



Northern Area Planning Committee

Date: Tuesday, 8 February 2022
Time: 10.00 am
Venue: A link to the meeting can be found on the front page of the agenda.

Membership: (Quorum 6)

Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Jon Andrews, Tim Cook, Les Fry, Matthew Hall, Brian Heatley, Carole Jones, Stella Jones, Emma Parker, Val Potheary and Belinda Ridout

Chief Executive: Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact George Dare 01305 224185 - George.Dare@dorsetcouncil.gov.uk



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Members of the public are welcome to attend this meeting with the exception of any items listed in the exempt part of this agenda. **Please note** that if you attend a committee meeting and are invited to make oral representations 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 more information about speaking at meetings.

There is a Hearing Loop Induction System available for public use on request. Please speak to a Democratic Services Officer for assistance in using this facility.

Recording, photographing and using social media at meetings

Dorset Council is committed to being open and transparent in the way it carries out its business whenever possible. Anyone can film, audio-record, take photographs, and use social media such as tweeting and blogging to report the meeting when it is open to the public, so long as they conform to the Protocol for filming and audio recording of public council meetings.

A G E N D A

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1 APOLOGIES

To receive any apologies for absence.

2 DECLARATIONS OF INTEREST

To disclose any pecuniary, other registerable or non-registerable interests as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.

If required, further advice should be sought from the Monitoring Officer in advance of the meeting.

3 PUBLIC PARTICIPATION

5 - 6

To receive questions or statements on the business of the committee from town and parish councils and members of the public.

Public speaking has been suspended for virtual committee meetings during the Covid-19 crisis and public participation will be dealt with through written submissions only.

Members of the public who live, work or represent an organisation within the Dorset Council area, may submit up to two questions or a statement of up to a maximum of 450 words. All submissions must be sent electronically to George.Dare@dorsetcouncil.gov.uk by the deadline set out below.

When submitting a question please indicate who the question is for and include your name, address, and contact details. Questions and statements received in line with the council's rules for public participation will be published as a supplement to the agenda.

Questions will be read out by an officer of the council and a response given by the appropriate Portfolio Holder or officer at the meeting. All questions, statements and responses will be published in full within the minutes of the meeting.

The deadline for speaking at this meeting is 8.30am on Friday, 4 February 2022.

Please refer to the Guide to Public Speaking at Planning Committee and specifically the "Covid-19 Pandemic – Addendum to the Guide to Public Speaking Protocol for Planning Committee meetings" included with this agenda.

4 PLANNING APPLICATIONS

To consider the applications listed below for planning permission

5 P/OUT/2021/04019, COMMON MEAD LANE, GILLINGHAM, DORSET 7 - 42

Develop land by the erection of up to 80 No. dwellings, form vehicular access, associated open space and infrastructure.

6 P/RES/2021/01690, HIGHER BLANDFORD ROAD, CANN, DORSET 43 - 68

Erect 55 No. dwellings with associated open space and infrastructure. (Reserved Matters application to determine appearance, landscaping, layout & scale; following the grant of Outline Planning Permission No. APP/N1215/W/19/3227559 (LPA Ref. 2/2018/0602/OUT).

7 P/FUL/2021/02870 - LAND SOUTH OF NEWLANDS MANOR HOUSE, CHARLTON MARSHALL 69 - 80

Erect 40 No. dwellings with associated parking and access. Reserved Matters application to determine appearance, landscaping, layout, scale and access, following the grant of Outline Planning Permission No. 2/2017/1716/OUT.

COMMITTEE BREAKS FOR LUNCH 1PM TILL 2PM.

8 3/20/1328/FUL, FROGMORE LANE, SIXPENNY HANDLEY 81 - 92

Residential development comprising 7 new dwellings with ancillary car parking. (As amended 25/02/21 by Flood Risk Assessment and Surface Water Strategy and revisions to Plot 1).

9 P/FUL/2021/02897 - LAND ADJ 362 BOURNEMOUTH RD, CHARLTON MARSHALL 93 - 114

Erect 6 No. dwellings, create new vehicular access.

10 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.

11 EXEMPT BUSINESS

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended).

The public and the press will be asked to leave the meeting whilst the item of business is considered.

Dorset Council

Covid-10 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 <https://modern.gov.dorsetcouncil.gov.uk/mgListCommittees.aspx?bcr=1>
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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Agenda Item 5

Application Number:	P/OUT/2021/04019		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Land north of Common Mead Lane Gillingham Dorset		
Proposal:	Develop land by the erection of up to 80 No. dwellings, form vehicular access, associated open space and infrastructure. (Outline application to determine access).		
Applicant name:	Fairfax Acquistions Ltd		
Case Officer:	Verity Murphy		
Ward Member(s):	Cllr Pothecary, Cllr David Walsh, Cllr Ridout		
Publicity expiry date:	18 November 2021	Officer site visit date:	
Decision due date:	12 January 2022	Ext(s) of time:	

1.0 The application is reported to Committee as Gillingham Town Council have objected to the application, and application P/OUT/2020/0072 for 80 dwellings on the site was previously refused by Planning Committee in August 2021.

2.0 Summary of minded to recommendation:

Recommendation A: Minded to **GRANT**, subject to the completion of a legal agreement under section 106 of the town and country planning act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:

- 25% affordable housing
- Local Area of Play
- Local Equipped Area of Play
- Destination Play Facilities Maintenance
- Formal Outdoor Sports
- Formal Outdoor Sports Maintenance
- Informal Outdoor Space
- Informal Outdoor Space Maintenance
- Community, Leisure & Indoor Sport Facilities
- Primary School contribution
- Secondary School contribution
- Pre School contribution
- Bus Service contribution
- Bus stop contribution

- Community transport contribution
- Rights of way enhancements
- Health
- Libraries
- Waste
- Drainage (SUDS)
- 4.3ha of land for biodiversity net gain
- The northern field (8.05ha) to be offered to and transferred (if accepted) to Gillingham Town Council
- £65,467.20 towards compensatory habitat

And the conditions (and their reasons) listed at the end of the report.

Recommendation B; Refuse permission for failing to secure the obligations above if the agreement is not completed by (8th August 2022) or such extended time as agreed by the Head of Planning.

3.0 Reason for the recommendation: as set out in paras 15.0 – 17.0 at end of this report.

- The Council can demonstrate a five year housing land supply, however the Housing Delivery Test result (2021) means that the ‘presumption’ still applies in North Dorset.
- Paragraph 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. None have been identified
- The location is considered to be sustainable despite its position outside of the settlement boundary
- The development would secure economic and social benefits
- The proposed development would secure significant open space and ecological enhancements secured via S106 agreement
- 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 development is considered to be acceptable in light of the latest housing delivery test results (2021) in which the presumption in favour of sustainable development still applies. The site is located within a sustainable location and no material considerations which would warrant refusal of this application.
Loss of agricultural land	The loss of this land in the context of the provision of housing and social/economic benefits is considered

	to be acceptable.
Housing delivery	The development will provide up to 80 dwellings making a valuable contribution to the housing land supply.
Affordable housing and infrastructure	The development will provide policy compliant affordable housing at 25% and a suite of s.106 obligations (onsite and offsite).
Points of access/transport	The application is for outline and access only. The proposed access is considered to be acceptable
Urban Design/Landscape	There are no in principle objections to the proposals subject to matters being addressed in reserved matters applications.
Trees	No important trees will be lost, additional tree planting is proposed and conditions will secure the requisite protection.
Residential Amenity	The amenity of adjacent residents can be protected with adequate space, between proposed and existing properties.
Ecology	Full surveys have been undertaken and impact upon protected species can be mitigated to avoid adverse effects. Significant areas of ecological enhancement are proposed and will be secured via S106 agreement. 10% biodiversity net gain will be achieved.
Flooding/Drainage	The site is wholly in Flood Zone 1 (low risk). Surface water drainage details can be adequately secured by condition.
Impact on Heritage	It is considered that there will be a degree of less than substantial harm. However, this harm would be outweighed by the public benefits.
Archaeology	Extensive archaeological investigations have taken place to the satisfaction of the Council's Senior Archaeologist. Further work is to be secured by condition.
Economic benefits	Significant benefits would come from

	the delivery of this housing development, the provision of jobs during construction, and future residential expenditure.
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5.0 Description of Site

The site lies to the west of the town of Gillingham. Gillingham is identified in the North Dorset Local Plan as one of the four main towns and one of the most sustainable locations for housing development. Gillingham will accommodate about 39% of housing growth in North Dorset over the 20 years between 2011 and 2031 reflecting its economic potential, the availability of suitable sites and the relative lack of environmental constraints.

The site lies outside but immediately adjacent to the settlement boundary of the town and can be classified as ‘countryside’. The site comprises an irregular shaped parcel of land extending to approximately 3.9ha. The site is currently defined as agricultural land but appears not to have been farmed in recent times.

The site is not subject to any national or local designations (such as AONB) and is situated within flood zone 1 (lowest probability of flooding). The Wyke Conservation Area is situated to the north of the adjoining field to the site. The nearest listed buildings to the site are the Wyke Brewery and Brewery House situated approximately 510m to the north of the application site.

It has an established hedgerow defining its western and northern boundaries, with its eastern and southern boundaries adjoining residential development off Fream Way and the Mellows care home off Common Mead Lane. There are established public rights of way N64/57 and N64/58 which pass through the site and a pedestrian access from Fream Way.

The site is identified in the Gillingham Neighbourhood Plan as an ‘area of search for formal sports provision’. However it is also identified in the emerging Dorset Local Plan as an allocation for residential development.

6.0 Description of Development

This application is a resubmission of an earlier application P/OUT/2020/00472, which was refused by Committee on 24 August 2021 for the following reasons:

1. *The proposed development by reason of its siting outside of the defined settlement boundary of Gillingham and encroachment into the countryside would cause less than substantial harm to the significance of the Wyke Conservation Area, and the non-designated Moat at Thorngrove (MDO3908) and that harm would not be outweighed by the public benefits derived from the residential development”*
2. *The loss of an existing area of informal green amenity space and a formal area of search for new outdoors sports provision. It has not been demonstrated that there is a clear overriding public benefit or that the proposed development could not be reasonably located outside of the area.*
3. *The absence of a completed and signed Section 106 legal agreement to secure affordable housing and community benefits (infrastructure – grey, green and social).*

This application seeks permission for outline planning permission for a residential development of 80 dwellings on the site. As with the previous planning application, all matters are reserved for later approval save for the main point of access proposed to Common Mead Lane. Subject to the approval of outline permission, details of the 'layout', 'scale', 'appearance' and 'landscaping' of the development would be 'reserved matters', requiring the subsequent submission of an application(s) to the Council for approval.

The application is submitted with the same indicative site layout plan as refused permission P/OUT/2020/0047, which sets out broadly how development can be accommodated on the site with a proposed density of 21dph. The detailed design of the scheme for subsequent reserved matters approval would need to broadly follow the design approach set out in the indicative site layout. The site will provide a Local Area of Play (LAP), a Local Equipped Area of Play (LEAP), and up to 80 dwellings with associated access, internal estate roads and a policy compliant level of parking. Perimeter hedging and trees will be retained and supplemented with additional planting to be secured through planning conditions.

However, this application now provides land of 4.3 ha to the north of the site that will be enhanced as species-rich grassland and delivers a 10% bio-diversity net gain. Furthermore, the whole of the northern field which measures at 8.05 hectares, including the area of biodiversity enhancement, will be offered to Gillingham Town Council. If the offer is accepted, the transfer would contain sufficient covenants to prevent any future development and to guarantee that it is held as publicly accessible green space in perpetuity. By accepting the offer of the transfer, the land would become accessible, could be enjoyed by the town and would be protected from any future risk of development.

The transfer would take place upon or near completion of the new development and liability for maintaining the field would pass to Gillingham Town Council at this point.

The existing rights of way across the site will be maintained and provision made for amendments/improvements, particularly at the access points where currently they are prone to flooding, through a financial contribution to the council.

7.0 Relevant Planning History

P/OUT/2020/00472 – Develop land by the erection of up to 80 dwellings, form vehicular access, associated open space and infrastructure. (Outline application to determine access). REFUSED 24/08/2021

In relation to this application, the applicant engaged in pre application discussions with the council.

The applicant also undertook a community consultation. A mailshot and web-based consultation was set up to notify local residents of the proposals and provide the opportunity for comments to be submitted. Leaflets were sent by post to 607 properties in the surrounding area. Feedback forms were made available online and residents were invited to send any comments either by email or by post. A total of 62 responses were sent to the agent.

8.0 List of Constraints

SSSI impact risk zone

Agricultural land

9.0 Consultations

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

Consultees

1. Ward Councillor - Gillingham Ward

- No comments received

2. Parish - Gillingham Town Council

- Object to application
- The proposed development is outside the defined settlement boundary
- The proposal would cause harm to the significance of the Conservation Officer which would not be outweighed by public benefits
- The proposed development would result in the loss of an existing area of informal green amenity space and a formal area of search for new outdoors sports provision.
- The provision of s106 monies cannot be considered in all cases to be an appropriate form of compensation for failing to provide for example outdoor sports provision or allotments.
- The site is served by a sub-standard rural lane. There will be an increased danger to pedestrians
- The character and nature of Common Mead Lane presents conditions that are totally unsuitable for the likely increase in vehicular and pedestrian traffic generated by the new development and will adversely impact upon the safety of all existing highway users.
- The proposed development will encourage reliance on private vehicles as there is no public transport available.
- The proposal will result in the loss of the amenity to the neighbouring residential care home.
- The site is within an area designated for formal outdoor sports provision
- Detrimental impact on the natural landscape area
- The proposal would have an adverse effect on ecology and biodiversity

- The proposal fails to accord with the objectives of the NPPF.
- 3. Open Spaces Society 1**
 - No comments received
 - 4. Dorset Police Architectural Liaison Officer**
 - No comments received
 - 5. Development Control - Landscape**
 - No in principle objection to the scheme subject to conditions
 - 6. Development Control - Education Officer**
 - No comments received
 - 7. Development Control - Natural Environment Team**
 - 8. Development Control - Rights of Way Officer**
 - No objection subject to conditions
 - 9. Development Control - Highways**
 - No objection subject to conditions
 - 10. Development Control - Dorset Waste Partnership**
 - No comments received
 - 11. Development Control - Conservation Officers**
 - Supports application subject to conditions
 - Proposal will result in less than substantial harm to Wyke Conservation Area and Moat and Thorngrove, however this harm is considered to be acceptable
 - 12. Development Control - Trees (Team B)**
 - No comments received
 - 14. Development Control - Policy - Urban Design**
 - No comments received
 - 15. Development Control - Housing Enabling Team**

- No objection, subject to S.106
- 16. Development Control - Planning Policy**
- No comments received
- 17. Development Control - Economic Development and Tourism**
- No comments received
- 18. Development Control - Land Drainage**
- No objection subject to conditions
- 19. Development Control - Building Control North Team**
- Site Layout complies with Approved Document ADB Vol1 B5
 - Access and facilities for the fire rescue service as per requirements.
- 20. Development Control - Section 106**
- No objection subject to S106
- 21. Development Control – Archaeology**
- No objection subject to conditions
- 22. Dorset Wildlife Trust**
- Concerns currently regarding the assessment of the habitats present and the subsequent assessment of the impacts of the development
- 23. Development Control - Outdoor Recreation**
- No comments received
- 24. Wessex Water**
- No objection
- 25. Natural England**
- No comments on application

Representations received

136 letters of representation have been received, of which 134 objected to the proposal, 1 supported the proposal and 1 neither objected to or supported application.

Objections:

- Short publicity period
- No need for extra housing in Gillingham
- Houses are unsustainable and not energy efficient
- Fails to accord with the National Planning Policy Framework (NPPF), the North Dorset Local Plan and the Gillingham Neighbourhood Plan.
- Lack of infrastructure in the town to support development
- Unsustainable location outside of a settlement boundary
- Insufficient evidence to support housing need
- Loss of open amenity space/impact upon mental health
- Piecemeal development
- Detracts from the Gillingham SSA
- Site is designated for formal pitches in the Neighbourhood Plan
- Roads already congested
- Increased danger to highway users
- Increased traffic through Eccliffe
- Impact upon Rights of Way
- Increased noise/air pollution
- Detrimental to the tranquillity of the area
- Lack of proposed open space/landscaping
- Impact upon Important, Open or Wooded Area (IOWA)
- Design and layout not sensitive to the location
- Dwellings exceed the height/massing of adjacent dwellings
- Impact upon neighbouring residential amenity
- Lack of biodiversity gains
- Increased surface water flood risk
- Detrimental to heritage assets

Support:

- Development fits in with the character of the area and is a suitable size for the plot
- Development will provide much needed affordable homes
- Increased biodiversity enhancements

10.0 Relevant Policies

Local Plan: The North Dorset Local Plan Part 1 (LPP1) was adopted by North Dorset District Council (NDDC) on 15 January 2016. It, along with policies retained from the 2003 North Dorset District-Wide Local Plan, and the 'made' Gillingham Neighbourhood Plan, form the development plan for North Dorset. Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Relevant applicable policies in the adopted North Dorset Local Plan Part 1, January 2016 are as follows:

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Core Spatial Strategy

Policy 3: Climate Change

Policy 4: The Natural Environment

Policy 5: The Historic Environment
Policy 6: Housing Distribution
Policy 7: Delivering Homes
Policy 8: Affordable Housing
Policy 11: The Economy
Policy 13: Grey Infrastructure
Policy 14: Social Infrastructure
Policy 15: Green Infrastructure
Policy 17: Gillingham
Policy 23: Parking
Policy 24: Design
Policy 25: Amenity

Relevant saved policies from the **North Dorset District Wide Local Plan (1st Revision) Adopted 2003**, are as follows:

Policy 1.7- Development within Settlement Boundaries
Policy 1.9 - Important Open or Wooded Areas

Gillingham Neighbourhood Plan

The Gillingham Neighbourhood Plan was 'made' on 27 July, 2018 and forms part of the Development Plan for North Dorset. Relevant policies applicable to this outline applications are:

Policy 1. Custom and self-build housing
Policy 12. Pedestrian and cycle links
Policy 13. Road designs in new development
Policy 14. New and improved health and social care provision
Policy 15. New and improved education and training facilities
Policy 16. New and improved community, leisure and cultural venues
Policy 17. Formal outdoor sports provision
Policy 18. Equipped play areas and informal recreation / amenity spaces
Policy 19. Allotments
Policy 20. Accessible natural green space and river corridors
Policy 22. Protecting import green spaces
Policy 23. The pattern and shape of development
Policy 24. Plots and buildings
Policy 25. Hard and soft landscaping

Material Considerations

National Planning Policy Framework (NPPF):

The NPPF has been updated with a revised version published July 2021. The following sections and paragraphs are relevant to this outline application:

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes

6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
10. Supporting high quality communications
11. Making effective use of land
12. Achieving well designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

The presumption in favour of sustainable development

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development. ...

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay...

Current housing land supply

Officers note that where the housing delivery test is not passed, 11d i) and ii) of the Framework outlines the implications for how development proposals should be determined. It states that where the (local) development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole or where specific policies in the Framework indicate that development should be refused.

North Dorset District Council has published its latest housing land supply for 1st April 2021. It confirms that whilst there is a 5.17 year housing land supply, the latest housing delivery test (2021) still means that the policies that are the most relevant to the determination of the application, should be considered 'out of date'.

Dorset Council Local Plan (Consultation version January 2021)

Dorset Council have produced a draft Local Plan containing proposals for guiding future development over the whole of the Dorset Council area up to 2038. The initial consultation period ran until the 15 March 2021. Given its early stage of consultation the weight to be given to it is very limited.

