphone app, • Provision of alternative strategic green space • Infrastructure projects • Expansion of Dorset Dogs • Identify key bird watching points and provide screening and viewpoints • Engagement with user groups and agree codes of conduct where appropriate • Policy based major development (10 dwellings or equivalent) within 400m of the designated site to provide bespoke infrastructure mitigation measures
Trampling of terrestrial/intertidal vegetation	footfall or launching of craft	<ul style="list-style-type: none"> • Wardening of activity hotspots • Interpretation; leaflets, signage (land and water), smartphone app, • Provision of alternative strategic green space • Infrastructure projects • Expansion of Dorset Dogs • Identify key bird watching points and provide screening and viewpoints • Engagement with user groups and agree codes of conduct where appropriate • Policy based major development (10 dwellings or equivalent) within 400m of the designated site to provide bespoke infrastructure mitigation measures
Pollution of all habitats	Littering and dog fouling	<ul style="list-style-type: none"> • Provision of bins for litter and dog waste • Wardening of the northern shore

		<ul style="list-style-type: none"> • Provision of alternative strategic green space • Infrastructure projects • Expansion of Dorset Dogs • Policy based major development (10 dwellings or equivalent) within 400m of the designated site to provide bespoke infrastructure mitigation measures
Damage to subtidal habitats fishing	Fishing	<ul style="list-style-type: none"> • Engagement with user groups and agree codes of conduct where appropriate • Wardening of activity hotspots • Introduce permits where appropriate to enable control of activity locations/methods • Interpretation; leaflets, signage (land and water), smartphone app,
Deliberate mortality or damage to plants and animals (e.g. harvesting or foraging of plants or animals);	Harvesting, foraging, beachcombing	<ul style="list-style-type: none"> • Engagement with user groups and agree codes of conduct where appropriate • Wardening of activity hotspots • Introduce permits where appropriate to enable control of activity locations/methods • Interpretation; leaflets, signage (land and water), smartphone app,

Appendix B: A table showing the estimated cost of mitigation (provided by Natural England)

Mitigation Delivery Measure	Delivery Body	Estimated Cost (per year)
Little Tern Wardening, fencing, monitoring, volunteer co-ordination	RSPB	£18,000
Seasonal by-laws to re-inforce encouragement of positive behaviour (if positive measures are insufficient)	Dorset Council	n/a
Policy based major development (10 dwellings or equivalent) within 400m of the designated site to provide bespoke infrastructure mitigation measures	Dorset Council	n/a
Chesil Beach Visitor Centre presence for dissuading inappropriate activities and dissemination of information for users (central base for officers/wardens)	Wildlife Trust	£25,550*
Expansion of Dorset Dogs	Dorset Dogs	£2,000
Car park spaces and charges review	Dorset Council (selected infrastructure projects) Delivery Officer and warden (potentially hosted by the Wildlife Trust based at the Chesil Beach Visitor Centre)	SAMM - £86,123 Infrastructure projects – 1.5/2km Footpath improvements per year (£50,000) Other infrastructure projects listed (£10,000)
Review of existing watercraft permit system and enabling its effective use (in liaison with the Estate)		
Introduce permits where appropriate to enable control of activity locations/methods (in liaison with the Estate)		
Review of water access points		
Interpretation; leaflets, signage (land and water), smartphone app,		
Infrastructure projects, i.e.; Establishment of a strategic SANG for Weymouth residents in close proximity to houses; Enhancement of existing access to encourage footfall on non-sensitive paths; open up views from existing footpaths; create new access to enable circular routes; screening/ barriers to dissuade access to the foreshore from key points; dog		

swimming ponds outside of sensitive area; Provision of designated picnic spots with views and natural feel in non-sensitive areas; Identify key bird watching points and provide screening/viewpoints; Provision of bins for litter and dog waste in appropriate locations		
Wardening of activity hotspots		
Engagement with user groups and agree codes of conduct where appropriate		
Monitoring of mitigation effectiveness to feedback to inform ongoing strategy		
Total annual charge		£191,673

Appendix C: A map showing the extent of the 5km buffer zone surrounding Chesil and the Fleet



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Appendix D: A table showing the predicted future strategic development within 5km of Chesil Beach and the Fleet