Relevant Policies;

DEV4: Growth in the northern Dorset functional area

DEV9: Neighbourhood plans

ENV1: Green infrastructure: strategic approach

ENV2: Habitats and species

ENV3: Biodiversity and net gain

ENVV4: Landscape

ENV5: Heritage Assets

ENV8: The landscape and townscape context

ENV11: Amenity
ENV12: Pollution control
ENV13: Flood risk
ENV14: Sustainable drainage systems (SuDs)
HOUS1: Housing Mix
HOUS2: Affordable housing
COM4: Recreation, sports facilities and open space
COM8: Parking standards in new development
COM9: Provision of infrastructure for electric and other low emission vehicles
COM12: The provision of utilities service infrastructure
GILL3: Land at Common Mead Lane

North Dorset District Council Landscape Character Assessment (2008)

The Site lies within the eastern edge of Limestone Hills Landscape Character Area (LCA). The key characteristics of Limestone Hills pertinent to the Site and its immediate local area are as described as:

- varied landform due to the complex geological structure;
- diverse scenery with mixed farmland, dense hedgerows, stonewalls, and some steep wooded slopes;
- many scattered farmsteads and villages
- distinctive build environment patterns and building materials with the frequent use of the local limestones;

Gillingham Town Design Statement (adopted 2012)

The Gillingham Town Design Statement (TDS) was adopted by Cabinet on 19 March 2012 and endorsed by Council on 30 March 2012, as an evidence base study. It was developed to safeguard the local characteristics of the Town, and to encourage sensitive, high quality design where new development occurs. It details distinctive local features and policies to inform those applying for planning permission what should be considered when preparing a scheme for submission.

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 Public Sector Equalities Duty.

Gillingham Town Council have raised concerns with the lack of public transport. However, the application site is located in line with the spatial strategy of the local plan, which seeks to locate development close to services. Occupiers of the dwellings would have access to open space and to health and other facilities that are contained within the town.

Officers have considered the requirement of the duty, and it is not considered that the proposal would give rise to specific impacts on persons with protected characteristics.

13.0 S106/ Financial benefits

Benefit	Quantum
Affordable Housing	25% Affordable Housing
Local area of play (LAP)	On site
Local equipped area of play (LEAP)	On site
Destination Play Facilities Maintenance	£359.36 per dwelling
Formal Outdoor Sports	£1,318.80 per dwelling
Informal Outdoor Space	£2,307.36 per dwelling
Informal Outdoor Space Maintenance	£1,278.80 per dwelling
Community, Leisure & Indoor Sport Facilities	£2,006.97 per dwelling
Primary School contribution	£2,017.31 per qualifying dwelling
Secondary School contribution	£4,077.025 per qualifying dwelling
Pre School contribution	£190.50 per qualifying dwelling
Bus Service contribution	£434.04 per dwelling
Bus stop contribution	£52.63 per dwelling
Community transport contribution	£29.23 per dwelling
Rights of way enhancements	£38,900
Health	£722 per dwelling
Libraries	£241 per dwelling
Waste	£271.94 per dwelling
New Homes Bonus/Council Tax revenues	

14.0 Climate Implications

The following sustainability measures will be incorporated into the proposed development:

- The dwelling target emission rate will be better than the standards determined by Building Regulations, these improvements will be achieved through enhanced levels of thermal efficiency in respect of external walls, windows, roofs and floor construction
- Measures that reduce air permeability of the building fabric will be incorporated as will refined details which will reduce cold-bridging
- Low carbon renewable technologies can be incorporated into the houses, and when determining the most appropriate measures at reserved matters stage, no new properties can have a gas or boiler system in line with the Government 'Future Homes Standard'.
- The dwellings will be designed to ensure that no more than 105 litres of water is used per person per day.
- Environmental sourcing of materials.

- There are other measures which can be incorporated into the scheme, for example, enhanced energy efficient lighting, cycle storage, additional surface water and rainwater collection and attenuation and increased recycling facilities.

It is considered that there is sufficient scope within the proposed development to incorporate a wide range of sustainability measures. These will reduce the impacts of the development on the climate in line with Dorset Council Climate and Ecological Emergency Strategy 2020.

15.0 Planning Assessment

- Location of development
- Loss of Agricultural Land
- Housing Delivery
- Affordable Housing and Infrastructure
- Points of access/Transport
- Landscape
- Urban Design
- Trees
- Residential Amenity
- Heritage/Archaeology
- Biodiversity
- Flooding/Drainage
- Planning balance
- Conclusion

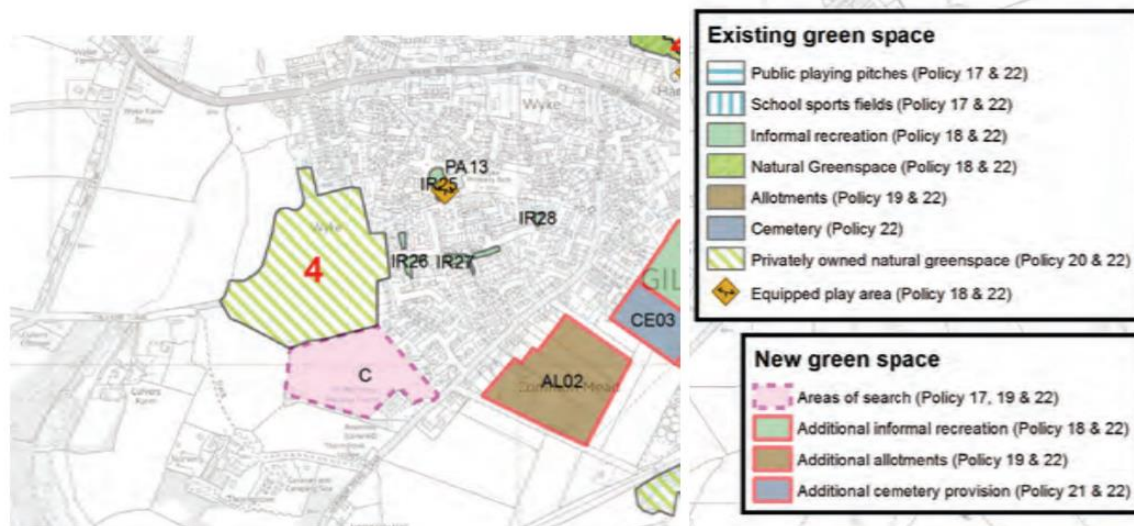
Location of Development

Policy 2 (Core Spatial Strategy) and Policy 6 (Housing Distribution) of the NDLP part 1 require development to be located in accordance with the spatial strategy which directs development to the 4 main towns and larger villages. Gillingham is identified as one of the larger towns and will be a main focus for growth and for the vast majority of housing delivery. However, the council's Housing Delivery Test result is at 69%, and so the presumption in favour of sustainable development still applies in North Dorset. Policy 6 of North Dorset Local Plan is the most relevant housing policy. Policy 2 and 20 of the local plan are consistent with the aims of the NPPF. Policy 2 is the Council's Core Spatial Strategy, and follows national planning policy which seek to focus significant development on locations which are or can be made sustainable (NPPF para 105), respond to local circumstances and support housing developments that reflect local needs in rural areas (NPPF para 78) and recognise the intrinsic character and beauty of the countryside (NPPF para 174). In recent appeal decisions the strategy was deemed to be "broadly consistent with the Framework and still of significance", and it is not considered as out of date.

The site is located immediately adjacent of the settlement boundary. However, in policy terms the site is within the 'countryside' and development would normally be strictly controlled, unless it is required to enable essential rural needs to be met. Policy 20 Countryside reiterates this and lists two criteria where development would be appropriate outside defined settlement boundaries, a) the type of development set out in local plan policies or b) there is an overriding need for it to be in the countryside. This proposal is

contrary to these policies as it is outside the settlement boundary for Gillingham and not specifically for essential rural needs.

The site is also illustrated in the Gillingham Neighbourhood Plan as an ‘Area of Search’ (land shown pink) for formal sports pitches. This is on the basis that the Neighbourhood Plan has identified a shortfall of 7.2ha of formal outdoors sports provision in the Gillingham area against a target of 18.8ha.



(Figure 11.2)

Policy 17 sets out an expectation that at least 7ha of additional land for outdoor sports will come forward through the Gillingham Southern extension and that further land should be located with the areas of search identified in figure 11.2 above. Policy 22 states that the areas of search (as shown in Figure 11.2) should be safeguarded from alternative development that would prejudice their delivery, unless there is a clear over-riding public benefit to the proposed development that cannot reasonably be located outside of that area. Under this re-submitted application, the northern field, as identified as Number 4 on Figure 11.2, is to be offered to Gillingham Town Council and, if accepted, the transfer would contain sufficient covenants to prevent any future development and to guarantee that it is held as publicly accessible green space in perpetuity. Whilst the application site would be located in area of search under Policy 22 of the Neighbourhood Plan, the development proposal would take approximately 8.05 hectares of greenspace out of private ownership and would provide open space to the Town Council to be used by the public. This is a significant public benefit which was not proposed under the refused planning permission.

The Gillingham Neighbourhood Plan was made in 2018 and forms part of adopted development plan and whilst it has not yet been formally reviewed or updated in that period, it is still to be afforded significant weight in the planning balance.

For the reasons outlined above, the proposals conflict with the NDLP and the Gillingham Neighbourhood Plan. However, as Dorset Council’s policies for the supply of housing are ‘out-of date’ for the purposes of the NPPF, paragraph 11d of the Framework is engaged and planning permission should be granted unless the adverse impacts of doing so would **significantly and demonstrably outweigh the benefits** when assessed against the

policies of the NPPF as a whole or where specific policies in the Framework indicate that development should be refused.

Paragraph 14 of the NPPF provides that, for applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to **significantly and demonstrably outweigh the benefits**, if **all** of the following apply:

- (a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- (b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- (c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
- (d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

Taking each of these points in turn. The Gillingham neighbourhood plan became part of the development plan more than two years before the date that the decision will be made and has not been subject to any formal review or updates. The neighbourhood plan does not contain policies and allocations to meet its identified housing requirement. The authority does have 5.17 year housing supply, however the latest Housing Delivery Test in 2021 illustrates that housing delivery was 69% over the last three years. As such the application satisfies parts (c) and (d) but not (a) and (b) of paragraph 14 of the NPPF. The application must therefore be determined in accordance with the provisions of paragraph 11d alone.

Whilst the site lies outside of the settlement boundary, it nevertheless lies adjacent to it, close to existing residential properties and is very well located in terms of distance to a major town and its services. The site is located within 600m of a convenience store, 900m to the Wyke Primary School and 1.2km from Gillingham High Street, which is located to the north east of the site and is accessible via a 15-minute walk or 5-minute cycle journey. Gillingham High Street offers a wide range of local amenities including eateries, a pharmacy, medical centre, a bank, a post office and a supermarket. There is bus stop within 350m of the site and a mainline train station in the centre of the town (the only train station in North Dorset). The development site is accessible and therefore represents a good opportunity to support a sustainable development with a number of amenities and services accessible within a reasonable distance.

The proposal would meet the aims of paragraph 105 of the NPPF by focusing development in a sustainable location, thereby limiting the need to travel and offering a genuine choice of transport modes.

The site was identified by North Dorset District Council in the 2019 Strategic Housing Land Availability Assessment (SHLAA), ref –LA/GILL/018. The council undertook an

analysis of the sites suitability and stated that development would be potentially viable for around 72 dwellings in this location, subject to policy change;

'Development would extend the town into the open countryside, but not by a substantial amount and it is considered to have limited impact. The larger field to the north forms a substantial buffer between this field and the Wyke conservation area. As such, there do not appear to be any substantial constraints to development.' SHLAA quote.

Whilst this does not constitute planning policy, nor a formal site allocation, it does indicate the Council's view as to the potential acceptability of the principle of residential development, subject to appropriate detailed design.

The site is also referenced in the emerging Dorset Local Plan under Policy GILL3: Land at Common Mead Lane, which states that the site is proposed for residential development;

GILL3: Land at Common Mead Lane

- I. Land at Common Mead Lane, as shown on the policies map, is allocated for residential-led development.
- II. Access should be from Common Mead Lane.
- III. Landscaping will be required as part of the scheme to minimise the visual impact of the development on its surroundings. Tree planting should be provided along the northern edge to screen views from the Wyke conservation area.
- IV. Formal public open space and play facilities should be provided on site.
- V. Existing rights of way should be incorporated into the layout of the development and opportunities to deliver allotments or sports pitches should be considered.

This policy provides a direction of travel for addressing housing need in the Gillingham area. The proposals would be in accordance with points i-v. However, given its early stage of consultation the weight to be given to this emerging policy is very limited.

The proposed dwellings would be located within very reasonable proximity to facilities and services of a major town, contribute towards housing supply and choice, and deliver economic benefits to the local economy.

In this case, despite some conflict with the spatial strategy, when the proposed development is assessed against the policies in the Framework taken as a whole, there are no adverse impacts which would significantly and demonstrably outweigh the public benefits derived from the proposal.

Therefore, the principle of residential development is considered to be acceptable.

Loss of Agricultural Land

The site is identified as unclassified agricultural land. The land that would be lost as a result of the proposal is relatively small in the context of the area administered by the

Council. Nevertheless, it is a finite resource and its loss should be considered carefully. The following considerations are important in weighing its loss.

- The site does not form part of a larger farm, which could otherwise affect the viability of an existing agricultural enterprise.
- The site has not been in recent agricultural use.

The loss of this land in the context of the provision of housing and social/economic benefits is considered to be acceptable.

Housing Delivery

The proposed development will deliver up to 80 new homes and will contribute towards fulfilling the housing needs of North Dorset and Gillingham. The site will provide new housing supply over the period 2021-2024. It will therefore make a valuable contribution towards boosting housing and affordable housing supply in Gillingham to meet needs/demand within the town and elsewhere.

Policy 7 (Delivering Homes) states that housing should contribute towards the creation of mixed and balanced communities based on a negotiation starting point of 40% of market housing being one or two bed properties and 60% of affordable housing being 3+ bed properties. The policy goes on to set out that housing layouts should achieve densities that make effective use of a site, reflect the character of the locality and are acceptable in terms of design and amenity.

The precise mix of housing types / sizes will be addressed at the reserved matters stage. The indicative site layout plan provides sufficient flexibility to accommodate a range of house types/sizes to reflect the market demand/needs of the area at the time of the reserved matters. The proposals will allow for an urban form and density that reflects its location and neighbouring development, being in the lower density range (21dph). This will strike a balance between making effective use of the site and reflecting the character of the locality on the edge of a settlement.

Affordable Housing and Infrastructure

Policy 8 (affordable housing) states that in Gillingham, 25% of the total number of dwellings are to be affordable with a presumption that it will be provided on-site. The scheme will deliver a 25% policy compliant level of affordable housing on site. This would amount to the provision of 20 no. affordable homes on site (In the event 80 dwellings are delivered through reserved matters applications). By providing 25% affordable dwellings this development would make a valuable contribution to meeting the affordable provision across the North Dorset area.

In order to ensure the proposed development is acceptable in planning terms, the proposals need to provide/fund a number of onsite and off-site improvements to transport, community and green infrastructure in the context the requirements of Policies 13 (Grey Infrastructure), 14 (Social Infrastructure), and 15 (Green Infrastructure).

The s.106 heads of terms have been agreed between all parties and a draft S.106 for the previous application has already been drafted, therefore it can easily and swiftly be altered to incorporate the additional open space and ecological enhancements proposed under this application. The S.106 will secure the requisite items (Please see table at section 13.0). The package of s.106 contributions is considered to meet the statutory tests set out in the Community Infrastructure Levy Regulations 2010 paragraph 122; being necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

Points of access/Transport

The application is for outline planning and seeks consideration and permission for access only. The development will be accessed from Common Mead Lane (classified the C108). A new priority junction will be formed to the northeast of the existing access to The Mellowes care home, of sufficient size to allow the two-way movement of all vehicles, confirmed by a full swept path analysis. This access will be provided with visibility splays of 2.4m x 43m in both directions along the nearside carriageway edge, in accordance with the guidance provided by Manual for Streets (MfS). Sufficient inter-visibility between the proposed access and the existing care home access to the south west is available, with this design aspect having been considered by a Stage 1 Road Safety Audit, prepared by independent auditors.

Policy 23 (Parking) identifies the need to accommodate car and cycle parking in accordance with the Council's standards and that the parking needs of people with impaired mobility are addressed in accordance with the Council's standards. The detailed scheme to be the subject of a reserved matters application will incorporate parking provision in accordance with the Council's standards. The proposals can therefore accommodate parking so as to be compliant with Policy 23.

The Highway Authority, in their consultation response, refers to the Transport Statement that was submitted in support of the previous application. The Highway Authority considers that the submitted Transport Statement is still relevant to this application, and is satisfactory and robust and that the residual cumulative impact of the development cannot be thought to be "severe", when consideration is given to paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) – July 2021.

The highways officer has recommended planning conditions be attached to any approval to secure the details of construction, visibility splays, layouts/turning/parking areas, cycle parking, electric vehicle charging, travel plans and construction traffic management.

Urban Design

Urban design comments have not been received in relation to this re-submitted scheme. There is no proposed change from the indicative layout and the housing density from the refused scheme. Therefore, the previous urban design comments are still relevant to this re-submitted application.

The Council's Urban Designer was satisfied, with the provision of the below which are still proposed under this application, that the application for up to 80 dwellings can be successfully accommodated on the site, whilst also incorporating that required play space, open space and flood attenuation.

- Reduction to from 85 to 80 dwellings (up to)
- Incorporation of a LAP and a LEAP
- Internal estate route amended to avoid a perimeter road
- Layout was amended to reflect a looser suburban character
- Layout was revised to create improved relationships with the East and Southern boundaries
- Position of planting/trees was revised to improve internal access/circulation
- Use of parking courtyards was reduced
- Natural surveillance increased through the revised orientation of dwellings

Landscape

A full Landscape and Visual Impact Assessment (LVIA) has been submitted with the application. The LVIA concludes that the overall impact on the wider landscape character beyond the site arising from the development would not be significant, and officers agree with this conclusion.

The Council's Landscape Officer has no objection in principle to the development on landscape grounds provided the application is subjected to a condition with regard to the submission of hard and soft landscape details.

There are matters of detail to be addressed in future reserved matters applications to ensure any residual impacts are mitigated through careful consideration of planting/landscaping and detailed design/materials. However the impacts upon the landscape are considered to be acceptable at this outline application stage.

Trees

A small section of the site, towards the site entrance to the south, was identified in the former Local Plan (2003) as an 'important open or wooded area'. It should be noted that this part of the site is grassland (not wooded). Paragraph 7.135 of the Local Plan states that:

"Policy 1.9: Important Open or Wooded Areas (IOWA) of the Local Plan 2003 has been saved. The IOWA protects the site from development. However, at the examination of the adopted 2003 Local Plan the Inspector recommended a review of IOWA designations, particularly their contribution in visual amenity terms to the public areas within a town or village, with a view to deleting those which didn't not require complete protections. This review will be undertaken as part of Local Plan Part 2 or through neighbourhood plans. In the interim, a robust review of the contribution of a designated site is undertaken to support a planning application, this will be taken into account in the decision making process".

Since the adoption of the Local Plan Part 1, the Gillingham Neighbourhood Plan has been made. The Neighbourhood Plan has identified specific green spaces for protection. The application site is not identified as an important open/green space. Because of the number of important trees highlighted around the site and in the adjacent land, a Provisional Tree Preservation Order (TPO/2021/0008) has been served across the site. It should be noted that no important trees are proposed for removal.

New tree and hedge planting are shown throughout the indicative site layout which is supported and full details will form part of any future reserved matters application. The Council's tree officer had no objection to the previous application, these comments still stand and require a full Arboricultural input is given to any future layout when determining reserved matters and that the final detail of any tree protective measures are submitted for consideration.