Settlement	Planning ref	Name	No of dwellings
Portland	PORT2	Former Hardy Complex	348
Weymouth	WEY9	Bingleaves Cove	228
	WEY10	Markham and little Francis	425
	WEY12	Land at Wey Valley	340
	WEY15*	South of Wey Valley	150
Chickerell	CHIC2	Chickerell Urban Ext	762
	CHIC3	Land off Rashley Rd	50
	CHIC4*	West of Southill	400
	CHIC5*	Chickerell Camp	30
Bridport	BRID1	Vearse Farm	930
	BRID2	Land off Skilling Hill	40
	BRID3	Land to East of Bredy	40
	BRID5	St Michaels Trading	83
Total			3,826

* Preferred option in the West Dorset, Weymouth & Portland Local Plan Review (2018)

Appendix E: A table showing the number of housing completions at windfall sites within 5km of Chesil Beach and the Fleet

2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
133	196	122	136	232	186	260	380

Note: the average number of completions at windfall sites within 5km of the Chesil and the Fleet between 2011/12 and 2018/19 is 171 dwellings per year. Applying this rate of windfall to the period up to 2038 provides an estimate that 3,078 dwellings will be delivered on windfall sites over this period.



Dorset
Council

Agenda Item 6

Area Planning Committee (Western and Southern Area)

Application to extinguish part of
Bridleway 43, Marshwood at Prime
Coppice

Date of Meeting: 13 August 2020

Lead Member: Cllr Simon Christopher, Dorset Council member for Marshwood
Vale

Lead Officer: Matthew Piles, Corporate Director for Economic Growth and
Infrastructure

Executive Summary: This report considers the proposed extinguishment of part of
Bridleway 43, Marshwood at Prime Coppice as shown on Drawing 19/22/1 and
whether or not an order should be made in light of an objection received.

Equalities Impact Assessment:

The alternative route via a public road and adjoining bridleway is an accessible
route in close proximity whereas the current route of Bridleway 43 cannot be used
between points A and B due to a missing bridge.

Budget:

Dorset Council's Greenspace Management Team has agreed to pay in accordance
with Dorset Council's usual scale of charges and also for the cost of advertising the
order and subsequent notice of confirmation. The law does not permit Dorset
Council to charge for the cost of obtaining confirmation by the Secretary of State if
an order is the subject of an objection.

Risk Assessment:

Having considered the risks associated with this decision, the level of risk has been
identified as:

Current Risk: LOW

Residual Risk LOW

Other Implications:

Sustainability – The proposal will not have any effect on carbon emissions and supports alternative methods of travel to the car. Use of public rights of way promotes a healthy balanced lifestyle.

Recommendations:

That:

- (a) The proposal to extinguish part of Bridleway 43, Marshwood 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 extinguishment; and
- (c) If the Order is unopposed, it be confirmed by the Council without further reference to the Committee.
- (d) If any objections to the Order are of a similar nature to those already considered by the Committee, the matter be referred to the Secretary of State for confirmation with the Council's support without further reference to the Committee.

Reasons for Recommendation:

- (a) The proposed extinguishment meets the legal criteria set out in the Highways Act 1980.
- (b) The inclusion of these provisions in a public path order means that there is no need for a separate legal event order to modify the definitive map and statement as a result of the extinguishment.
- (c) Accordingly, the absence of objections may be taken as acceptance that the extinguishment is expedient and therefore Dorset Council can itself confirm the order.
- (d) In the event that objections of a similar nature to those already considered are received to the order, the committee will have already considered the objections in the light of the legal criteria and therefore Dorset Council should submit the order to the Secretary of State for confirmation and support the order.

Before confirming a public path creation, diversion or extinguishment order a council or the Secretary of State must have regard to any material provision of a

rights of way improvement plan prepared by the local highway authority. Dorset Council's Rights of Way Improvement Plan sets out a strategy for improving its network of Public Rights of Way, wider access and outdoor public space.

Appendices:

1. Drawing 19/22/1
2. Letter of objection with attachments
3. Summary of other consultation responses

Background Papers:

The file of the Executive Director, Place (ref. RW/P202).

Officer Contact

Name: Carol McKay, Senior Definitive Map Technical Officer

Tel: 01305 225136

Email: carol.mckay@dorsetcouncil.gov.uk

1 Background

- 1.1. Dorset Council's Greenspace team submitted an application to extinguish part of Bridleway 43, Marshwood at Prime Coppice, as shown on Drawing 19/22/1 attached as Appendix 1.
- 1.2. This extinguishment is proposed because part of Bridleway 43 is not needed for public use due to the existence of an alternative bridleway and connecting road in close proximity.
- 1.3. The current definitive route of Bridleway 43 has been unavailable on the ground between points A and B for many years and there has never been a bridge across the river at this point.
- 1.4. A private bridge and ford to the east of point B were washed away in 2011 following a storm. The site was assessed by Dorset Council engineers, with advice from land drainage teams, who advised that it was not feasible to install a bridge on the definitive route of Bridleway 43. It was suggested that the private bridge could be replaced, with improvements to prevent it being washed away in the future (including placing gabion baskets in the river to protect its banks) and that a new bridleway be dedicated across it as an alternative route to Bridleway 43.
- 1.5. It was agreed that a shared use bridge be constructed in conjunction with the owners of Prime Coppice and a new bridleway be dedicated across it (Bridleway 76).
- 1.6. The cost of the shared use bridge constructed in 2017 was £13,400. The cost was split between the landowners and Dorset Council, with the council contributing the equivalent cost of a bridleway bridge in the same location. The landowner paid the difference, as the bridge was constructed to carry his vehicles.
- 1.7. A bridge on the existing route of Bridleway 43 would have been required to land onto the crown arch of the existing bridge at point A which links Bridleways 43, 44 and Glebeland Lane making this option unviable as the existing brick bridge could not be used to support a bridleway bridge.
- 1.8. The installation of a shared use bridge with the landowner, dedication of a new bridleway and extinguishment of part of Bridleway 43 Marshwood was deemed the most practical and economical solution for all parties.
- 1.9. The current definitive route of Bridleway 43, Marshwood runs from point A at its junction with Bridleway 44, Marshwood and Glebeland Lane, generally south west across a river to point B as shown on Drawing 19/22/1 and is approximately 25 metres long.

- 1.10. Bridleway 43 is currently obstructed by fencing and a river between points A and B.
- 1.11. The owners of the affected part of Bridleway 43, Marshwood agreed that a new bridleway be dedicated (Bridleway 76, Marshwood) over the newly installed bridge as part of the alternative route.
- 1.12. It is within Dorset Council's powers to install a bridge on a public right of way within 200 yards (or 183 metres) of the definitive line, although this does not automatically divert the path and a legal order must still be made to reroute the right of way over the new structure.
- 1.13. The part of Bridleway 43, Marshwood between points A and B is not needed due to an alternative route from point A along a short section of Bridleway 43, Marshwood then along Glebeland Lane and returning to point B via Bridleway 76, Marshwood, using the new bridge to cross the river. The alternative route as described is approximately 65 metres.
- 1.14. Whilst the alternative route is longer than the existing bridleway to be extinguished, the new route crosses an existing bridge which is suitable for bridleway users and is a safer and more accessible route.

2 Law

Highways Act 1980

- 2.1 Section 118 of the Highways Act 1980 says that the Council may, by order, extinguish a path when it appears to them to be expedient to do so, on the ground that it is not needed for public use.
- 2.2 A public path extinguishment order cannot be confirmed as an unopposed order unless the Council are satisfied that it is expedient to do so:
 - (a) having regard to the extent (if any) that the path is likely to be used by the public; and
 - (b) having regard to the effect the extinguishment would have on other land served by the bridleway;
- 2.3 Any temporary circumstances preventing or diminishing the use of a path or way by the public shall be disregarded.
- 2.4 Section 29 of the Highways Act 1980, as amended by Section 57 of the Countryside and Rights of Way Act 2000, says that when making extinguishment orders the Council must have regard to the needs of agriculture, forestry and nature conservation and the desirability of conserving flora, fauna and geological and physiographical features. "Agriculture" includes the breeding and keeping of horses.

- 2.5 Dorset Council may itself confirm the order if it is unopposed. If it is opposed it may be sent to the Secretary of State for confirmation.

Wildlife and Countryside Act 1981

- 2.6 Section 53A of the Wildlife and Countryside Act 1981 enables provisions to amend the definitive map and statement required by virtue of a diversion order to be included in the extinguishment order instead of being the subject of a separate legal event order.