Residential Amenity

There will be an inevitable change to the nature of the site from its current use as an open field. The proposed built form, increased vehicular movement, increased domestic noise and activity will all have an impact upon the neighbouring dwellings and the level tranquillity currently enjoyed. However, this is unlikely to adversely impact adjacent neighbours to the extent that would warrant the refusal of this application.

The most affected residents will be the properties adjoining immediately to the east of the site on Freame Way and to the South of the site at the Mellows care home. The illustrative layout indicates that sufficient distance can be achieved which will mitigate the impact and adequately protect the amenity of the neighbouring residents. This will be re-examined through the reserved matters application(s) and the final detailed layout proposals.

Overall, it is considered that the amenity of adjacent residents can be sufficiently protected.

Heritage/Archaeology

Policy 5 (Historic Environment) notes that it is important that heritage assets are protected. For any designated heritage asset, great weight will be given to its conservation when considering any proposal that would have an impact on its significance. Any harm to designated and significant undesignated heritage assets will need to be fully justified.

Through the submission of supporting heritage documentation submitted with the application, the significance of heritage assets and the impact of the proposed development has been assessed and special regard has been given to the preservation of those assets in the balancing exercise.

The proposals will result in the following impacts on the significance of identified heritage assets. It should be noted that this application is a resubmission of application

P/OUT/2021/00472 and this application does not differ substantially from the content of this latter application.

Designated Heritage Assets: Wyke Conservation Area

NPPF para. 199 requires that 'great weight' be given to the conservation of designated heritage assets and the more important the asset, the greater the weight should be. In addition, para. 200 requires any level of harm to their significance should require 'clear and convincing justification.

There are long views within, through and into the Conservation Area (CA) from the W, in particular travelling eastwards on the B3081, from Dry Lane and from PRoW N64/27 and N64/75. The proposed development, being situated on higher ground to the SE of the majority of these views, will be visible, though highly screened by existing trees. Any ridgelines visible will be difficult to distinguish from the existing built development to the E of the site, which is also visible in these views. For these reasons, it is considered that it is unlikely to form a prominent visual element which detracts or distracts from the appreciation of the views into the CA.

However, visible or not, the development will result in encroachment into land which forms part of the agricultural (undeveloped) hinterland of the CA, whose importance is reflected in the assessment of significance above. However, it is considered that the nature and extent of that harm to be minimal and the development will not impinge upon the important open gap identified in the Neighbourhood Plan. The application site's position alongside existing development and its elevated position behind a mature tree screen provides some distinction and separation between its character and that of the valley floor between the site and the CA.

The proposals will result in **less than substantial harm** to the significance of a designated heritage asset, meaning that para. 202 of the NPPF is engaged, requiring the harm to be weighed against the public benefits of the proposal (including, where appropriate, securing optimum viable use), though taking into account the need to give 'great weight' to the asset's conservation. Taking these considerations and the nature and extent of harm set out above, it is considered that the harm would be outweighed by the significant public benefits outlined in Sections 2.0 and 13.0 of this report, which are sufficiently substantial.

Non-Designated Heritage Assets: Moat at Thorngrove

NPPF paragraph 203 requires that the effect of an application on the significance of a non-designated heritage asset be taken into account in determining the application. A balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.

Though the moated site does not appear to be visible or appreciable from the application site, it will 'impose a built form in close proximity to the moat' (HIA, 9.17, p. 28) and therefore impacts upon its current undeveloped immediate setting, which is a vestige (in broad terms at least) of its original undeveloped landscape setting. The proposals will therefore result in less than substantial harm to a non-designated

heritage asset, (described in the HIA as 'minor adverse impact' at 9.17, p. 28). However, the level of harm is minor insofar as its effect on the key elements of significance is acceptable. As the proposal will result in less substantial to the Moat at Thorngrove, paragraph 203, of the NPPF is engaged, requiring a balanced judgement taking into account the significance of the affected asset and the scale of harm or loss. Taking these matters into account, the harm is considered to be acceptable.

Archaeology

In the accompanying heritage statement, the site has been identified as having some archaeological potential. In order to ascertain the likelihood of archaeological potential the applicant was required to carry out archaeological trial trench surveying and, if required, agreeing with the Council's Archaeologist a programme of consequential additional surveying, works and recording, prior to the issue of outline planning permission.

In February 2021, the applicant arranged for the archaeological evaluation of land. The evaluation was carried out in accordance with a written scheme of investigation (WSI) approved by the council's senior archaeologist. The evaluation fieldwork comprised the excavation of 15 trenches. This sample is considered sufficient to clarify the archaeological interest of the site for the purposes of informing a planning decision.

One area, in the south portion of the application area revealed some limited evidence for probable late bronze age occupation. A 19th or 20th century field boundary was also recorded in three of the trenches excavated. With the exception of this boundary feature, little of the remaining archaeological activity on the site was evident on the geophysical survey results. Overall, the significance of the archaeological interest of the site is considered to be low.

This work has satisfied the Council's senior archaeologist and a planning condition has been recommended that will secure the implementation of a programme of further archaeological work/recording which shall be submitted to and agreed prior to commencement of any works on site.

Biodiversity

This application contains significant bio-diversity enhancements, not contained within the refused permission. The proposal includes 4.3ha of land to the north-west of the site to be enhanced as species-rich grassland. This land would be secured and protected through the Section 106 agreement. The extent, nature and condition of this habitat will provide a 10% biodiversity net gain. A financial contribution of £65,467.20 will be secured in the S106 for compensatory habitat.

0.48ha of species-rich grassland will be provided within the application site, towards the western edges of the site, which will be further enhanced to create a wildlife corridor and will benefit biodiversity by providing a foraging habitat for bats, birds amphibians, reptiles and invertebrates. The proposal will also include bat tubes and bird boxes into the new buildings within the site.

A LEMP incorporating habitat creation/management and provision of species specific enhancement measures is required to demonstrate a net gain in biodiversity. The features of greatest ecological value are considered to be priority hedgerows and a priority pond. These habitats will be retained within the development site and protected through the establishment of a suitable buffer zone which will be managed post-construction in accordance with a LEMP. The development will result in the destruction of great crested newt terrestrial habitat, which will require a translocation programme under an EPS mitigation licence.

In light of these mitigation and enhancement measures to be secured through a LEMP and S.106 agreement biodiversity and protected species will be adequately safeguarded and will comply with Policy 4 (The Natural Environment).

Flooding/Drainage

A Flood Risk Assessment, incorporating Drainage Strategy, accompanies the application. The assessment confirms that the site is within Flood Zone 1 (lowest probability of flooding) and concludes that drainage on the site can be suitably managed and would not create any increase in flood risk to existing properties within the catchment area or the proposed development.

The assessment identifies that the site is would unlikely be suitable for infiltration. The proposals therefore involve routing the surface water via pipes into vegetated attenuation basins before discharging into the existing surface water network at restricted rates. Due to the site topography, the drainage strategy considers splitting the site into two catchments, with the southern portion routing surface water towards Common Mead Lane and the norther portion routing towards the low point in the north-western corner of the site.

This has been scrutinised by the Council's drainage engineer and no subsequent objections have been raised. Planning conditions and a legal agreement are proposed to secure further details on the surface water drainage design/management /maintenance.

Planning Balance

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

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

There is conflict with the development plan, by reason of the effect of the proposal on the Council's spatial strategy and location of the proposed development outside of a settlement boundary. However, the Council's policies in the adopted Local Plan follow the approach of the presumption in favour of sustainable development.

It is accepted that the tilted balance should be applied in the decision-making process on this application, given that the policies referred to in footnote 7 of the NPPF are not engaged. In accordance with paragraph 11 d) of the Framework, as directed by Footnote 8, policies which are most important for determining the application are considered out-of-date, and subsequently planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Given this shortage of housing land supply the 'tilted balance' would apply. This is where the need to boost housing land supply is prioritised when weighing up the planning balance for proposals. As such, Policy 6 of North Dorset Local Plan, which seeks to deliver housing, is tempered. The application needs to be considered 'in the round' weighing all material issues in the planning balance.

Officers consider that there are significant public benefits derived from the proposed development and include the following:

- Delivery of affordable and market housing, which are both in significant need to boost delivery.
- Reduction in the need to travel by car through the sites sustainable location within walking distance of shops, services and transport modes
- The increased spending and support of the local shops and services within the town through regular visits by residents
- Temporary construction jobs
- Open space provision in the field to the north of the application site
- Financial contributions towards education, public transport, health, leisure, library and waste.
- Significant bio-diversity gains

It is important to emphasise at this stage that although this application has been refused previously, this re-submission contains significant additional public benefits in terms of the open space and biodiversity net gains which adds greater weight to the recommendation to grant this application. This is because the entire of the northern field, measuring at approximately 8.05ha, will be offered to Gillingham Town Council to be used for public recreation/open space and this re-submitted scheme will result in significant enhancement in bio-diversity improvements.

The key material planning issues include:

- Lack of an identifiable 5 year housing land supply and the presumption in favour of sustainable development
- Prospect of delivery of up to 80 homes with policy compliant affordable housing in a sustainable location close to a major town.
- Financial benefits through construction and the creation of local jobs

- Increased spending in the town centre and other local businesses from future residents
- New Home Bonus payments and increased Council tax revenue
- Section 106 agreement which supports overall objectives to secure policy compliant affordable housing and enhanced community infrastructure within Gillingham
- 8.05ha of greenspace to be offered to Gillingham Town Council
- Ecological enhancements and 10% biodiversity net gain.

It is important to note that there are no adverse impacts which would significantly and demonstrably outweigh these benefits. There are no fundamental concerns with regard to any of the following topics;

- Access/Transport
- Urban Design
- Landscape Impacts
- Heritage/Archaeology
- Flood risk/Drainage
- Trees/Hedgerows
- Ecology/protected species

Therefore, in this case there are no considerations of specific policies in the NPPF that weigh against the balance towards housing provision.

16.0 Conclusion

The view of Officer's is that the application should therefore be granted.

17.0 Recommendation

Recommendation A: **GRANT**, subject to the completion of a legal agreement under section 106 of the town and country planning act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:

- 25% affordable housing
- Local Area of Play
- Local Equipped Area of Play
- Destination Play Facilities Maintenance
- Formal Outdoor Sports
- Formal Outdoor Sports Maintenance
- Informal Outdoor Space
- Informal Outdoor Space Maintenance
- Community, Leisure & Indoor Sport Facilities
- Primary School contribution
- Secondary School contribution
- Pre School contribution
- Bus Service contribution
- Bus stop contribution

- Community transport contribution
- Rights of way enhancements
- Health
- Libraries
- Waste
- Drainage (SUDS)
- 4.3ha of land for biodiversity net gain
- The northern field (8.05ha) to be offered to and transferred (if accepted) to Gillingham Town Council.
- £65, 467.20 towards compensatory habitat

And the conditions (and their reasons) listed at the end of the report.

Recommendation B; **Refuse** permission for failing to secure the obligations above if the agreement is not completed by (8th August 2022) or such extended time as agreed by the Head of Planning.

Conditions

1. Approval of the details of the layout, scale or appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter “the Reserved Matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced. Such development shall be carried out as approved.

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

2. Application for the approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission.

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

3. The development hereby permitted shall be begun before the expiration of two years from the date of final approval of the Reserved Matters or, in the case of approval on different dated, the final approval of the last Reserved Matter to be approved.

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

Approved Plans

4. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details:

- Location Plan, drawing ref – 2040/PL.01 Rev B
- Access design and visibility splays, drawing ref – 020.0572.001

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

Quantum of Development

5. The development hereby approved shall be limited to a maximum of 80 dwellings only.

Reason: To define the extent of the permission

Trees/Landscaping

6. No dwelling hereby approved shall be first occupied or used until details of the onsite public open space has been submitted to and approved in writing by the local planning authority. The submission must include details relating to the design, laying out and future arrangements for management and maintenance of the open space. The open space shall then be implemented and maintained as approved for the lifetime of the development.

Reason: To ensure the landscape scheme secured by reserved matters is implemented and satisfactorily maintained in the interests of the character and amenity of the completed development.

7. Prior to the commencement of any development hereby approved, an Arboricultural Method Statement (AMS) prepared by a qualified tree specialist providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted to, and approved in writing by the Local Planning Authority. All works must be carried out in accordance with the approved details. In particular, the method statement must provide the following:

- a) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing;
- b) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012);
- c) a schedule of tree work conforming to BS3998;
- d) details of the area for storage of materials, concrete mixing and any bonfires;
- e) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility;
- f) details of any no-dig specification for all works within the root protection area for retained trees;
- g) details of the supervision to be carried out by the developers tree specialist.

Reason: This information is required to be submitted and agreed before any work starts on site to ensure that the trees and hedges deemed worthy of retention on-site will not be damaged prior to, or during the construction works.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation and/or use of the development and any trees or plants which, within a period of 5 years from the completion of that phase of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of the amenity and appearance of the location

9. Prior to occupation of any dwelling hereby approved, a landscape management plan shall be submitted and approved by the Local Planning Authority. This shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The development's landscaping shall be managed in accordance with the approved plan for the lifetime of the development.

Reason: To ensure the landscape scheme secured by reserved matters is implemented and satisfactorily maintained in the interests of the character and amenity of the completed development.

Drainage

10. Prior to the commencement of the development a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and providing clarification of how drainage is to be managed during construction, shall be submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the approved details before the development is completed and maintained for the lifetime of the development.

Reason: To prevent the increased risk of flooding and to protect water quality.

11. Prior to the commencement of the development details of maintenance and management of the surface water sustainable drainage scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These shall include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

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

Heritage

12. Prior to the commencement of any development the applicant, their agent or successors in title shall secure the implementation of a programme of archaeological

work in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Ecology

13. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of any development which requires approval under the Dorset Biodiversity Appraisal Protocol. The content of the LEMP shall include the following:

- a) submission of an updated Ecological Impact Assessment report to include: habitat losses and gains assessment and demonstration of measurable biodiversity net gain; European Protected Species Mitigation Licence as required for Great crested newts or a Compensation Payment Certificate issued under the Dorset Council GCN Licence scheme
- b) Description, evaluation and conservation objectives of features to be managed.
- c) Ecological trends and constraints on site that might influence management.
- d) Detailed design(s) and/or working method(s) & management prescriptions to achieve stated objectives.
- e) Extent and location/area of proposed works on appropriate scale maps and plans.
- f) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- g) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- h) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- i) Persons responsible for implementing the works.
- j) Details of the body or organization responsible for the long-term implementation of the plan.
- k) Details of initial aftercare and long-term maintenance.
- l) Details for monitoring and remedial measures.
- m) Details for disposal of any wastes arising from works.
- n) Ongoing monitoring and remedial measures

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and

implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved LEMP must be implemented in accordance with the approved details.

Reason: To protect the landscape character of the area and to mitigate, compensate and enhance/provide net gain for impacts on protected species and biodiversity.

Lighting

14. Prior to occupation of any dwelling hereby approved, an external lighting strategy shall be submitted and agreed in writing by the local planning authority. The agreed strategy shall be implemented in accordance with the agreed details and maintained for the lifetime of the development.

Reason: In order to ensure that lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky, neighbouring properties and protected species.

Highways/Transport/Construction

15. Prior to the commencement of any development the first 15 metres of the vehicle access, measured from the nearside edge of the carriageway, shall be laid out and constructed to a specification first submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce the risk of accidents

16. Prior to the occupation of the development the visibility splay areas as shown on drawing ref – 020.0572.001 must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions at all times.

Reason: To reduce the risk of accidents

17. The development hereby permitted must not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities is submitted to and agreed by the Local Planning Authority. The approved scheme shall subsequently be implemented in accordance with the approved details, maintained and kept free from obstruction and available for the purpose specified.

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

18. Prior to the commencement of the development, details of a scheme to install infrastructure, to facilitate charging for plug-in and other ultra-low emission vehicles within the development shall be submitted to and agreed in writing by the local planning authority. The scheme shall include a timetable for implementation.

Thereafter the development shall be carried out in accordance with the agreed details as have been approved by the Local Planning Authority including the timetable for implementation.

Reason: To ensure that adequate provision is made to enable charging of plug-in and ultra-low emission vehicles

19. Prior to the occupation of the development, a Travel Plan must be submitted to and approved in writing by the Planning Authority. The Travel Plan, as submitted, will include:

- a) Targets for sustainable travel arrangements.
- b) Effective measures for the on-going monitoring of the Travel Plan.
- c) A commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development.
- d) Effective mechanisms to achieve the objectives of the Travel Plan by the occupiers of the development

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

Reason: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site.

Construction

20. Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Planning Authority. The CTMP must include:

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

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

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

highway network and prevent the possible deposit of loose material on the adjoining highway.

Contamination

21. Prior to the commencement of the development, a remediation strategy to deal with the risks associated with contamination of the site shall be submitted to, and approved in writing by, the Local Planning Authority. This strategy must include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority.

The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution.

22. Prior to occupation of the development a verification report demonstrating the completion of works set out in the approved (contamination) remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

23. If during development contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out on that phase (or a parcel or parcels

therein) until a remediation strategy detailing how this contamination not previously identified will be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter, this remediation strategy shall be implemented as agreed in writing.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution from previously unidentified contamination sources.

Broadband

24. Prior to the commencement of any development a scheme for facilitating infrastructure to support superfast broadband technology to serve the development shall be submitted to, and approved in writing by, the local planning authority. The scheme shall include a timetable for implementation, including triggers for a phased implementation if appropriate, Thereafter, the development shall proceed in accordance with the agreed scheme.

Reason: To ensure that the utilities service infrastructure is sufficient to meet the extra demands imposed by this development.

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Agenda Item 6

Application Number:	P/RES/2021/01690
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Land At E 387470 N 122346 Higher Blandford Road Cann, Dorset
Proposal:	Erect 55 No. dwellings with associated open space and infrastructure. (Reserved Matters application to determine appearance, landscaping, layout & scale; following the grant of Outline Planning Permission No. APP/N1215/W/19/3227559 (LPA Ref. 2/2018/0602/OUT)).
Applicant name:	Persimmon Homes
Case Officer:	Mr Robert Lennis
Ward Member(s):	Cllr Somper

1.0 Summary of recommendation:

Subject to the conditions GRANT planning permission.

2.0 Reason for the recommendation:

- The principle of residential development on this site has already been established;
- The proposed details provided relating to layout, scale, appearance and landscape would provide a high quality development in this location;
- Absence of 5 year land supply;
- Para 14 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; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

3.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development was established when the Planning Inspectorate allowed the planning appeal of planning application ref: 2/2018/0602/OUT.
Layout	The proposed layout is very similar to the illustrative layout submitted with the outline

	application. This preserves a view corridor along the western part of the site and provides a relatively loose development which would transition well from an urban to rural context on this edge of settlement location.
Scale	The scale of buildings would be primarily two-storey with ancillary buildings being single storey. This is appropriate in the context of the site.
Appearance	The proposed design and materials are considered to be good and includes strong window design with brick arches and lintels and sill that extend slightly beyond the aperture, porches, bay windows, and brick detailing on flank elevations to add visual interest.
Landscaping	The proposed hard and soft landscaping is of a high standard. Structure trees, and street tree will help the proposal integrate into the landscape in the future along with the low level domestic foliage proposed to enhance the street scene.
Heritage	There would be no harm to heritage.
Highway, road network and traffic safety	No objections have been by the Highway Authority.
Flood risk	The Lead Local Flood Authority were previously satisfied that an adequate drainage scheme could be designed for this site and development.
Affordable housing	As per the legal agreement signed at the outline stage the proposed development will provide 30% affordable housing.

4.0 Description of Site

The proposed development site is in the countryside but shares a boundary on three sides with Shaftsbury's designated development boundary. It is approximately 3.22ha (7.95 acres). To the north is Salisbury Road (A30), to the west is Higher Blandford Road (B3081) running the length of the western boundary, to the east is general industrial land where A&R Tiles and George Cole Combine and Plant Machinery storage warehouse depot (service yard) are located immediately adjacent to the site, to the south is agricultural land. Slightly further to the east of the site, is an area of land allocated for employment use.

The lower parts of the eastern, southern and western boundaries of the site have managed field hedgerows, which are of varying value. There are a variety of existing trees within the wide highway verge immediately to the north (along Salisbury Road)

and a number of trees planted within the wide grass verge immediately to the west (along Higher Blandford Road).

The topography falls gently from the north to the south. There are two existing field gates providing access to the site, but importantly there is no public right of way across the site.

5.0 Description of Development

In line with the approved outline application, this application proposes 55 units, comprising 51 dwellinghouses and a block 4 flats. It is proposed that 38 dwellings are to be open market with being 17 affordable dwellings (70:30 mix of shared ownership and rented units).

The design has taken account of the constraints of the site and the layout has been greatly influenced by the details considered at outline stage.

All proposed buildings are to be two storeys in height. The soft landscaping scheme is fully detailed as part of the application. There will be one means of access from the already approved point on the eastern side of the site.

6.0 Relevant Planning History

Planning application ref: 2/2018/0602 - Develop land by the erection of up to 55 No. dwellings, form vehicular access, open space and associated infrastructure. (Outline application to determine access). Refused 29/01/2019.

- Appeal Ref: APP/N1215/W/19/3227559 – Allowed 13/12/2019, in particular, Inspector S Edwards concluded that *“...when the appeal scheme is assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal, to which I ascribe limited to moderate weight, would not significant and demonstrably outweigh the benefits derived from the proposal, to which I afford substantial weight.”*

It is also worth noting that the Inspector thought the illustrative layout *“...would to some extent mitigate the effect of the proposal in respect of the views from the urban area towards the AONB...”*

See addendum for full appeal decision letter.

7.0 Constraints

The impact of the reserved matters details on the setting of the Cranbourne Chase AONB is considered to be a constraint.

8.0 Consultations

(all consultee responses can be viewed in full on the website)

Shaftesbury Town Council

- Objects to the proposed development.
- They consider the reserved matters application differs significantly from the approved outline scheme. It is light on detail and that there are considerable design and landscaping issues which are not suitable for the setting and for the importance which the community attaches to this rural land at the gateway to our town. There is no mention in this planning application of the Shaftesbury Neighbourhood Plan, which was voted in at referendum on May 6th 2021, eight days before this application was submitted. It has subsequently been made by Dorset Council. There are key policies in the Neighbourhood Plan (NP) to which the applicant needs to respond and with which this application does not comply.

DC - Transport Development Management

- no objections subject to conditions previously imposed on the outline application.

DC - Flood Risk Manager – Highways

- comments awaited.

DC - Planning Obligations

- no objections.

DC Environmental Health Officer

- no objections subject to conditions.

DC Housing Enabling Officer (Affordable Housing)

- no objection; It is preferable for affordable homes to be tenure neutral and of the same high quality as market housing to ensure a balanced community. The Design Note from the developer states that the “Affordable housing is sited in several areas across the development so that the housing tenures are fully integrated.” Currently a significant number of the affordable properties are situated together along Salisbury Road, however, order to be a more integrated scheme, it would be preferable if the affordable homes could be further spread and not have the majority situated in what could be viewed as the most unfavourable area of the site alongside a main road.

DC Landscape Architect

- awaiting written response.

DC Tree Officer Majors

- awaiting written response.

DC Urban Design

- awaiting written response.

Dorset & Wiltshire Fire and Rescue Services

- no objections.

Wessex Water

- no objection.

Cranbourne Chase Area of Outstanding Natural Beauty

- Concerns raised regarding the quality of the application, but no objection subject to conditions relating to lighting.

9.0 Representations received

There were eight representations received raising concerns or objections relating to:

- Appearance
- Layout
- Scale, lack of variation
- Landscape harm, generally
- Impact on the setting of the Cranbourne Chase AONB
- Loss of agricultural land
- Traffic along Higher Blandford Road (B3081)
- Access
- Highway standards and safety
- Connectivity and shops
- Noise and pollution
- Lack of infrastructure relating to local services
- Light pollution in relation to CCAONB
- Monotonous design lacking detail of parapets and chimney stacks
- Lack of local material (greensand stone)
- Design does not conform with the Shaftesbury Neighbourhood Plan
- Fails to adequately address the climate emergency in the overall design
- Surface water drainage and foul drainable systems

10.0 Relevant Policies

Shaftesbury Neighbourhood Plan (SNP)

- Policy SFHE1 – relates to the sustainability of new development on its own and cumulatively as well as the extension of the settlement boundary for Shaftesbury.
- Policies SFG12 – seeks to ensure development respects Shaftesbury's topography and its position in the landscape. In part, it states "...Development on the edge of the town will be expected to respect the environmental context, including green infrastructure, that draws the rural landscape into the settlement and provides a soft edge to the town...."
- Policy SFG 13 – seeks to ensure development respects and enhances the Green Infrastructure network - its green spaces and green corridors - and the contribution this makes to the character of the town, its sustainability and biodiversity, and the general well-being of its residents.
- Policy SFG 14 – seeks to protect our dark skies, particularly considering the adjoining Area of Outstanding Natural Beauty and its International Dark Skies Reserve status.

- Policies SFDH 1 to SFDH 7 – this suite of policies sets out to:
 - preserve and enhance the character and design of our historic town and the different character areas.
 - encourage high quality design that ensures development complements and contributes positively to Shaftesbury’s character and engenders a sense of civic pride and social inclusion.
 - make sure the natural environment is properly considered in the design process.

North Dorset Local Plan Part 1 (LPP1)

- Policy 1 – Presumption in favour of Sustainable Development
- Policy 2 – Core Spatial Strategy
- Policy 3 – Climate Change
- Policy 4 – The Natural Environment
- Policy 5 – The Historic Environment
- Policy 8 – Affordable Housing
- Policy 13 – Grey Infrastructure
- Policy 15 – Green Infrastructure
- Policy 20 – The Countryside
- Policy 23 – Parking
- Policy 24 – Design
- Policy 25 – Amenity

Saved Policies North Dorset District Local Plan 2003

- Policy 1.7 – Settlement Boundaries

National Planning Policy Framework

The following sections of the NPPF are considered to be most relevant:

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
11. Making effective use of land
12. Achieving well designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

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 Public Sector Equalities Duty.

The site is located in a sustainable location, in line with the spatial strategy contained in the local plan. Officers have not identified any specific impacts on person(s) with protected characteristics.

13.0 Climate Implications

The applicant is relying on meeting their statutory obligations set out in Building Regulations. Beyond that the proposal also includes a plan showing re-charge points for all of the dwellings.

14.0 Planning Assessment

As stated above, the principle of development on this site has been established by way of the outline application (planning ref: 2/2018/0602/OUT). Considerations about the suitability and sustainability of this site for development, as noted in STC’s comments and several of the representations received, have been addressed and permission to develop allowed by the Planning Inspectorate.

The SNP identifies character zones in order to, amongst other things, preserve and enhance the character and design of the Town. However, this site is not identified within any of those zones. It is adjacent to the settlement boundary which is not influenced by any particular design constraints. Nonetheless there are other parts of the SNP which seek to encourage high quality design to ensure new development complements and contributes positively to Shaftesbury’s character etc, and rightly so.

The applicant has worked closely with Officers to address the concerns raised with their proposal. As such, a number of amendments have been received.

The main issues of this proposal are considered to relate to:

- Layout and scale
- Appearance
- Landscaping
- Highway safety
- Flood risk
- Heritage
- Other matters

Layout and scale

Policy SFDH3 relates to the scale, positioning and orientation of buildings. This sets out a number of criteria to consider in terms of layout and scale.

Firstly, development 'will respect the scale of adjoining development'. The proposed development is for two-storey residential builds. This would respect the nearby residential development to the north of the A30 which is primarily residential at a scale of 1 to 2 storeys and to the west of Higher Blandford Road which is largely the same.

The second criteria seeks to allow for views of buildings that are important in the street scene (due to their function or landmark characteristics). As a wholly residential development the key buildings are proposed to be at the junctions of roads. The proposed use of materials and landscaping helps to achieve this notably with the use of green sandstone.

Next, development will 'create a safe and attractive public realm (taking into consideration the microclimates formed and the legibility and surveillance of the main pedestrian routes.)' You will find street trees are being provided within the wider landscape proposals for the site. With regard to safety, there are no objects being raised by the Highway Authority.

The next criteria seek to 'maximise the potential benefits from sunlight and shading to reduce the consumption of energy in heating and cooling new buildings, unless this would significantly harm local character.' Constraints of a site will influence the layout and the way builds relate to the street. Officers are satisfied that the proposed development overall adequately addresses energy consumption.

The last criteria sets out that 'in new areas, seek to create visual interest within a more cohesive character, and consider including some taller buildings in locations where there is very good access to local facilities, provided that this would reinforce and add interest to the area's character and legibility.' In the context of this site and the concerns with views across and beyond the site, it is considered that taller buildings would not be appropriate.

The proposed layout follows closely to the illustrative layout put forward with the outline application. This provides a public open space to the western and southern parts of the site and allows for views out toward CCAONB. There has been some concern raised with regard to landscaping and trees blocking views. However, it is considered that the mix of trees proposed, and quantity, will allow for views out depending on location and time of year as you traverse the open space or travel along the adjacent roads.

The open space required to protect views out therefore creates a long narrow envelopment in which to place housing. The quantity of housing creates a density comparable to adjacent development which allows for a looser slightly more spacious layout. The proposed development is thereby consistent with other development nearby.

In light of STC neighbourhood plan policies, it is considered that the proposed layout would be acceptable.

Appearance

The amended plans show that the external treatment of the houses has evolved and been improved upon. Notably, the introduction of local Greenstone fronted properties in key locations and the use of arched brick, and stone cills and lintels, primary on the front elevations. Other architectural detailing has been incorporated to enhance the visual appearance of the proposal such as brick detailing and false windows on flank elevations.

With regard to materials, the applicant has acknowledged concerns in respect of red roof tiles has agreed to use muted colours. Sample and details of external materials should be agreed as a bespoke condition.

The appearance of buildings in the context of the site is considered to be acceptable.

Landscape

A set of amended plans has also been received relating to landscaping details. These show new trees planted closer to the development line as well as the street to allow views through the public open space out to the CCAONB, and street trees incorporated into the design.

The eastern and south-eastern boundary has been improved to allow for more planting and tree screening.

The selection of trees can mostly be found in appendix J – Shaftesbury Trees of the SNP.

These amendments respond to the comments of your Landscape Officer, and adequately address Policy SFG13, and show a good landscape proposal have regard to the context and constraints of the overall site.

Highway safety

As part of the application process, the applicant held discussions with Planning Officers and the Highway Authority relating to proposed estate road layout and geometry and which included observations arising from the Highway Authority having given due regard to inclusivity and accessibility standards, as so far as was possible in consideration of the information provided.

As a result of these discussions, the applicant submitted revised drawing(s) to which the Highway Authority has no objection, subject to the conditions previously imposed upon the Outline approval by the Planning Inspectorate.

The Highway Authority has confirmed that the proposed estate road layout meets with the requirements of the Council's 'Adopted Highways' Policy which, therefore, would be considered for adoption should an offer to dedicate estate roads as highway maintainable at the public expense be made by the landowner.

Flood risk

Comments are awaited from the Flood Risk Management Team. In light of the previous comments and requested conditions no objections are expected.

Heritage

Heritage Assets

The site is located on the south-eastern extent of Shaftsbury. It is outside of the conservation area and the nearest listed building (Mayo Cottage) is approximately 100m to the south-east of the proposed access to the site. The proposal for 55 houses on a 3.2 ha site equates to approximately 17 dwellings per hectare, which is comparable to other edge of settlement developments.

The dwellings would be set back with an area of open space to the highway. It is considered that the rural setting of Mayo Cottage would be preserved, and that no harm would result.

Other matters

Your Environment Health Officers have noted concerns relating to noise in the submitted acoustic report, and re-use of soil on-site. With regard to noise, the proposed dwellings along the A30 frontage could be exposed to a detrimental level of noise if adequate mitigation is not put in place such as triple glazed window. Similarly, plots 11 and 15 require some form of noise mitigation externally such as acoustic fencing. These matters can be addressed by way of bespoke conditions.

With regard to soil re-use, it is not uncommon to re-use soil within a development site. In this particular case, your EHOs have requested a condition confirm soil sampling, reporting of findings, and actions plans in the event of contamination being found.

Details of external lighting is the subject of a bespoke condition set out in Planning Inspectors decision.

Climate change is being addressed through the provision of electrical vehicle charging points and solar pv infrastructure. It is understood that the market is not yet standardised for these items. This would allow future occupants the ability to choose the product best suited for their needs. These are the subject of two bespoke conditions if conditional planning permission is agreed.

15.0 Summary

Outline planning permission for the construction of up to 55 dwellings with details of access and the provision of 30% affordable housing was established on appeal to the Planning Inspectorate. Therefore, the principle of development is established subject to the details of the reserved matters relating to layout, scale, appearance, and landscape.

There are four reserved matters which make up this application. The applicant, through discussions with Officer's, has amended the details of the original submission to take account of concerns and comments raised particularly with regard to layout, appearance, and landscape. It is now considered that the revised plans before you meet the aims of the Development Plan having due regard to the Shaftesbury Neighbourhood Plan and the context of this site.

Subject to the following conditions (these are in addition to the conditions imposed on the outline permission) grant planning permission.

16.0 Recommendation

Grant planning permission subject to the following conditions:

1. The development to which these reserved matters and accompanying details relates shall be begun not later than two years from the date of this permission.
Reason: To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Plans -
 - 140-LOC01_Location Plan
 - 140-LP02f_Storey Heights Plan
 - 140-LP03f_Boundary Treatment & Materials Plan
 - 140-LP04f_Coloured Site Layout & Hard Landscaping Plan
 - 140-LP05f_Refuse Strategy Plan
 - 140-LP06f_POS & Managed Areas Plan
 - 140-LP07c_Pedestrian & Cycle Links
 - 140-LP08c_Renewables & Car Charging Plan

Landscaping

PERSC23145 11 D-Sheet 1
PERSC23145 11 D-Sheet 2
PERSC23145 11 D-Sheet 3
PERSC23145 11 D-Sheet 4
PERSC23145 11 D-Sheet 5
PERSC23145 Landscape Man and Maintenance A
PERSC23145 Landscape Specification A

Engineering

H1235-401A
H1235-402A
H1235-403A
H1235-404A
H1235-405A
H1235-406A
H1235-414A
H1235-415A
H1235-416A
H1235-422A
H1235-431A

Housetypes

BS-001 - Bin & Cycle Stores
CW-001 - Charnwood Plot 51 A
CW-C-002 - Charnwood Corner (Type 2) Plots 15 45 A
GAR-001- Single Garage A
GAR-002 - Double & Twin Garage A
GAR-003 - Triple Garage
GZ-001 - Grizedale (Semi) Plots 32 33 C
GZ-002 - Grizedale (Terrace) A Plot 23-25
HF-CN-001 - 1B & 2B Flats B
HF-CN-002 - 1B & 2B Flats B
HL-001 - Haldon B Plots 38-39 C
KB-001 - Knightsbridge (Type 1) Plot 29 C
KB-002 - Knightsbridge (Type 2) Plot 28 A
KB-003 - Knightsbridge (Type 3) Plots 03 04 B
KB-004 - Knightsbridge (Type 4) Plot 26 A
KL-001 - Kielder (Type 1) Plots 01 09 12 55 C
KL-002 - Kielder (Type 2) Plot 50 A
KL-004 - Kielder (Type 4) Plot 43 49 B
KL-005 - Kielder (Type 5) Plots 44 48 A
KL-006 - Kielder (Type 6) Plots 06 07 36 37 A
MY-001 - Mayfair (Type 1) Plot 42 B
MY-001 - Mayfair Corner (Type 2) Plot 22 A
MY-002 - Mayfair (Type 2) Plot 27 A
MY-003 - Mayfair (Type 3) Plot 52 B
MY-004 - Mayfair (Type 4) Plot 46 A
MY-C-001 - Mayfair Corner (Bay) Type 1 Plots 02 10 54 A

MY-C-002 - Mayfair Corner plot 47 A
MY-C-004 - Mayfair Corner (Type 4) Plot 53
RN-001 - Rendlesham (Type 1) Plots 30 31 40 41 C
RN-002 - Rendlesham (Type 2) plot 20 21 B
RN-002 - Rendlesham (Type3) plot 34 35 D
WL-C-001 - Whiteleaf Corner (Type 1) Plots 08 13 14 B
WL-C-002 - Whiteleaf Corner (Type 2) Plot 05 A

3. Notwithstanding the details on any of the approved plans, and prior to commencement of the development hereby approved above damp-proof course level, details and samples of all external facing materials (including, walls, roofs, fenestration detail and man-made boundary features) shall be submitted to, and agreed in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as agreed.

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

4. The development hereby approved shall not be occupied or utilised until a programme and timetable for the provision of the access, geometric highway layout, turning and parking areas shown on drawing Number 140-LP05f have been submitted to and agreed, in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed programme and timetable. The completed turning and parking areas shall be kept free from obstruction and made available as set out in the agreed programme and timetable for the purposes specified.

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

5. All hard and soft landscape works shall be carried out and managed in accordance with the Landscape Plans and Documents listed in condition 2. Hard landscaping works associated with each dwelling shall be completed prior to the occupation and/or use of that dwelling. The soft landscaping shall be carried out in the first planting season following the first occupation and/or use of the building or the completion of the development whichever is the sooner. If within a period of 5 years from the date of planting any trees, shrubs, or other plants should die or are removed or become seriously damaged or defective in the opinion of the local planning authority, then the applicant or their successors in title shall replace said tree, shrub, or plant with another of the same species and size as originally planted and in the same approximate location in the next planting season, unless the local planning authority gives its written consent to any variation considered to be reasonable and necessary.

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

6. Notwithstanding the details on the approved plans, and prior to the first occupation of and/or use any dwelling hereby approved, details of the noise mitigation strategies summarised in section 14.4 and detailed in chapters 9 and 10 of submitted Environmental Noise Impact (acoustic report) SA - 6777 - 3 shall be submitted to and

agreed in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the agreed details.

Reason: To ensure noise levels are not detrimental to the enjoyment of these dwellings as per NPPF paragraph 180.

7. Prior to commencement of development an earthworks management plan for the site shall be submitted to and agreed in writing by the Local Planning Authority. This should include details of re-use of excavated soil on-site, a soil sampling procedure, verification requirements and reporting of findings including any unexpected contaminated soil and location. Thereafter the development shall be carried-out in accordance with the agreed MMP.

Reason: in the interest of health and safety.

8. Prior to the first occupation and or use of any dwelling hereby approved, full details of the Electrical Vehicle Charging points, as shown on plan 140-LP08c_Renewables & Car Charging Plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall include samples, location and / or a full specification of the materials to be used externally on the buildings. Only the materials so approved shall be used, in accordance with any terms of such approval and shall be retained at all times, unless otherwise agreed in writing by the Local Planning Authority. The Charging Points shall be installed prior to the occupation of each individual dwelling.

Reason: to reduce greenhouse gas emissions by ensuring that adequate provision is made to enable occupiers of the development to charge plug-in and ultra-low emission vehicles in accordance with Policy 3 of the adopted North Dorset Local Plan Part 1.