Human Rights Act 1998 – Human rights implications

- 2.7 The provisions of the Human Rights Act and principles contained in the Convention of Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols of particular relevance are:

Article 8 - Right to respect for private and family life

The First Protocol, Article 1 - Protection of Property.

- 2.8 When considering whether it is expedient to make the order a council must have due regard of any argument put forward by an adjoining landowner that their rights under Article 8 and Article 1 of the First Protocol would be infringed.
- 2.9 Section 28 of the Highways Act 1980 provides that a person with an interest in land affected by the consequence of the coming into operation of a public path order can make a claim for compensation for the depreciation of land value or damage suffered by being disturbed in his enjoyment of land.

Rights of Way Improvement Plan

- 2.10 Dorset Council's Rights of Way Improvement Plan (ROWIP) is a statutory document setting out a strategy for improving its network of Public Rights of Way, wider access and outdoor public space.
- 2.11 Before confirming a public path creation, diversion or extinguishment order a council or the Secretary of State must have regard to any material provision of a rights of way improvement plan prepared by the local highway authority.
- 2.12 Five themes have been identified for improving access in Dorset of which the following are particularly relevant to the present case and should be considered in relation to this application:

Theme 1: The ROWIP's links with other strategies

- Theme 1.6 Improve accessibility of the network

3 Consultation

- 3.1 The Council carried out a wide consultation in February / March 2020 and one letter of objection was received from a neighbouring landowner.
- 3.2 As a result of some inaccurate information provided in the application form, a follow-up letter was sent to consultees to rectify errors in the consultation documentation.
- 3.3 The Dorset Council member for Marshwood Vale, Cllr Simon Christopher was consulted on the application and made no comment.
- 3.4 The objection to the consultation is included in Appendix 2 with all other consultation responses summarised in Appendix 3.

4 Objections

- 4.1 One objection was received to the consultation which is included in full in Appendix 2.
- 4.2 The objector raised concerns over the accuracy of the definitive map and the information shown on the consultation plan.
- 4.3 Officers' comments; All of the rights of way illustrated on the consultation plan have been checked against the definitive map and historic plans and it has been verified that the rights of way are correctly shown.
- 4.4 In addition to these points, the objector also raises issues about the definitive line of a section of Bridleway 43, Marshwood at Prime Farm and the northern end of Bridleway 42, Marshwood, and the obstruction of Bridleway 42, Marshwood.
- 4.5 Officers' comments; These concerns are beyond the scope of the proposed extinguishment and therefore are not a relevant consideration. Any queries about the correct recording of public rights of way can be referred to the Definitive Map Team. Issues with maintenance or enforcement of a public rights of way are dealt with by the Council's greenspace management team who have been made aware of the issues raised by the objector.
- 4.6 The objector challenges the validity of the proposed extinguishment stating that there is no need to extinguish the bridleway and that "Bridleway 43 has never run between points A and B".
- 4.7 Officers' comments; The existence of the bridleway on the ground is not a prerequisite for extinguishment as the law states that any temporary circumstances preventing or diminishing the use of a path or way by the public shall be disregarded.

- 4.8 The Planning Inspectorate's guidance on procedures for considering objections to definitive map and public path orders (<https://www.gov.uk/government/publications/rights-of-way-guidance-booklet>) advises that "the Inspector normally ignores any obstructions blocking the way and considers how much more the path would be used if the obstructions were not there."
- 4.9 Although it has been established that it is not possible to install a bridge on the current route of Bridleway 43, if it is considered as if it were unobstructed i.e. with a bridge across the river, the application would still fulfil the legal requirements for an extinguishment order, since the alternative route is in close proximity, adds very little additional length to the bridleway, and the provision of two routes so close together renders Bridleway 43 not needed for public use.
- 4.10 Significantly, no other objections have been received, including from the British Horse Society and The Ramblers who raised no objection to the proposed extinguishment.

5 Discussion

- 5.1 The proposed extinguishment is expedient as the bridleway is not needed for public use.
- 5.2 The extinguishment will have no adverse effect on agriculture, forestry, flora, fauna and geological and physiographical features.
- 5.3 Land served by the bridleway is not adversely affected by the removal of the public right of way.
- 5.4 The proposal affects the land belonging to Christopher Vaughan and Ruth Fuller, who fully support the proposals and have agreed to the extinguishment in writing therefore it is unlikely that compensation would be payable under Section 28 of the Highways Act 1980.
- 5.5 If the order is unopposed the order should be confirmed as the extinguished route is expedient.
- 5.6 When considered together with the newly installed bridge and associated bridleway dedication of Bridleway 76, Marshwood, the extinguishment order fulfils the following objectives in the Rights of Way Improvement Plan to improve Dorset's network of Public Rights of Way, wider access and outdoor public space: Theme 1.6 Improve accessibility of the network.