9. Prior to the first occupation and or use of any dwelling hereby approved, full details of the Solar PV infrastructure, as shown on plan 140-LP08c_Renewables & Car Charging Plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall include samples, location and / or a full specification of the materials to be used externally on the buildings. Only the materials so approved shall be used, in accordance with any terms of such approval and shall be retained at all times, unless otherwise agreed in writing by the Local Planning Authority. The Solar PV infrastructure shall be installed prior to the occupation of each individual dwelling.

Reason: to reduce greenhouse gas emissions by ensuring that adequate provision is made to enable occupiers of the development to install alternative methods of generating electricity in accordance with Policy 3 of the adopted North Dorset Local Plan Part 1.



Appeal Decision

Site visit made on 17 September 2019

by **S Edwards MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 December 2019

Appeal Ref: APP/N1215/W/19/3227559

Land at Higher Blandford Road, Shaftesbury, Dorset

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Shaftesbury LVA LLP against the decision of North Dorset District Council.
 - The application Ref 2/2018/0602/OUT, dated 30 April 2018, was refused by notice dated 5 February 2019.
 - The development proposed is outline application for residential development for up to 55 dwellings together with associated open space and infrastructure (means of access to be determined only).
-

Decision

1. The appeal is allowed, and planning permission is granted for outline application for residential development for up to 55 dwellings together with associated open space and infrastructure (means of access to be determined only), at Land at Higher Blandford Road, Shaftesbury, Dorset, in accordance with the terms of the application, Ref 2/2018/0602/OUT, dated 30 April 2018, and the plans submitted with it, subject to the attached schedule of conditions.

Application for costs

2. An application for costs was made by Shaftesbury LVA LLP against North Dorset District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Since the determination of the planning application, the National Planning Policy Framework (the Framework) has been updated. References to the Framework within this decision relate to the latest version published on 19 February 2019.
4. On 1 April 2019, North Dorset District Council ceased to exist and became part of a new Unitary Authority known as Dorset Council. The development plan for the merged Local Planning Authorities will remain in place for the area within the new Unitary Authority they relate to until such time as they are revoked or replaced. I shall therefore determine the appeal having regard to the policies set out within the North Dorset District-Wide Local Plan and the North Dorset Local Plan Part 1 (January 2016).
5. The application was submitted in outline. The application form indicates that approval is only sought for access. Appearance, landscaping, layout and scale are reserved for subsequent determination. Whilst drawings showing the

potential layout¹ of the proposed development were submitted at application stage, these shall solely be considered for illustrative purposes.

6. The appellant has submitted a Planning Obligation by Unilateral Undertaking (UU), signed and dated 19 September 2019, under Section 106 of the Town and Country Planning Act 1990, which would take effect should planning permission be granted. The UU would secure the provision of affordable housing, as well as various other contributions, which I will return to later in this decision.

Main Issues

7. The main issues are:
 - The effect of the proposal on the Council's spatial strategy;
 - Whether the proposal would constitute an accessible form of development, having particular regard to the distance of the site to services and facilities for future residents;
 - The effect of the proposal on the open countryside and rural character of the area; and
 - Whether the proposal would result in the unacceptable loss of best and most versatile agricultural land.

Reasons

Location

8. Policy 2 of the North Dorset Local Plan Part 1² (LPP1) sets out the spatial strategy for the area administered by the Council and seeks to direct most of the housing growth within the four main towns, which include Shaftesbury. Whilst it is adjacent to the settlement boundary of Shaftesbury, the appeal site lies, for planning policy purposes, within the countryside where, in accordance with the requirements set within LPP1 Policy 20, development will be strictly controlled.
9. LPP1 Policy 20 only permits development in the countryside outside defined settlement boundaries if it is of a type appropriate in such a location or it can be demonstrated that there is an 'overriding need' for the development proposal to be located in the countryside. The appeal scheme would not meet any of these exceptions.
10. My attention has also been drawn to LPP1 Policy 18, which sets out the Sustainable Development Strategy for Shaftesbury. This policy seeks to direct development and regeneration within the settlement boundary, and through extensions, primarily of housing to the east and north of the town. The accompanying inset diagram clearly shows that the east of the town refers to land located to the north of the A30, which does not include the appeal site.
11. Accordingly, I conclude that the proposal would not accord with the Council's Spatial Strategy. Consequently, the appeal scheme would fail to accord with LPP1 Policies 2 and 20.

¹ Drawing no.150407 SK 180403.

² January 2016.

Accessibility

12. As noted above, the LPP1 identifies Shaftesbury as one of the four key strategic settlements in North Dorset. The core spatial strategy therefore seeks to focus the majority of the growth within these four towns, which are recognised as the most sustainable location, where homes, jobs and facilities are easily accessible.
13. Whilst the appeal site lies outside the settlement boundary of Shaftesbury, it nevertheless lies close to the built-up area of the town. As detailed within the Transport Assessment (TA) prepared by Trace Design Transport and Civil Engineering³, there are a number of facilities and services, including the Shaftesbury comprehensive school and leisure centre, Abbey View medical centre, a supermarket, within 1.2km of the centre of the site.
14. Additionally, the site appears reasonably well connected to these facilities and the town centre by good quality footways and cycle lanes. In this context, walking and cycling could replace short car trips, particularly those under 2km, as recommended by Manual for Streets. The TA also indicates that the site lies within proximity to bus stops on the A30. However, the limited frequency would require occupiers to plan their journeys in advance around bus services, which would lessen the appeal of this mode of transport as an alternative to private motor vehicles.
15. Overall, I consider that the proposal would appear adequately located in relation to services and facilities, by benefiting from good access by means of walking and cycling, which would thus help reducing the reliance on private motor vehicles. The proposal would therefore constitute an accessible form of development and would therefore accord with the Framework by limiting the need to travel and offering a genuine choice of transport modes.

Character and appearance

16. The appeal site comprises an agricultural field situated on the outskirts of Shaftesbury, which lies prominently at the junction between Salisbury Road (A30) and Higher Blandford Road (B3081). A number of commercial buildings are located to the east of the appeal site. I understand that the site also shares parts of its eastern boundary with a large field which is allocated for employment development.
17. The field is relatively flat, with slight gradients across the site, and offers views onto the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB), which extends to the south and east, being located a few hundred metres to the east of the site at the nearest point. The site notably provides views onto Breeze Hill and Melbury Beacon, which lie within the AONB.
18. The Courts⁴ have held that to expand the scope of paragraph 172 of the Framework to include all land which the AONB can be seen from would not reflect the intention of the policy. Notwithstanding this, the Planning Practice Guidance⁵ confirms that the statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of AONBs applies to 'development

³ Project Ref: 4260 (dated August 2018).

⁴ Stroud District Council v SSCLG v Gladman Developments Limited [2015] EWHC 488 (Admin).

⁵ Natural Environment, Paragraph: 039 Reference ID: 8-039-20190721.

proposals that are situated outside National Park or AONB boundaries, but which might have an impact on their setting or protection’.

19. The appellant’s Landscape and Visual Impact Assessment⁶ shows that the proposed development would be visible from the AONB but at some distance. It would be perceived in association with the settlement of Shaftesbury and the effect in views from the AONB would therefore remain limited. The submitted plans show that building lines would be restricted, and open spaces would be created along the western and southern edges of the site to preserve views of Melbury Beacon and Breeze Hill. This layout, which at this stage is only considered for illustrative purposes, would to some extent mitigate the effect of the proposal in respect of the views from the urban area towards the AONB. However, the development would still cause limited harm to this sensitive area by eroding the site’s contribution to extensive views of the AONB’s skyline, as a result of the construction of dwellings and planting of trees along the southern side of the A30.
20. The appeal site lies within the Blackmore Vale and Vale of Wardour National Character Area (NCA). As detailed in the Landscape Character Area Assessment (LCAA) prepared by North Dorset District Council in 2008, the site is also located in the Shaftesbury Greensand Ridges Landscape Character Area (LCA). The distinctive hilltop location of Shaftesbury is described within the LCAA as a positive feature in the wider landscape from the south and west. Whilst it is not within the AONB, the site nevertheless forms part of landscapes which are formally designated for their value at national and local levels.
21. Over the last few years, the edge of the settlement has to some extent shifted to the east as a result of the construction of the Melbury Grange residential scheme to the north of the A30. That said, the appeal site still acts as an important transitional point between the urban area and the wider rural landscape located to the south-eastern edge of Shaftesbury, where the pattern of development is typically more scattered. There are houses on the opposite side of Higher Blandford Road, but their appearance is softened by mature trees and hedges. The site therefore holds an important value as part of this landscape, by providing a rural setting to the nearby developed area of Shaftesbury.
22. The level of change introduced by the proposal would be significant, as the open field currently located on the edge of the settlement would become a housing estate. The field’s contribution as a transitional area between the developed area of the town and the surrounding countryside would therefore be lost, resulting in a scheme which would extend the settlement further into the countryside. Whilst additional planting could be provided to soften the effect of the proposal, the appeal scheme would include new buildings and domestic gardens, as well as large areas of hardstanding, which would significantly alter the undeveloped character of the site.
23. My attention has been drawn to the adjacent site, which has been allocated for employment. Having regard to the evidence before me, it however seems premature to consider the visual effect of the appeal scheme in combination with this allocated site, particularly as the previous application for employment use was an outline consent which is no longer extant⁷. The submitted

⁶ Reference 150407 R 02.

⁷ Local Planning Authority Reference 2/2006/1022.

information does not demonstrate with any certainty whether it would be developed in the foreseeable future and which form this would take.

24. In reaching these views, I have considered the appeal decision which granted permission for the Melbury Grange development to the north of the A30. Whilst this is a material consideration, it has to be borne in mind that this decision dates from 2007, and would have been issued within a very different planning context, both at national and local levels. This therefore limits the weight which can be afforded to this particular decision.
25. I have also had regard to the use of land situated further east as a traveller site, which was granted temporary consent in January 2011⁸. The effect of the proposal on the landscape character of the area or the AONB was however considered acceptable by reason of the level of screening provided by bunding and landscaping. I am therefore not convinced that the circumstances of this particular scheme represent a direct parallel to the proposal before me which, in any event, I am required to assess on its individual merits.
26. The urbanising effect of the proposal would have a detrimental impact on the rural character and appearance of the area, and cause limited harm to the setting of the Cranborne Chase and West Wiltshire Downs AONB. The effect of the development would be detrimental to the intrinsic character and beauty of the countryside and would consequently not accord with LPP1 Policies 2 and 20.

Loss of agricultural land

27. The appeal site extends to some 3.2 hectares and is identified as Grade 2 ('very good') agricultural land which, having regard to Annex 2 of the Framework, is recognised as 'best and most versatile'. In these circumstances, paragraph 170 of the Framework advises that decision-makers should take account of the economic and other benefits of the best and most versatile agricultural land. I accept that the land that would be lost as a result of the proposal is relatively small in the context of the area administered by the Council. The appellant also argues that the site has not been grazed over the last few years and does not form part of a larger farm, which could otherwise affect the viability of an existing agricultural enterprise.
28. However, these considerations would not in themselves provide sufficient justification for the loss of this agricultural land. Such an approach could lead to the gradual erosion of best and most versatile agricultural land. Whilst the site is not large enough to engage the sequential approach set out by footnote 53 of the Framework, the proposal would nevertheless result in the permanent loss of best and most versatile agricultural land. Consequently, it would not accord with the advice contained within the Framework, despite the fact that the scale of the loss would remain limited. I consider that this approach is consistent with the appeal decision, which has been brought to my attention⁹.

Other Matters

29. The appeal site is located within proximity to the listed building known as Mayo Cottage, which lies on the opposite side of Higher Blandford Road. Subject to detailed considerations which would be assessed as part of a subsequent

⁸ Local Planning Authority Reference 2/2010/1323/PLNG.

⁹ Appeal Decision APP/Q3115/W/17/3186858.

reserved matters application, I am satisfied that the proposal would preserve the setting of this nearby designated heritage asset.

30. Various concerns have been raised by interested parties, notably regarding the effect of the appeal scheme on highway safety. However, I note that the access to the site was supported by a detailed Transport Assessment and, subject to a number of conditions, which would include highway improvements, no objection has been raised by the Highway Authority or the Council in that particular regard. There are no reasons for me to take a different view.
31. Reference has also been made to the emerging Shaftesbury Neighbourhood Plan and Melbury Abbas and Cann Neighbourhood Plan which, I understand, have not reached an advanced stage of preparation. Until they are made, neighbourhood plans do not form part of the development plan, thus limiting the weight which can be afforded to these documents in the context of this appeal.
32. The submitted planning obligation would secure the on-site provision of 30% affordable homes (e.g. up to 17 dwellings), which would meet the requirements of LPP1 Policy 8, as well as the provision of public open space, and an equipped play area, in accordance with LPP1 Policy 15. In addition, financial contributions towards primary and secondary education, primary care services and rights of way would be provided. The level of information provided by the Council in respect of these contributions is considered acceptable. The increased financial contribution towards rights of way, as detailed within the correspondence submitted by the Council during the course of the appeal, is not sufficiently justified to accord with the requirements of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).
33. These contributions are considered necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. Therefore, I am satisfied that the submitted UU, in respect of the contributions referred to above, meets the requirements set within paragraph 56 of the Framework and the tests in Regulation 122 of the CIL Regulations 2010 (as amended).
34. As detailed within the Case Officer's report, financial contributions are also sought towards allotments, community leisure and indoor sports facilities, destination play facilities (and their maintenance), as well as formal outdoor sports facilities (and their maintenance). Whilst LPP1 Policies 14 and 15 refer to these types of infrastructure, very limited information has been provided by the Council to confirm how the contributions would be spent. In the absence of specific projects being identified or justification in respect of the amounts being sought, I cannot be certain that these contributions would be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
35. Accordingly, and notwithstanding the aims of development plan policy, I am unable to conclude that a planning obligation seeking to provide these particular contributions would meet the statutory tests. Whilst they have been included within the submitted planning obligation, I am satisfied that these contributions would not be enforceable, by reason of the inclusion of Clause 3.4 within the UU.

Planning Balance

36. I have found conflict with the development plan, by reason of the effect of the proposal on the Council's spatial strategy, its impact on the character and appearance of the area and the AONB. There would also be a loss of best and most versatile agricultural land as a result of the proposal.
37. There is no dispute between the parties that the Council is presently unable to demonstrate a five-year supply of deliverable housing sites. The Case Officer's report indicates that the Council can only demonstrate 3.3 years of housing land supply, which represents a significant shortfall. In accordance with paragraph 11 d) of the Framework, as directed by Footnote 7, policies which are most important for determining the application are considered out-of-date, and subsequently planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
38. The construction of up to 55 dwellings, including the provision of 30% affordable housing, as detailed within the submitted planning obligation, would make a significant contribution to the current shortfall in housing supply. The provision of additional dwellings, including affordable homes, would constitute substantial public benefits.
39. The Framework seeks to encourage residential development in locations where employment opportunities, shops and services are reasonably accessible by modes of transport other than the private car. The proposed dwellings would be located within reasonable proximity to facilities and services, and contribute towards housing supply and choice, but also deliver some benefits to the local economy notably through short term construction.
40. When the appeal scheme is assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal, to which I ascribe limited to moderate weight, would not significantly and demonstrably outweigh the benefits derived from the proposal, to which I afford substantial weight.

Conditions

41. The Council has drawn my attention to the conditions as listed within the Case Officer's report to the Planning Committee. The appellant has confirmed his agreement to these, including pre-commencement conditions. I have considered the suggested conditions, making minor amendments where necessary, to ensure compliance with the tests as set within the Framework and the PPG.
42. In addition to the standard time limit, I have imposed conditions specifying the relevant drawings, the details of reserved matters and the maximum number of dwellings permitted, which are required to provide certainty and clarity. Conditions requiring further details in respect of the access, geometric highway layout, turning and parking areas, visibility splays, as well as the submission of a Construction Traffic Management Plan are considered necessary in the interests of highway safety. For the same reason, I have also attached a condition requiring full details of the off-site highway improvement works to be approved prior to any of the new dwellings being brought into occupation.

43. Conditions requiring the submission of further details for the provision of cycle parking facilities and a travel plan are considered necessary to promote sustainable modes of transport and avoid reliance on private vehicles. I have also imposed a condition requiring further details in respect of the proposed area of open space, in the interests of the character and appearance of the area, and the living conditions of future residents. A condition requiring the submission of a noise assessment and any necessary mitigation is considered necessary to safeguard the living conditions of the future occupiers of the development. Conditions requesting further details in respect of the Biodiversity Mitigation Plan and a lighting strategy are necessary in the interests of biodiversity, including protected species.

Conclusion

44. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

S Edwards

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted is for up to 55 dwellings.
 - 2) Details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 3) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 4) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
 - 5) The development hereby permitted shall be carried out in accordance with the following approved plans: 4048 Rev.A, 4048-005 Rev.B.
 - 6) No development shall take place until details of the access, geometric layout, turning and parking areas have been submitted to and agreed in writing by the local planning authority.
 - 7) No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved in writing by the local planning authority. The CTMP shall include:
 - Construction vehicle details (number, size, type and frequency of movement);
 - A programme of construction works and anticipated deliveries;
 - Timings of deliveries so as to avoid, where possible, peak traffic periods;
 - A framework for managing abnormal loads;
 - Contractors' arrangements (compound, storage, parking, turning, surfacing and drainage);
 - Wheel cleaning facilities;
 - Vehicle cleaning facilities;
 - A scheme of appropriate signing of vehicle route to the site;
 - A route plan for all contractors and suppliers to be advised on;
 - Temporary traffic management measures where necessary.
- The approved CTMP shall be strictly adhered to throughout the construction period for the development.
- 8) No development shall take place until a detailed and finalised foul and surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, has been submitted to, and agreed in writing by the local planning authority. The agreed surface water scheme shall be implemented in accordance with the agreed details before the development is completed.
 - 9) No development shall take place until details of maintenance and management of the foul and surface water sustainable drainage scheme has been submitted to and agreed in writing by the local planning

authority. The agreed scheme shall be implemented and thereafter managed and maintained in accordance with the agreed details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

- 10) No development shall take place until a definitive mitigation and method statement, following the recommendations of the submitted Biodiversity Mitigation Plan, dated 12.10.2018 (Version no.3f), has been submitted to and agreed in writing by the local planning authority. The development shall be implemented in accordance with the agreed statement.
- 11) Prior to occupation of any dwelling hereby approved, visibility splays must be provided at the access from a driver position of 2.4 metres and a stopping sight distance (SSD) of 79.00 metres in each direction along the carriageway. Thereafter, the visibility splay area must be maintained and kept free from obstruction. All land within the area of any visibility splay must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway.
- 12) Prior to occupation of any dwelling hereby approved, details of the following shall be submitted to and agreed in writing by the local planning authority:
 - The realignment of the junction of the A30 Salisbury Road with the B3081 Higher Blandford Road as shown on drawing no.4260-003 Rev.B contained within Appendix E of the revised Transport Assessment (or similar scheme to be agreed in writing by the local planning authority);
 - The provision of an enhanced pedestrian link on the A30 Salisbury Road to the west of the toucan crossing located at the A30 Salisbury Road/Greenacre Way junction as shown on drawing no.4260-003 Rev.B contained within Appendix E of the revised Transport Assessment (or similar scheme to be agreed in writing by the local planning authority);

The approved scheme shall be implemented in full accordance with the agreed details, prior to occupation of any dwelling hereby permitted.

- 13) Prior to occupation of any dwelling hereby approved, a scheme showing precise details of the proposed cycle parking facilities shall be submitted to and agreed in writing by the local planning authority. The agreed scheme must be completed prior to occupation of any dwelling hereby approved and, thereafter, maintained, kept free from obstruction and available for the purpose specified.
- 14) Prior to occupation of any dwelling hereby approved, a Travel Plan must be submitted to and agreed in writing by the local planning authority. The Travel Plan shall at least include:
 - Targets for sustainable travel arrangements;
 - Effective measures for the on-going monitoring of the Travel Plan;
 - A commitment to delivering the objectives of the Travel Plan for a period of at least five years from first occupation of the development;

- Effective mechanisms to achieve the objectives of the Travel Plan by the occupiers of the development.