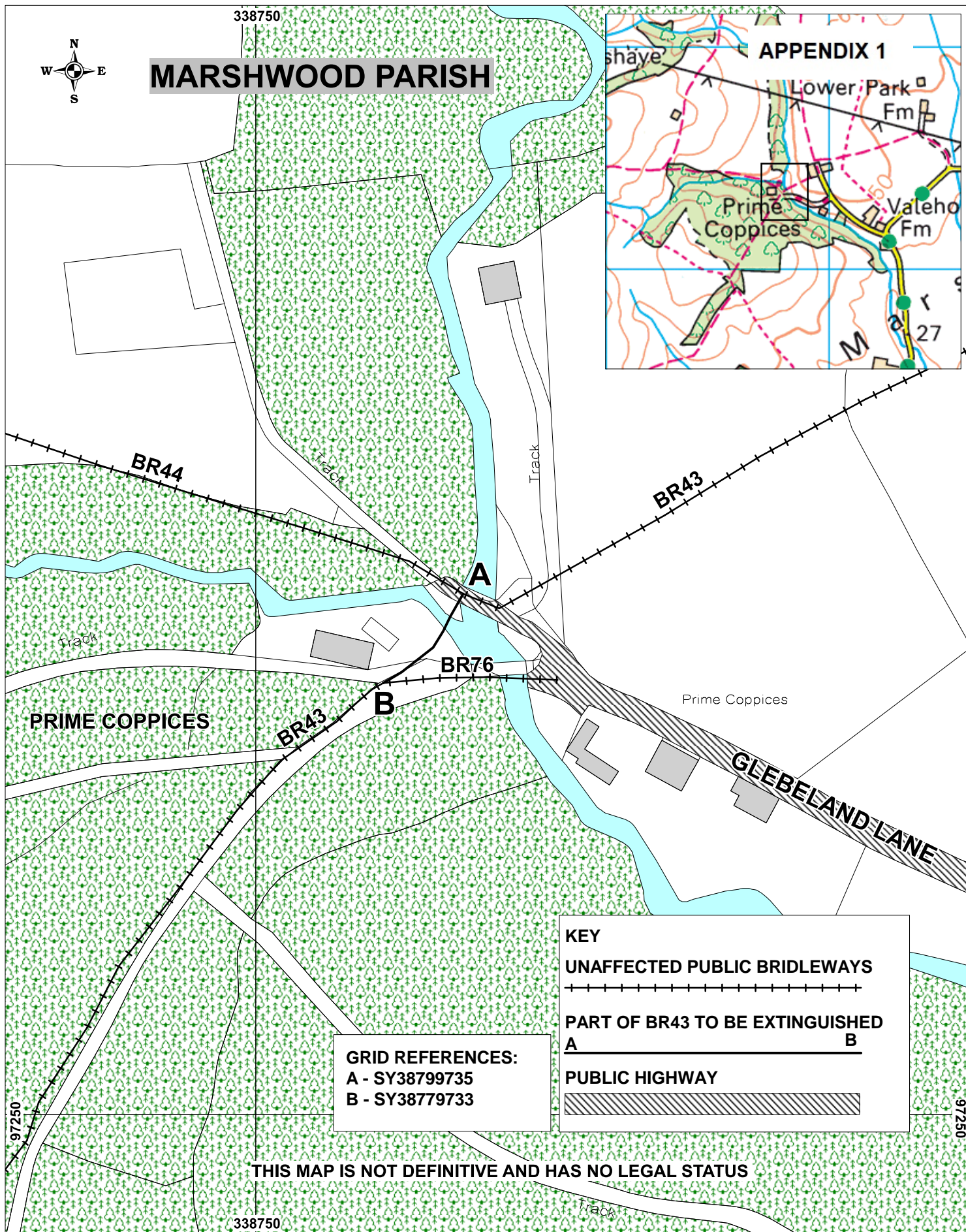
6 Conclusions

- 6.1 The proposed extinguishment of part of Bridleway 43, Marshwood meets the tests set out under the Highways Act 1980 and therefore should be accepted and an order made.
- 6.2 The Order should include provisions to modify the definitive map and statement to record the changes made as a consequence of the extinguishment.
- 6.3 If there are no objections to a public path order, as the criteria for confirmation have been met the order should be confirmed.
- 6.4 In the event that objections of a similar nature to those already considered are received to the order, the committee will have already considered the objections in the light of the legal criteria and therefore the order should be submitted to the Secretary of State without further reference to the committee.