The development hereby permitted shall be implemented in accordance with the agreed Travel Plan.

- 15) Prior to occupation of any dwelling hereby approved, a detailed noise assessment, along with any necessary mitigation, shall be submitted to and agreed in writing by the local planning authority. The development hereby permitted shall be implemented in accordance with the agreed details.
- 16) Prior to occupation of any dwelling hereby approved, details of the open space shall be submitted to and agreed in writing by the local planning authority for the provision of on-site public open space. The plan should include details relating to the design, laying out and future arrangements for management and maintenance of the open space. The open space shall then be implemented and maintained as agreed, unless otherwise agreed in writing with the local planning authority.
- 17) Prior to occupation of any dwelling hereby approved, an external lighting strategy shall be submitted and agreed in writing by the local planning authority. The agreed strategy shall be implemented in accordance with the agreed details.

END OF SCHEDULE

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Agenda Item 7

Application Number:	P/RES/2021/02870
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Land South Of Newlands Manor House Bournemouth Road Charlton Marshall Dorset
Proposal:	Erect 40 No. dwellings with associated parking and access. Reserved Matters application to determine appearance, landscaping, layout, scale and access, following the grant of Outline Planning Permission No. 2/2017/1716/OUT.
Applicant name:	Morrish Homes
Case Officer:	Mr Robert Lennis
Ward Member(s):	Cllr Kerby

1.0 Summary of recommendation:

Subject to the conditions GRANT planning permission.

2.0 Reason for the recommendation:

- The principle of residential development on this site has already been established;
- The proposed details provided relating to access, layout, scale, appearance and landscape would provide a high quality development in this location;
- This would enable the delivery of houses;
- Para 14 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; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

3.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development was established with the grant of conditional planning permission for application ref: 2/2017/1716/OUT.
Access	The Transport Development Liaison Manager has no objections subject to conditions.

Layout	The proposed layout .
Scale	The scale of buildings would be primarily two-storey with ancillary buildings being single storey. This is appropriate in the context of the site.
Appearance	The proposed design can be described as traditional and appropriate in the context of this site.
Landscaping	The proposed hard and soft landscaping is of a high standard.
Heritage	There would be no harm to the adjacent conservation area.
Highway, road network and traffic safety	No objections have been by the Highway Authority.
Flood risk	The Lead Local Flood Authority are satisfied that the suggested drainage scheme could be delivered.
Affordable housing	As per the legal agreement signed at the outline stage the proposed development will provide 40% affordable housing.

4.0 Description of Site

The site lies immediately to the north of the settlement boundary of Charlton Marshall, north of Tannery Court, west of Gravel Lane, east of Bournemouth Road (A350), and south of the former Newlands Manor House. It measures 2.4ha and is arable land, understood to be formerly associated with Newlands Manor House. The land slopes downward west to east by approximately 5.5m.

The western boundary fronts the A350. The northern boundary has hedgerow and maintains a visible connection to Newlands Manor House. The eastern boundary along Gravel Lane is lined with a mix of dispersed hedging and mature trees. Similarly, to the south is a mix of greenery but is also comprised of a significant amount of domestic curtilage associated with the adjacent properties of Tannery Court.

The surrounding landscape and development pattern can generally be described as 'edge of village' and 'agricultural' in character with the exceptions of the strong relationship to the Manor House to the north and the late 20th century bungalows to the south east.

There is a field access central to the western boundary and is taken directly from Bournemouth Road.

In relation to facilities within Charlton Marshall, the application site lies about 800 metres from the Village Hall on Green Close and some 400m from St. Mary's

Church. Bus services to Blandford Forum and Bournemouth/Poole run along the A350 and are situated adjacent the site.

The site shares a boundary with Charlton Marshal Conservation Area to the south. To the east some 600m is the Cranbourne Chase AONB. An existing Rights of Way path is situated to the west on the other side of Bournemouth Road and a further existing Right of Way is situated to the northeast extending beyond Gravel Lane past the Manor House.

5.0 Description of Development

The principle of developing for this site was established by the outline application ref: 2/2017/1716/OUT. Planning permission was granted with various conditions attached by Planning Committee. One of the conditions limited the number of dwelling units on-site to 40no. This application provides details of the reserved matters from that application relating to: access, layout, appearance, scale, and landscaping.

A single access to the site would be located on the western boundary to/from the A350 as illustrated at the outline stage.

The proposed layout, appearance, and scale would provide a mix of terraced, semi-detached, and detached units two storey in height featuring a small green at the entrance and open space along Gravel Lane.

The proposed landscaping would see the removal of a line of cypress trees along the A350 to be replaced with native trees and hedging. Plans show street trees would be incorporated to the design and additional planting in the open space.

Affordable housing was secured by a legal agreement at outline stage to provide 16no. dwellings (70:30 mix of shared ownership and rented units). These are interspersed throughout the layout.

6.0 Relevant Planning History

Planning application ref: 2/2017/1716/OUT - Develop land by the formation of access, layout of roads, erection of approx. 55 No. dwellings and garages. Layout of car parking space and provision of landscaping. (Outline application with all matters reserved). Approved 13/12/2018.

7.0 Constraints

The site is adjacent to the Charlton Marshall Conservation Area.

8.0 Consultations

(all consultee responses can be viewed in full on the website)

Charlton Marshall Parish Council (CMPC)

- No objections though concerns raised relating to: landscaping, footpath access onto Gravel Lane; and street lighting in relation to the Conservation Area and Dark Skies designation of Cranborne Chase AONB

DC Transport Development Management

- No objections subject to previous conditions.

DC Dorset Waste Partnership

- Concerns have been addressed.

DC Flood Risk Manager (Lead Local Flood Authority)

- No objections subject to outstanding conditions.

DC Environmental Health Officer

- No comment.

DC Housing Enabling Officer (Affordable Housing)

- No objections.

DC Landscape Architect

- No objections subject to condition.

DC Conservation Officer

- No objections subject to condition(s).

DC Tree Officer Majors

- No comment.

DC Urban Design

- No comment.

Natural England

- No comment.

Wessex Water

- No comment.

9.0 Representations received

There were ten representations received raising comments before for and against the proposal.

Comments written in support of the application relate to:

- Need for housing
- Design fitting in the character of the area
- Affordable homes
- Green spaces provided.

Concerns or objections raised in the representations received relate to:

- Principle of development
- Need
- Impact on local services, especially GPs
- Flood risk
- Character and appearance of village
- Traffic safety
- Refuse collection
- Heritage impact
- Noise pollutions.

10.0 Relevant Policies

North Dorset Local Plan Part 1 (LPP1)

- Policy 1 – Presumption in favour of Sustainable Development
- Policy 2 – Core Spatial Strategy
- Policy 3 – Climate Change
- Policy 4 – The Natural Environment
- Policy 5 – The Historic Environment
- Policy 8 – Affordable Housing
- Policy 13 – Grey Infrastructure
- Policy 15 – Green Infrastructure
- Policy 20 – The Countryside
- Policy 23 – Parking
- Policy 24 – Design
- Policy 25 – Amenity

Saved Policies North Dorset District Local Plan 2003

- Policy 1.7 – Settlement Boundaries

National Planning Policy Framework

The following sections of the NPPF are considered to be most relevant:

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
11. Making effective use of land
12. Achieving well designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

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 Public Sector Equalities Duty.

The site is located in a sustainable location, in line with the spatial strategy contained in the local plan. Officers have not identified any specific impacts on person with protected characteristics.

13.0 Climate Implications

The applicant is relying on meeting their statutory obligations set out in Building Regulations. Beyond that the proposal also includes a plan showing re-charge points for all of the dwellings.

14.0 Planning Assessment

As stated above, the principle of development on this site was established by way of the outline application (planning ref: 2/2017/1716/OUT).

The applicant had submitted details seeking pre-application advice. As such, it can be said that the applicant has worked closely with Officers to address the concerns raised with their proposal.

The main issues of this proposal are considered to relate to:

- Access
- Layout, appearance, and scale
- Landscaping
- Flood risk

- Heritage assets
- Other matters

Access

As noted above, the Transportation Development Liaison Manager has no objection subject to conditions previously imposed. In his comments he noted that the vehicular access is confirmed by the drawings submitted in support of this application. The geometric highway layout meets with the recommendations of Manual for Streets providing a low speed environment suitable for use by all road users. Sufficient on-plot car parking has been provided along with the opportunities to park on the estate roads at locations that will not impact upon the safe and easy manoeuvre of a refuse vehicle (as evidenced by a swept path analysis).

It is considered that, subject to conditions, the proposed details relating to access would be acceptable in terms of highway safety.

Layout, appearance, and scale

Your Senior Conservation Officer has noted amongst other things that the "...Conservation Area extends N of the historic core to encompass Tannery Court, a modern housing estate which borders the application site to the S. The development therefore does not sit directly alongside historic elements within the CA, nor is it read with it in the northern approaches to the CA gateway. The proposed layout generally matches that of Tannery Court, with dwellings arrayed around a spur road off the Bournemouth Road.

The buildings are set off from the E boundary of the site (Gravel Lane) but, owing to the low-lying nature of the land, are still able to sit low in the wider context of the settlement. In pre-app discussions, the importance of the long views into the CA from the elevated land to the E and NE was emphasised, as was the need for a planting strategy which mitigated any visual impact and assisted the development's integration with existing housing perceived from these areas. The photomontages, especially Viewpoints 25 and 34, suggest that the combination of layout and planting will be successful in these outcomes.

The style of the buildings is traditional, as is the materials palette, which indicates a mixture of red facing and dark red multi brickwork, render and flint for walling, and plain clay tiles and slate for roofs..."

Subject to a condition relating the agreeing materials the Conservation Officer would have no objection relating to layout, appearance, and scale.

It is considered that, subject to conditions, the proposed details relating to appearance, scale, and layout would be acceptable in terms of design in the context of this site.

Landscape

Your Landscape Officer supported the original submission subject to conditions, though they did point out several issues to improve the overall development. The applicant was willing to amend the plans to address a number of these issues specifically relating to:

- the realignment of the footpath to minimise development within the RPA of existing trees
- the variance of birch tree species selected to provide a more diverse native mix
- replacement of a feature semi mature Oak with 3 smaller *tillia cordata*
- adequate tree soil depth for trees in confined beds.

It is considered that, subject to conditions, the proposed details relating to landscaping would be acceptable in the context of this site.

Flood risk

Matters relating to flood risk were looked at very closely at the outline stage and the development was conditioned to provide full details prior to commencement. The applicant has submitted details at this time to support their proposed layout and your engineers have noted that "...the drainage layout appears deliverable."

Other matters

One representation had raised noise as an issue. The proposed residential development is not likely to cause an excessive amount of noise that would result in a detriment to other residential amenity.

Other matters raised in the representation relate to the principle of development which were considered at the outline application stage.

With regard to the Council's 'Climate Emergency' declaration, the applicant has state that their current practice is to provide charging points within all garages and to open parking spaces with plot curtilages or to parking courtyards. Their properties will comply with Building Regulations and exhibit the fabric first approach.

15.0 Summary

Outline planning permission for the construction of up to 40 dwellings with details of access and the provision of 40% affordable housing was established by Planning Committee. Therefore, the principle of development was established a few year ago subject to the details of the reserved matters.

There are five reserved matters which make up this application. The applicant, through discussions with Officer's, has amended the details of the original submission to take account of concerns and comments raised particularly with regard to access and landscaping. It is now considered that the revised plans before you meet the aims of the Development Plan having due regard to the context of this site.

Matters relating to flooding were considered at the outline stage and again with this detailed application. Dorset Council as Lead Local Flood Authority are satisfied that the applicant's drainage strategy is deliverable.

Subject to the following conditions (these are in addition to the conditions imposed on the outline permission) grant planning permission.

16.0 Recommendation

Grant planning permission subject to the following conditions:

1. The development to which these reserved matters and accompanying details relates shall be begun not later than two years from the date of this permission.

Reason: To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990 (as amended).

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

- PD-01-E Elevations Plot 1-2
- PD-01-P Floor Plans Plot 1-2
- PD-02-E Elevations Plot 3-4
- PD-02-P Floor Plans Plot 3-4
- PD-03-E Elevations Plot 5
- PD-03-P Floor Plans Plot 5
- PD-04-E Elevations Plot 6
- PD-04-P Floor Plans Plot 6
- PD-05-E Elevations Plots 7-8
- PD-05-P Floor Plans Plots 7-8
- PD-06-E Elevations Plots 9-11
- PD-06-P Floor Plans Plot 9-11
- PD-07-E Elevations Plot 12
- PD-07-P Floor Plans Plot 12
- PD-16-E Elevations Plot 13 Rev B
- PD-16-P Floor Plans Plot 13 Rev B
- PD-09-E Elevations Plot 14
- PD-09-P Floor Plans Plot 14
- PD-10-E Elevations Plot 15-19 RevB
- PD-10-P Floor Plans Plot 15-19 Rev B
- PD-11-E Elevations Plot 20
- PD-11-P Floor Plans Plot 20
- PD-12-E Elevations Plot 21
- PD-12-P Floor Plans Plot 21
- PD-13-E Elevations Plot 22
- PD-13-P Floor Plans Plot 22
- PD-14-E Elevations Plot 23-24

- PD-14-P Floor Plans Plot 23-24
- PD-15-E Elevations Plot 25
- PD-15-P Floor Plans Plot 25
- PD-16-E Elevations Plot 26
- PD-16-P Floor Plans Plot 26
- PD-17-E Elevations Plot 27
- PD-17-P Floor Plans Plot 27
- PD-01-E Elevations Plot 28-29
- PD-01-P Floor Plans Plot 28-29
- PD-19-E Elevations Plot 30-31
- PD-19-P Floor Plans Plot 30-31
- PD-20-E Elevations Plot 32
- PD-20-P Floor Plans Plot 32
- PD-21-E Elevations Plot 33 Rev B
- PD-21-P Floor Plans Plot 33 Rev B
- PD-22-E Elevations Plot 34-35
- PD-22-P Floor Plans Plot 34-35
- PD-23-E Elevations Plot 36-37
- PD-23-P Floor Plans Plot 36-37
- PD-24-E Elevations Plot 38-39
- PD-24-P Floor Plans Plot 38-39
- PD-25-E Elevations Plot 40
- PD-25-P Floor Plans Plot 40

- 2529-MBL-XX-00-DR-D-0002_P3 Traffic calming
- 2529-MBL-XX-00-DR-D-0004_P3 Engineering layout
- 2529-MBL-XX-00-DR-D-0007_P3 SUDs features
- 2529-MBL-XX-00-DR-D-0009_P1 Vehicle tracking
- 2529-MBL-XX-00-DR-D-0010_P1 Vehicle tracking

- Access junction layout AIS076-01-01-01
- Landscape Layout 676/01 P5
- Planting Strategy 676/02 P4
- LO/P/01 - Location Plan
- Site Layout L/P/01A

3. Notwithstanding the details on any of the approved plans, and prior to commencement of the development hereby approved above damp-proof course level, details and samples of all external facing materials (including, walls, chimneys, roofs, and fenestration detail, and any man-made boundary features) shall be submitted to, and agreed in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as agreed.

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

4. Prior to completion of damp proof course of any dwelling a hard and soft landscape scheme shall be submitted to and agreed in writing by the Local Planning Authority

showing details of all trees and other planting to be retained; a planting specification to include numbers, size, species and positions of all new trees and shrubs, details of existing and proposed levels, walls, fences and other boundary treatment and surface treatment of the open parts of the site together with any lighting, street furniture and underground services and a programme of implementation. Thereafter the development shall be carried out in accordance with the agreed scheme.

Reason: to ensure that adequate mitigation for the landscape and visual impact of the proposals and the provision of an appropriate and viable hard and soft landscape scheme.

6. Prior to completion of damp proof course of any dwelling a Landscape Management Plan (LMP) shall be submitted to and agreed in writing by the local planning authority. The LMP shall include details of how the hard and soft landscaped parts of the scheme are to be managed in the long term. Thereafter the development shall be carried out in accordance with the agreed scheme.

Reason: to ensure that arrangements for the long-term management and maintenance of the agreed hard and soft landscaping scheme.

7. Any trees or other plants indicated in the agreed details of condition 5 above which, within a period of five years from the date of the development being completed should die, or are removed, or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first agreed in writing by the Local Planning Authority.

Reason: to ensure that the agreed hard and soft landscaping scheme is established and maintained.

8. Prior to the first occupation and or use of any dwelling hereby approved, full details of the Electrical Vehicle Charging points shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include samples, location and / or a full specification of the materials to be used externally on the buildings. Thereafter the development shall be completed in accordance with the agreed details.

Reason: to reduce greenhouse gas emissions by ensuring that adequate provision is made to enable occupiers of the development to charge plug-in and ultra-low emission vehicles in accordance with Policy 3 of the adopted North Dorset Local Plan Part 1.

8. Prior to occupation of any dwelling hereby approved details of the externally lighting of the site; in particular, details relating to street line and times of illumination shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.

Reason: to protect the character of the area and reduce the amount of illumination in the night time sky.

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Agenda Item 8

Application Number:	3/20/1328/FUL		
Webpage:	https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=373284		
Site address:	Frogmore Lane, Sixpenny Handley, Salisbury, SP5 5NY		
Proposal:	Residential development comprising 7 new dwellings with ancillary car parking. (As amended 25/02/21 by Flood Risk Assessment and Surface Water Strategy and revisions to Plot 1).		
Applicant name:	Rushmore Farms Ltd & Midsummer Homes Ltd		
Case Officer:	Emily Jones		
Ward Member(s):	Cllr Piers Brown		
Publicity expiry date:	8 October 2020	Officer site visit date:	
Decision due date:	13 October 2020	Ext(s) of time:	28 December 2020

1.0 The application comes to committee as the Parish Council have objected on flooding grounds, contrary to officer recommendation.

2.0 Summary of recommendation:

Grant, subject to conditions

3.0 Reason for the recommendation:

Section 38(6) of the Planning and Compensation Act 2004 provides that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 11 of the National Planning Policy Framework (NPPF) provides that development proposals that accord with an up to date development plan should be approved without delay.

The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact and there would not be any significant harm to the landscape character of the AONB or on neighbouring residential amenity. The development can manage its own water run-off and would not increase the risk of flooding elsewhere. The development proposals accord with the development plan and there are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The site lies mainly in the settlement boundary of Sixpenny Handley with the dwellings wholly within it. Seven dwellings are of an appropriate scale for the village.
Flooding	The houses and vehicular access are outside of the land most liable to flooding and the development can attenuate its own floodwater and not exceed pre-development levels. There would be no increase in the risk of flooding elsewhere.
Access and parking	Parking provision meets the standards and the access onto Red Lane is considered safe.
Impact on landscape and design	The design of the dwellings and proposed materials are appropriate for the area. Where visible, it would be seen against the adjacent existing development and would not harm the character of the AONB.
Impact on neighbour amenity	The layout is considered to be acceptable and not be overbearing or overshadowing on adjacent dwellings. Window placement would not give rise to undue overlooking.
Biodiversity	A biodiversity mitigation plan has been agreed by the natural environment team.

5.0 Description of Site

The application site is located to the south of the village of Sixpenny Handley and comprises a paddock of land on the edge of the village. The site is within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB) and is located at a lower level to the rest of the village.

6.0 Description of Development

The application proposes the erection of seven, two-storey dwellings in a cul-de-sac formation off a new access to be formed on Red Lane.

7.0 Relevant Planning History

Application Ref.	Description	Decision	Decision Date
3/19/2047/FUL	Residential development comprising 9 new dwellings with ancillary car parking and drainage improvement works.	Withdrawn	06/08/2020

8.0 List of Constraints

Cranborne Chase & West Wiltshire Downs 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)
Type: Grade 3

Location: Sixpenny Handley, Policy: CHASE8(SP), LN2

Risk: High Risk of Foul Sewer Inundation

Groundwater Source Protection Zones

9.0 Consultations

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

Consultees

1. Cranborne Chase & West Wiltshire Downs AONB

- Visibility splays will change character of land – no landscape plan
- No affordable housing provision
- There is a history of flooding
- Should be no external lighting in International Dark Sky Reserve

2. Environment Agency

No comments received

3. Natural England

No objection:

- Will not have significant adverse impacts on statutorily protected nature conservation sites

4. Wessex Water

No objection:

- No surface water connection to foul drainage network
- Since 2012/13 undertaken works in the area to reduce the ingress of overland surface water flow into the public foul sewer. Further works planned from 2020 to lessen ground water inundation.

5. Dorset Council Highways

No objection, subject to condition

6. DC Planning Policy

No comments received

7. Sixpenny Handley With Pentridge Parish Council

Objection:

- Any development would exacerbate flooding issues

Representations received

Total - Objections	Total - No Objections	Total - Comments
13	0	0

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

- Site is subject to regular flooding – including groundwater flooding
- Development will increase risk of flooding
- 3/89/0773 – refused on flooding grounds and subsequently dismissed at appeal
- Sewer system is under pressure – incidences of foul water contamination
- Housing need for Sixpenny Handley is addressed elsewhere
- Access onto single track road – highway safety concerns
- Concerns regarding biodiversity impact
- A greenfield site
- Impact on neighbour amenity – increased noise, loss of privacy, overshadowing
- Landscape harm
- Design of houses out of character with surroundings – bulk, massing, materials, details, overbearing

- Loss of view
- Loss of value

10.0 Relevant Policies

Christchurch and East Dorset Part 1 Core Strategy (2014)

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

- Policy KS1 – Presumption in favour of sustainable development
- Policy KS2 – Settlement hierarchy
- Policy KS12 – Parking provision
- Policy ME1 – Safeguarding biodiversity and geodiversity
- Policy ME3 – Sustainable development standards for new development
- Policy ME6 – Flood management, mitigation, and defence
- Policy HE2 – Design of new development
- Policy HE3 – Landscape quality
- Policy LN1 – The site and type of new dwellings
- Policy LN2 – Design, layout and density of new housing development

Other Material Considerations

National Planning Policy Framework (NPPF) 2021:

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

Relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- Section 5 ‘Delivering a sufficient supply of homes’ outlines the government’s objective in respect of land supply with subsection ‘Rural housing’ at paragraphs 78-79 reflecting the requirement for development in rural areas.
- Section 11 ‘Making effective use of land’
- Section 12 ‘Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:
 - The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
 - It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
 - Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 14 ‘Meeting the challenges of climate change, flooding and coastal change’
- Section 15 ‘Conserving and Enhancing the Natural Environment’ - In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Other material considerations

National Planning Practice Guidance

The Bournemouth, Poole and Dorset Residential Car Parking Study Residential Car Parking Provision, Local Guidance for Dorset (May 2011)

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 Public Sector Equalities Duty.

The site has access to limited public transport which could negatively impact upon persons who suffer from limited mobility. No other impacts on persons with protected characteristics have been identified.

13.0 Planning Assessment

Principle of development

The site lies mainly within the settlement boundary, with the dwellings being situated within it. Under Policy KS2 of the Local Plan, Sixpenny Handley is classified as a rural service centre being a main provider for the rural area where residential development is allowed of a scale reinforcing its role as a provider of community, leisure and retail facilities to support the village and adjacent communities.

The provision of seven dwellings within the settlement boundary is considered to be of an appropriate scale for the village.

Flooding

A winterbourne stream runs southwards through the site with natural attenuation ponds, a larger pond is found on the opposite side of Back Lane. The area suffers from surface water flooding leading to regular flooding of Back Lane to a height of about 600mm above the road. The land rises to the north-east and as such there is a higher plateau of land within the site set above the area that floods.

Paragraph 167 of the NPPF requires local planning authorities to ensure that flood risk is not increased elsewhere. Policy ME6 of the Local Plan requires post-development surface water run-off must not exceed pre-development levels. The

application is accompanied by a site-specific flood risk assessment and drainage strategy.

The proposed houses are sited in the north-east corner and are therefore situated in the areas of lowest flood risk. The access for the development is also to the north-east of the site onto Red Lane, providing a safe egress for future residents if the surrounding land to the west and south flooded.

The submitted drainage strategy demonstrates that the proposed development would attenuate any floodwater within the site using sustainable drainage systems and release it at the same rate as the current field does, thereby not exceeding pre-development levels. As such, it is not considered the proposal would result in an increase in the risk of flooding elsewhere. It also demonstrates that the development is appropriately flood resistant and residual risk is safely managed. It thereby accords with the relevant policies.

Impact on highways

As already mentioned, vehicular access would be on to Red Lane and the boundary here would be altered to provide suitable visibility splays. A pedestrian access would be provided onto Frogmore Lane providing a linkage towards the village. There is sufficient off-road parking for each dwelling that meets the residential parking standards. The highways officer has considered the proposal and raises no objection to the scheme on highway safety grounds subject to a condition requiring the turning and parking to be constructed prior to the development being occupied.

Impact on visual amenity and AONB landscape

Section 15 of the NPPF requires that planning decision should contribute to and enhance the local environment by protecting valued landscapes. Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.

The proposed dwellings are two-storeys and have a mix of hipped and gabled roofs. The materials vary across the dwellings but are from a mix of brick, flint panels, render, and timber for the walls, and clay and slate tiles for the roofs. These materials provide interest and appeal and are appropriate for the character of the area and the wider AONB landscape. Furthermore, the properties surrounding the site are a mix of 1¾ and 2 storey and so the proposed development would not appear out of character nor unduly overbearing or bulky.

When viewed from the south/south-east, there would be a line of mature trees within the site that would obscure some of the development. The site is also bounded by a mature hedge that is shown to be reinforced by the vehicular entrance to the site. Nevertheless, where visible, and particularly during the winter months when the leaves have dropped, the proposal would be seen against the backdrop of the

existing built development of Sixpenny Handley and would not appear as an incongruous feature.

It is therefore considered that the proposal does would not result in harm to the character of the area or to the AONB landscape, complying with the relevant policies in the Local Plan and AONB management plan.

Impact on neighbour amenity

Much of the development is sited away from neighbouring properties however plot 1 would abut the boundaries of 25 and 27 Paddock Close. The dwelling for plot 1 would be sited approximately 18.5m from the rear boundary which is considered to be a satisfactory distance to not be overbearing on or unduly overshadowing of the properties to the north. Whilst the detached garage would be closer at 5.1m from the boundary, this would be single storey and as such not have a detrimental impact on neighbour amenity.

In terms of overlooking, the dwelling for plot 1 is not directly back-to-back with 25 Paddock Close and this coupled with the distances of over 18m is such that it is not considered that there would be significant loss of privacy to justify a reason for refusal on this ground.

It is not considered there would be additional noise or disturbance to the neighbouring properties above typical levels for a residential area and therefore no concerns are raised on this ground.

Biodiversity

A biodiversity mitigation plan has been submitted and agreed by the Natural Environment Team. Its contents shall be conditioned to secure the biodiversity mitigation and enhancements.

Other matters

The site is fewer than 10 dwellings and therefore the requirement for the provision of affordable housing is not required under the Local Plan or the NPPF.

Wessex Water have confirmed that they have carried out works to the sewage system and that additional works are planned to deal with the capacity in the village. They raise no objections to the proposed development provided there are no surface water drainage is connected to the public sewage. Although this is not proposed, it will be conditioned to ensure that the sewage system is not inadvertently overloaded.

Concerns regarding loss of view and loss of property value are not material planning considerations.

14.0 Conclusion

The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact and there would not be any significant harm to neighbouring residential amenity. The development can manage its own water run-off and would not increase the risk of flooding elsewhere. The application complies with the relevant national and local policies and there are no material considerations which would warrant refusal of this application.

15.0 Recommendation

Grant, subject to the following conditions:

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

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Location Plan, Topographical Survey - drawing no. 17199.35 - dated 30 July 2020

Site/Block Plan - drawing no. 17199.36 Rev A - dated 22 December 2020

House 1 Plans and Elevations - drawing no. 17199.37 Rev A - dated 22 December 2020

House 2 Plans and Elevations - drawing no. 17199.38 Rev B - dated 22 December 2020

House 3-4 Plans and Elevations - drawing no. 17199.39 Rev A - dated 18 August 2020

House 5-6 Plans and Elevations - drawing no. 17199.40 Rev A - dated 18 August 2020

House 7 Plans and Elevations - drawing no. 17199.41 Rev A - dated 18 August 2020

Street Elevation and Illustrative View - drawing no. 17199.42 Rev A - dated 22 December 2020

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

3. There shall be no surface water connections into the foul sewer network.

Reason: To prevent the increase of the risk of sewer flooding and pollution.

4. No development shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and providing clarification of how drainage is to be managed during construction, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the submitted details before the development is completed.

Reason: A pre-commencement condition is required to prevent the increased risk of flooding and to protect water quality.

5. No development shall take place until details of maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: This condition is required to ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

6. Before the development is occupied or utilised the first 10.00 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

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

7. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number 17199.36 must be constructed, unless otherwise agreed in writing by the Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

8. Before the development is occupied or utilised the cycle parking facilities shown on Drawing Number 17199.36 must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

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

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

10. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on Drawing Number 17199.36 must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

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

11. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 5 November 2021 must be implemented in accordance with any specified timetable and completed in full prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the local planning authority, the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

12. Prior to development above damp proof course level, details and samples of all external facing materials for the wall(s) and roof(s) (including a sample panel of the flint) shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

Application Number:	P/FUL/2021/02897
Webpage:	Planning application: P/FUL/2021/02897 - dorsetforyou.com (dorsetcouncil.gov.uk)
Site address:	Land adjacent 362 Bournemouth Road Charlton Marshall DT11 9NL
Proposal:	Erect 6 No. dwellings, create new vehicular access.
Applicant name:	Mr & Mrs Adcook
Case Officer:	Simon Sharp
Ward Member:	Cllr Kerby

1.0 Reason for referral

- 1.1 The application is being referred to the Committee given the outstanding objections from Parish Council and third parties. Their objections raise matters which are material to the determination of the application and the Chair of this Committee and Ward Member both recommended that the matter be referred to members for their consideration.

2.0 Summary of recommendation:

- 2.1 Grant permission subject to conditions.

3.0 Reason for the recommendation

- 3.1 The application has been considered against the provisions of the development plan in the first instance, the weight afforded to some elements of the development plan, specifically the application of settlement development limits, tempered as a result of other material considerations. These include the provisions of the NPPF and the Housing Delivery Test results. It is within a sustainable location and commensurate to the scale of growth that the settlement can sustain and is expected.
- 3.2 Subject to conditions, there is accordance with other development plan policies such as in relation to landscape and visual impact, design, residential amenity, highway safety, biodiversity flooding and drainage. The benefits of the dwellings are afforded meaningful weight in the overall balance and these benefits are not significantly or demonstrably outweighed by adverse impacts

4.0 Key planning issues

Issue	Conclusion
Principle of development	There is conflict with Local Plan policy 20 insofar as the site is outside of the development plan's boundaries in the countryside. However, it is in a sustainable location and the benefits of providing the homes are not significantly or demonstrably outweighed by adverse impacts.
Residential amenity	The outlook from existing dwellings on May Grove will irrevocably change but, by reason of the sensitive siting and scale of the buildings proposed, the development will not result in a significant loss of residential amenity.
Landscape and visual amenity	The site is bordered by development on two sides and the Trailway on a third. Views of the site from sensitive receptors are very limited and, whilst clearly countryside, the site is not sensitive to change.
Access and Highway Safety	The Highways Authority raise no objection.
Economic benefits	The provision of 6 dwellings is afforded weight in the overall assessment.

5.0 Description of Site

- 5.1 The site adjoins the existing built-up area of Charlton Marshall.
- 5.2 The site is predominantly a paddock characterised by semi-improved grassland. The south-eastern and south-western margins are wilder and of much greater ecological interest.
- 5.3 The land falls towards the northeast, gradually across the site and then there is a much steeper fall between the existing dwelling and the A350.
- 5.4 To the northeast is the existing, large two storey dwelling at 362, Bournemouth Road (owned by the applicant). Beyond this is the A350 linking Blandford to the Poole/Bournemouth/Christchurch conurbation. To the northwest are bungalows on May Grove which feature attic conversions providing first floor accommodation. To the southwest, in a cutting, is the Dorset Trailway (along the track bed of the Somerset & Dorset Joint Railway). To the southeast is countryside.

5.5 A footpath crosses the site diagonally from its northern corner southwards. It appears to connect the rear boundary of dwellings on May Grove to a footbridge over the Trailway and steps down onto this walkway/cycleway. The path is not recorded on the Definitive Map of public rights of way nor is it a public highway and it seems to be the result of an informal agreement between the landowner and local residents.

6.0 Description of Development

- 6.1 The proposal is for the development of six detached dwellinghouses, all with two storeys.
- 6.2 Five of the dwellings are proposed to be accessed off a new private shared drive from the A350. The sixth dwelling would share a private access with the existing dwelling (362, Bournemouth Road).
- 6.3 All of the dwellings would feature front and rear gardens and private on plot parking.
- 6.4 A footpath is proposed to link plot 6 with the Dorset Trailway. It is unclear as to whether this is intended to be for public use (members are referred to the Assessment section of this report for the officer's commentary on this matter).

7.0 Relevant Planning History

- 7.1 Pre-application advice was provided by officers without prejudice in 2020 (ref PRE/2020/0060/PREAPP) for the principle of proposed residential development.

8.0 List of Constraints

- 8.1 The list of mapped constraints is as follows -
- a) "SGN - Medium pressure gas pipeline 25m or less from Medium Pressure Pipelines (75mbar - 2 bar);
 - b) Wessex Water: High Risk of Foul Sewer Inundation
 - c) EA - Areas Susceptible to Groundwater Flooding; Clearwater; $\geq 50\%$ $<75\%$;
 - d) DERC - Wildlife species: S41 - insect - beetle (Coleoptera) ;
 - e) NE - SSSI impact risk zone;
 - f) NE - SSSI (5km buffer): Bryanston ;
 - g) NE - SSSI (5km buffer): Blandford Camp ;
 - h) Flood Zone 3 (The site is not at increased risk of flooding)
 - i) Flood Zone 2 (The site is not at increased risk of flooding)
 - j) EA - Groundwater Source Protection Zone
 - k) BOURNEMOUTH ROAD, Class: A

9.0 Consultation responses

- 9.1 All consultee responses can be viewed in full on the website.
- 9.2 **DC Ward Councillors**

Cllr Kerby – Queried whether site notices had been displayed as required. The case officer subsequently clarified that the required publicity had been undertaken.

9.3 Charlton Marshall Parish Council

Unanimous objection

- a) The development would be outside of the settlement boundary.
- b) Development does not satisfy need for additional housing within the village. The Parish Council queries calculations in documents provided by DC in the applicant's submission.
- c) The designs of the houses are out of keeping; they are not sympathetic to The Lodge (front house) or neighbouring properties that are bungalows. The design and materials of the planned houses would make them more visible from the road (large timbers, black timbers and rooms in the roof)
- d) The development would change the look and entrance to the village.
- e) The houses may all impact on the visual amenity from the trailway.
- f) The entry in and out of the site will be inadequate and dangerous (narrowing road, poor visibility and partially 40 limit).
- g) There would be adverse impact on the immediate neighbours in respect of noise, outlook and privacy (being overlooked).
- h) There has been no engagement with the Parish Council and do not appear to have had any interaction or conversations with the neighbouring residents, this being a suggestion from Dorset Council - Pre application letter of July 2020.

9.4 DC – Highways

No objection, subject to conditions securing the following:

- a) Vehicle access construction (first 10.00 metres) to be agreed.
- b) Access gradient to be no greater than 1 in 12 (first 5.00 metres of any access, access crossing and drive).
- c) Existing southern access point onto the A350 must be permanently closed.
- d) Access road construction (private) to be constructed and maintained in accordance with approved plans.
- e) No gates hung so as to form obstruction to the vehicular access serving the site.
- f) Visibility splays implemented.
- g) Construction method statement to be submitted

Also advised a number of informatives including that, before commencement of any works, Dorset Council Waste Services should be consulted to confirm and agree that the proposed recycling and waste collection facilities accord with the “guidance notes for residential developments”

9.5 DC Operations Manager (Waste/Recycling)

Concerned about this development as it has no access for a 26t RCV to collect waste; it also looks too far for residents to take their waste to the kerbside.

9.6 Wessex Water

The proposal is located in an area prone to sewer flooding caused by high levels of groundwater during prolonged periods of wet weather.

Surface water flows, generated by new impermeable areas, must not be connected to the foul water network which will increase the risk of sewer flooding and pollution.

There must be no surface water connections into the foul sewer network.

9.7 DC Natural Environment Team (NET)

A Biodiversity Plan (BP) was approved on 26th June 2021.

9.8 Other Representations received

Total - Objections	Total - No Objections	Total - Comments
16	0	0

Petitions Objecting	Petitions Supporting
0	0

A precis of the objections: -

- a) Overdevelopment for the settlement - Charlton Marshall already has consent for a further 61 dwellings, there is no need and the site is outside of the settlement limits. The village is slowly becoming as big as a town and is slowly losing the character of a village and the community it used to be.
- b) Strain on infrastructure including National Health and local amenities.
- c) Unsustainable location - The lack of buses and the very small and non-existent pathways for pedestrians in Spetisbury and Charlton Marshall just leads to more risks to pedestrians and no doubt increased car usage as the distance to the nearest shop/surgery is not in walking distance.
- d) Overdevelopment of the site – Prevailing density is 15dph in Meadow Road and May Grove. The site area is 0.4 hectares. (6/0.4=) 15dph, the same as urban location but this is a countryside location.
- e) Residential Amenity (Overlooking) - Huge impact on the privacy and light levels afforded to existing dwellings to the north.
- f) Residential Amenity (Noise) - There would be potentially 22+ extra population in a small confined area leading to an increase in noise levels, number of vehicles and putting strain on existing amenities.

- g) Residential amenity and design – Poor juxtaposition of proposed two storey houses next to existing single storey bungalows.
- h) Visual amenity - Incongruous use of materials out of keeping with the surrounding properties.
- i) Visual amenity and biodiversity – Trees have been removed with none proposed. There will also be lighting in contrast to the rural nature of the site and its surroundings, causing light pollution.
- j) Highway safety (visibility) - The bend and narrowing of the A350 makes access and egress extremely dangerous especially with the change in ground levels from the proposed site. 4 – 4 Bedroom Houses & 2 – 3 Bedroom Houses would attract a least 15-25 extra cars, coupled with the Coach House owners 5 Vehicles, visitors' cars, delivery Vans, Council Lorries etc., etc., all trying to get in & out. Development was refused in the 1960s and traffic is 8x now to what it was then. This is a hazardous point as the traffic is heavy with many HGV`s often have to brake suddenly when attempting to pass another one where the road is on a slight bend.
- k) Highway safety (steep gradient of access) – the access would be extremely steep, narrow, and dangerous with the same problems or worse than the other steep “Southern End Entrance,” particularly in bad weather due to heavy rain, wet leaves, and ice, would become impassable and vehicles would easily lose grip and slide down into the main road.
- l) Wildlife - Regularly see fox, deer, buzzards and other wildlife where these houses are being planned.
- m) Existing sewerage pipe from house (Coachhouse) only 2 metres below ground therefore, slope of drive would not be possible.