Matthew Piles

Corporate Director for Economic Growth and Infrastructure

July 2010



Objection to P202 redacted.txt

From: REDACTED
Sent: 23 February 2020 01:17
To: Carol Mckay
Cc: Russell Goff; James Stagg; NAME REDACTED
Subject: Fwd: CAM RW/P202 - Partial Extinction of Bridleway 43
Attachments: Prime Lane-BR42 Green.jpg; Prime Lane-BR42 Red.jpg; Prime Lane BR42 Green.pdf; Prime Lane BR42 Red.pdf

SENT AGAIN WITH ATTACHMENTS THIS TIME

Dear Miss McKay

Thank you for your letter of the 4th of February informing me that Dorset Council is proposing to extinguish part of Bridleway 43. I regret to inform you that the definitive map is not only incorrect, but statements made in your letter are also incorrect.

You are correct in stating that the old bridge with its decking of railway sleepers was private and that there was no public right to cross it. It was built by Mr Alan Pitfield shortly after the Second World War to provide him with private vehicular access to Prime Coppices. In any event the bridge no longer exists. A new concrete bridge has been constructed slightly upstream of where the old bridge once stood. This is largely academic as a new Bridleway 76 has been dedicated across the new bridge. Having said that, Bridleway 43 has never run between points A and B marked on the map enclosed with your letter. Furthermore there has never been a bridge crossing the river between points A and B. I can tell you this with some conviction. I have lived at Prime Farm since 1981 and I knew my neighbour the late Mr Pitfield extremely well. Neither he nor I were aware of any right of way passing between points A and B across a bridge, if indeed any bridge ever existed which is extremely doubtful, or by walking or riding a horse across the bed of the river.

The route of BR 43 has not changed in the last ~70 years and I fail to see why there is any need to extinguish any part of it or attempt to do so. Furthermore, it is legally and physically impossible to extinguish something which does not exist nor indeed ever existed. This makes the proposed extinction of a section of BR43 ridiculous and a total waste of public expense.

The route of the northern section of BR43 is not correctly indicated on your map. I also note that another public right of way (a BOAT) is not marked on the map enclosed with your letter.

The actual route of the bridleway connecting the two parts of BR43 as shown on your map passed through and still passes through the river immediately downstream of where Mr Pitfield's wooden bridge once stood. It involves getting your feet wet as you need to walk

across the bed of the river. I therefore formally object to the proposed extinction on the grounds that you cannot extinguish something that does not exist. Consequently there is absolutely no need to make an application to extinguish an imaginary section of a bridleway under Section 118 of the Highways Act 1980.

The money would be better spent rerouting BR43 in the vicinity of NAME REDACTED's barns adjacent to Prime Farm and correcting the route of the northern end of BR42 (a continuation of Prime Lane) which is actually another BOAT.

The correct route of BR42 is depicted by the red line in one of the attached maps. The green line depicts what is shown incorrectly on the definitive map. Incidentally, there is an obstruction to BR42 at point D which needs to be removed. A trench dug across the track needs to be replaced by a culvert. I have discussed these matters with James Stagg on a number of occasions in the last 2-3 years. May I therefore respectfully suggest that you ask James Stagg to visit me so that I can show him on the ground where the actual route of BR43 still lies.

Yours sincerely

REDACTED

Summary of other consultation responses received:

Name	Comments
British Horse Society	No objection in principle
The Ramblers	No objection to the proposed extinguishment
Southern Gas Networks	No objection
Wessex Water	No objection (no apparatus affected)
Western Power Distribution	No objection
Senior Archaeologist, Dorset Council	There are at present no recorded archaeological finds or features or historic buildings on or in the vicinity of the route affected by this proposal. Historic environment considerations do not constitute a constraint in the context of this proposal.

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