10.0 Development Plan policies

10.1 Adopted North Dorset Local Plan Part 1 – 2016

The site is outside of the saved defined development boundaries. The following policies are considered to be relevant to this proposal:

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 2 - Core Spatial Strategy
- Policy 4 - The Natural Environment
- Policy 6 – Housing Distribution
- Policy 7 – Delivering Homes
- Policy 20 - The Countryside
- Policy 23 - Parking
- Policy 24 - Design
- Policy 25 – Amenity

Relevant saved policies from the North Dorset District Wide Local Plan (1st Revision) Adopted 2003, are as follows:

Policy 1.7- Development within Settlement Boundaries

11.0 Other material considerations

11.1 The North Dorset Housing Supply as at 1st April 2021 is 5.17 years.

11.2 The Government's Housing Delivery Test Measurement for North Dorset for 2021 is 69% with the consequence being that the Presumption applies.

11.3 Dorset Council Local Plan

The Options Consultation took place between 18 January and 15 March 2021. The plan is at an early stage of preparation and there are also a substantial number of comments to review following the Options Consultation. Minimal weight of afforded to this Plan as a material consideration.

11.4 National Planning Policy Framework 2021

- a) Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.
- b) Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.
- c) Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that: The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- d) In Annex 1, paragraph 218 advises that the policies in the NPPF are material considerations which should be taken into account in dealing with applications from the day of its publication. The following paragraph (219) states that development plan policies should not be considered out-of-date simply because they were adopted or made prior to the publication of NPPF. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

11.5 National Planning Practice Guidance (PPG)

12.0 Human rights

12.1 Human Rights Act 1998: -

- a) Article 6 - Right to a fair trial.
- b) Article 8 - Right to respect for private and family life and home.
- c) The first protocol of Article 1 Protection of property.
- d) 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

13.1 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:-

- a) Removing or minimising disadvantages suffered by people due to their protected characteristics
- b) Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- c) 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 Public Sector Equalities Duty.

The Assessment section of this reports details the accessibility of the site to public transport and access to other facilities. It notes some of the limitations posed by the gradients within the site and lack of footway on the site’s side of the A350 but concludes that, on balance, this is a sustainable location for development. The needs of people with protected characteristics have been considered in this assessment as has the ability for them to access services and facilities so they can participate in public life.

14.0 Financial benefits

14.1 There will be Council Tax revenues and New Homes Bonus payments (the latter currently under review) arising from this development.

15.0 Planning Assessment

Principle

15.1 The Parish Council and a number of the third-party representations from neighbours have correctly identified that the site falls completely outside of the development plan's development boundary. The site therefore falls within the countryside hence the citation of policy 20 of the Local Plan in the Development Plan Policies section of this report.

15.2 Policy 20 is clear that housing development should be restricted in countryside locations unless there is an overriding need and/or there is other policy support (the list of such areas of policy support is summarised in table 8.5 of the Local Plan and includes rural exception schemes, occupational dwellings and re-use of heritage assets). The site is located immediately adjacent of the settlement boundary. However, in policy terms the site is within the 'countryside' and development would normally be strictly controlled, unless it is required to enable essential rural needs to be met. Policy 20 Countryside reiterates this and lists two criteria where development would be appropriate outside defined settlement boundaries, a) the type of development set out in local plan policies or b) there is an overriding need for it to be in the countryside

15.3 However, the council's Housing Delivery Test result is at 69%, and so the presumption in favour of sustainable development still applies in North Dorset. Policy 6 of North Dorset Local Plan is the most relevant housing policy. Policy 2 and 20 of the local plan are consistent with the aims of the NPPF. Policy 2 is the Council's Core Spatial Strategy, and follows national planning policy which seek to focus significant development on locations which are or can be made sustainable (NPPF para 105), respond to local circumstances and support housing developments that reflect local needs in rural areas (NPPF para 78) and recognise the intrinsic character and beauty of the countryside (NPPF para 174). In recent appeal decisions the strategy was deemed to be "broadly consistent with the Framework and still of significance", and it is not considered as out of date.

15.4 The statutory basis for decision taking in planning is that determinations must be made in accordance with the development plan unless material considerations indicate otherwise. This is clear from judgements such as that of Sir Keith Lindblom's in *Gladman Developments Ltd v Secretary of State for Housing, Communities and Local Government* [2021] EWCA Civ 104; the provisions of the NPPF do not override the development plan's primacy.

15.5 However, there are clear consequences of the Government's 69% Housing Delivery Test Measurement for North Dorset and that the presumption should be applied. The consequences of this, under paragraph 11 of the NPPF, are that the basket of policies most relevant to the determination of the application are considered to be out of date. Paragraph 11 d of the NPPF's tilted balance is engaged and planning permission should be granted unless:

- (i) specific policies in the framework indicate that development should be refused; or
- (ii) the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

15.6 The spatial strategy in the Local Plan is considered consistent insofar as it seeks to direct development to sustainable locations to minimise the need to travel, create sustainable communities rather than commuter towns/villages and address the causes and effects of climate change. These are therefore important considerations in assessing the level of harm and conflict and are matters to which this assessment now turns.

15.7 Policy 6 of the Local Plan identifies Charlton Marshall as one of 18 larger villages in the Plan area. Whilst the majority of housing growth over the plan period is focused on the four main towns, it does envisage at least 825 dwellings within these larger villages and Stalbridge. The focus is on the meeting "local housing needs" (as explained in supporting paragraph 5.9) and the scale will "reflect cumulative local and essential rural needs and local viability considerations" (paragraph 5.11).

15.8 There are key points to note from this policy and its supporting text. Firstly, it does not provide a ceiling for the number of dwellings that should be accommodated in the 18 larger villages. It also does not place a quantum of development that will be appropriate for each settlement, or indeed, each development; the judgement is on a case by case basis.

15.9 The third and, perhaps most fundamental point, is that the policy explicitly recognises that these settlements provide the level of sustainability to accommodate, along with Stalbridge, at least 825 dwellings. The Local Plan may have envisaged that this need would be identified at the "local level" (paragraph 5.27) via, for example, the neighbourhood planning process, local surveys and assessments to establish the functional need for occupational dwellings.

15.10 However, the list of sources of evidence is not exhaustive and the fact that the Council needs to boost delivery at a North Dorset level must be afforded substantial weight with regards to this point. It demonstrates the need for the housing and, applying policy 6's distribution, Charlton Marshall is an appropriate location to meet some of this need.

15.11 Indeed, as will be explained in this succeeding paragraphs of this report, the site is considered to be in a sustainable location and there are no adverse impacts arising from the development that would significantly and demonstrably outweigh the benefits accrued from the delivery of the proposed dwellings.

15.12 The fact that permission was refused for housing development on the site in the 1960s (as referenced in third party submissions) carries no weight in this assessment given the substantial changes in policy context and material considerations since that time.

Locational sustainability

15.13 Charlton Marshall is identified as a sustainable location in the settlement hierarchy. There is a village hall, public house and church.

15.14 The Local Plan specifically provides for growth in the larger villages to sustain and provide potential to enhance their vitality; in other words, the growth is required in part to provide a local population to keep the limited services going for the benefit of existing as well as future residents.

15.15 Unlike the existing developments to the north, the site is not directly connected to existing lit, paved footways. There is such a footway on the east side of the A350 but that on the west side falls short of the site's access by 100m or so. There is also no signal controlled crossing or central refuge for crossing the A350. The accessibility of the village centre and the bus stops served by the hourly X8 (Blandford to Poole) bus service is therefore not ideal for pedestrians from the proposed development (also recognising that one would need to cross the A350 twice to access the northbound bus stop). This is a very finely balanced judgement.

15.16 However, given that, once one has crossed the A350, the access route is conducive to walking (acceptable walking distance along lit, paved, relatively level, segregated footways to the village centre and the Poole-bound bus stop), it is considered that the site's location is sustainable.

15.17 The case officer notes the footpath annotation on the submitted layout plan. At first sight this appears to provide a link to the Trailway but, upon closer inspection, it terminates at plot 6's private drive. It is clearly, therefore, not designed as an access route for pedestrians (other than residents at plot 6 or, possibly 362, Bournemouth Road) to the Trailway. No weight has been afforded to the existence of this path in terms of the sustainability of the location of the site.

Level and mix of dwellings proposed

15.18 The 2011 Census recorded that there were 492 households in Charlton Marshall accommodating a population of 1,193 (2.4 persons per household). This is the latest robust data, the 2021 Census results having not been released at the time of writing. The 6 dwellings proposed would represent a 1% growth. This is considered to be a commensurate level of growth and within the 14% expected over the Plan period even when taking into account all other developments that have been implemented in the Plan period in the settlement or have extant permissions.

15.19 With regards to the mix, policy 7 of the Local Plan advises that, on sites of less than 10 dwellings, it should include a range of house sizes appropriate to each specific site. This full application proposes a single 4-bed detached houses with the remaining plots accommodating 3-bed detached houses. There are no affordable homes, but that is policy compliant for this sub-10 unit scheme. There are also no smaller 1 or 2-bed homes or bungalows. However, there is still a mix of 3 distinct dwelling types and sizes and the locality has a range of types, including bungalows. In this context, the mix is considered to be policy compliant.

Landscape, visual amenity and design

15.20 The Parish Council and a number of the third-party representations raise concerns about the intrusion into the countryside and suggest that the designs of the dwellings are out of character with the area. Policy 24 of the Local Plan is relevant here.

15.21 The site and its surroundings do not carry any landscape or heritage designations; the site is not within an AONB, nor is it within or close to a conservation area or within the setting of other designated heritage assets. The site is also immediately adjacent to C20th suburban housing to the north and east. It is used as a paddock and is not considered to be a landscape particularly sensitive to change. There are also no receptors on definitive public rights of way that afford views into or across the site (The Dorset Trailway is not a public right of way on the Definitive Map).

15.22 The site is screened from view from the A350 due to the boundary planting along this road and the fact that the main body of the application site is elevated and separated from this road by the existing dwelling and its outbuildings. The access to the dwellings will, of course, be visible along the A350, but it will be only one of a number of existing such accesses along this stretch which already define its prevailing character, especially on the western side.

15.23 The Dorset Trailway, along the old Somerset & Dorset Joint Railway, abuts the site to the west. The case officer observed that this is a very popular route for walkers throughout the day. This includes both local residents and those who have come from further afield, attracted by the longer distance, safe, traffic-free route it provides as well as the railway heritage. Having walked along the Trailway alongside the site and 500m or so to the south and north, it was observed that the Trailway does not actually offer views into and across the site i.e. the site is not part of the experience from the Trailway. This is because the Trailway is set within a cutting many metres below the site level. Given that the site profiles are not to be materially altered as a result of this development, the relationship will not change.

15.24 The preservation of the rural experience from the Trailway as one passes the site will also be secured by the inclusion of the proposed 2.5m wide reptilian sanctuary area along the length of the common boundary.

15.25 It is acknowledged that the existence of 6 additional dwellings in relatively close proximity to the Trailway may change the sensory experience in other ways, for example walkers may hear more lawn mowing, pressure hoses, people conversing in gardens etc. but the level of change is not considered to materially alter the experience especially given the location of the Trailway in the cutting.

- 15.26 It was noted that a pathway dissects the site in a diagonal alignment. It connects the northern boundary, adjacent to the existing dwellings, to the old footbridge over the Trailway (built when it was still a railway). The pathway affords private access for existing residents bordering the site to the Trailway via a series of steps alongside the footbridge. This is purely an informal arrangement with no rights and its loss is not a material planning consideration.
- 15.27 The forms of the proposed dwellings are largely traditional; they are simple gabled shapes the silhouettes of which are not out of keeping with the prevailing designs in the area. The use of the external black timber cladding across much of the elevations is a departure from the palette of materials observed in the area, the latter including brick work of various hues, flints, render of various shades and textures, hanging tiles and reconstituted stone.
- 15.28 However, this prevailing eclectic mix provides a context that permits the use of another material without it appearing incongruous or out of keeping. Charlton Marshall is a village of predominantly suburban designs and character. The dwellings proposed will assimilate with this character especially as the black timber and brick combination proposed will not, in principle, appear overly prominent. Nevertheless, it is considered necessary for the exact finish and appearance of these external facing materials to be agreed; a gloss black finish would not be appropriate for the timber and the annotation on the plans in relation to the brickwork currently lacks precision.
- 15.29 Representations have been received raising concerns about two storey dwellings being proposed next to bungalows. May Grove and Meadow Road were clearly built as bungalows, albeit many have been the subject of loft conversions including dormer windows and, in some cases, roof lifts. However, that does not preclude two storey dwellings being developed within the application site.
- 15.30 The layout provides a visual separation between the site and May Grove. It will also be accessed completely separately from the existing dwellings and, so, is not read together or will visually be seen as an incongruous juxtaposition. Furthermore, for 3 of the 6 dwellings, all the first floor accommodation is within the roofspace, not dissimilar at all to the dwellings on May Grove. Of the other 3 dwellings, all of them have at least some of the first floor accommodated within the roofspace; an appropriate response to reduce the mass.
- 15.31 In summary, there will be low landscape harm and visual impact and the design and layout of the dwellings is considered acceptable and development plan policy compliant.

Residential amenity

- 15.32 A number of representations have been received from residents of May Grove bordering the application site. These include concerns about overlooking and overshadowing. Policy 25 of the Local Plan is relevant here.

- 15.33 The layout plan shows that there will be 3 dwellings within the northern half of the application site nearest the May Grove boundary. The nearest proposed dwelling is plot 3. This is one of the one-and-a-half storey dwelling types with the first floor accommodation within the roof space. This results in a ridge height of the gabled roof of 7.6m with an eaves height of 2.6m, which substantially reduces the mass from that compared with a full two storey dwelling.
- 15.34 The separation distance between the building and the closest existing dwelling, 19, May Grove, is 16.5m. The latter sits on slightly lower ground (1.4m lower) but, with the modest scale of plot 3's dwelling and the separation distance proposed, it is considered that there won't be any significant loss of residential amenity to the occupiers of 19, May Grove in terms of overshadowing and overlooking, despite plot 3 having first floor windows serving habitable rooms facing this existing dwelling and being to the southwest of May Grove.
- 15.35 Plot 3's double garage is much nearer to the common boundary with No. 19, May Grove but it is very modest in scale, is of incidental use and has no windows looking towards this existing dwelling.
- 15.36 No other proposed dwellings will be nearer to No. 19, May Grove and so the residential amenity of its occupiers is considered to not be significantly affected. No. 21 May Grove is further away still to the northwest.
- 15.37 Turning to the impact on Nos. 17 and 15, May Grove, the nearest proposed dwelling to these homes is that at Plot 1. The dwelling type proposed includes two and one-and-a-half storey elements, but the overall ridge height is restricted to 7.6m above ground level. The dwelling is a minimum of 18m away from the existing dwellings. It is also of a design that includes a roof slope at the rear that continues down to ground floor level. This reduces the massing of the dwelling significantly and there are no windows serving habitable rooms that afford a view down towards Nos. 15 and 17 May Grove from first floor level at the rear. Given this arrangement, it is considered that there will be no significant impact on the residential amenity currently enjoyed by the occupiers of Nos. 15 and 17, May Grove.
- 15.38 However, it is considered necessary to restrict permitted development rights for plots 1 to 3 nearest the May Grove boundary, specifically for roof extensions and alterations as well as rear extensions that could result in increased overlooking and overshadowing to unacceptable levels. This can be secured by condition.
- 15.39 It is inevitable that the residents of Nos. 15, 17, 19 and 21 May Grove will experience a degree of change. They currently enjoy an open outlook across the land in a relatively tranquil setting (except for the noise of traffic from the A350 and the voices from the Trailway). The private outlook from these gardens will be irrevocably changed as a result of the development. The loss of such a private view is not a planning matter.
- 15.40 The boundaries are currently relatively open, so that residents can enjoy the abovementioned outlook. The proposed layout will see private rear gardens abutting each other and, in the interests of residential amenity, it is both reasonable and necessary to provide a screen fence, wall of hedge along such boundaries. The

submitted layout plan does not include such detail so a condition is considered necessary to require such details to be agreed and implemented prior to the occupation of the new dwellings. As will be detailed in the Biodiversity section of this report, any such enclosures will need to include ground level holes to permit access by small species such as hedgehogs that currently have unrestricted access across the site.

15.41 Finally, it is fully acknowledged that the construction phase of the development could take many months to complete and, given the close proximity of four existing dwellings, there is a need to ensure those residents are protected from noise, dust and other forms of pollution. A Construction Environmental Management Plan is considered necessary. This can be secured by condition. Such a condition is also required for biodiversity reasons.

Highway safety

15.42 A number of third-party representations have raised the issue of highway safety. The concerns include the perceived dangers of exiting the site onto the A350 at a point where visibility is compromised and where the road is considered to be too narrow for HGVs to comfortably pass each other.

15.43 The case officer noted on site that the A350 does carry significant volumes of traffic when compared to other highways in the Council area. It is subject to a 30mph mandatory speed limit at the proposed point of access for 5 of the 6 dwellings proposed. The 6th dwelling and the existing house are proposed to be accessed from a separate, existing driveway further south which exits onto a 40mph stretch of the A350 (the speed limit changes along the site frontage).

15.44 The Council's Highway Manager has advised that the proposed arrangements are acceptable subject to conditions and there is no evidence before the case officer to recommend contrary to that specialist, professional advice.

15.45 The third-party representations have also expressed concerns about the gradient of the proposed shared access for 5 of the 6 dwellings. The case officer has calculated that this gradient is a maximum of 1 in 7 in places, which is steeper than the 1 in 12 for adopted highways. However, the access is to remain private and the Council's Highways Manager has advised that, subject to conditions (including the attainment of the required 1 in 12 for the first section of the access), the development is acceptable. This is achievable without materially altering the development and implementation can be secured by a condition.

15.46 The Operations Manager for the Council's bin collections has raised concerns in relation to the proposed layout which is not appropriate for the Council's refuse and recycling collection vehicles. However, it is understood that private contractors' vehicles can access the site acceptably and, as has occurred elsewhere in the Council's area, there is nothing to prevent future residents of the proposed development using the services of such contractors.

15.47 In this context, it would not be reasonable or relevant to planning to require residents to use the Council's service. There is also a solution that is possible and

the Council's Highway Manager raises no objection. A condition can secure an appropriate waste collection strategy (it is foreseen that such a condition could be partially discharged upon the receipt of an appropriate, private collection contract).

Flood risk and drainage

15.48 The site is in flood zone 1, the land at least probability of fluvial flooding. The constraints plan on the planning record shows part of the site being within flood zone 2, but this in fact the A350 not the site itself. The site is not identified as experiencing surface water flooding problems. The development therefore passes the sequential test.

15.49 The application form indicates that soakaways will be employed to drain surface water. This is acceptable in principle for the main body of the site but, given the existing and proposed gradients as the site access falls to the A350, it is questionable whether soakaways will work there; runoff onto the road needs to be avoided especially as there is a moderate probability of it flooding already. One would expect some form of catch drain and attenuation on site, but it is considered that such a provision can be secured by condition. There is scope within the layout for it to be provided, if required.

Biodiversity and ecology

15.50 Some of the third party representations advise that they have witnessed various species on or above the site including foxes, deer and buzzards. Policy 4 of the Local Plan is relevant.

15.51 The application was accompanied by a Biodiversity Survey and Report and, crucially, a Biodiversity Plan approved in 2021 by the Council's Natural Environment Team (NET). The Plan includes an extensive range of measures necessary during both the construction and operational (post first occupancy) phases of the development. These include controls on working hours during the construction phase as well as lighting and landscaping.

15.52 The necessary measures identified in the Plan relating to mitigation and biodiversity gain, can be secured by condition. This includes the provision of the reptilian sanctuary area, the provision and retention of which can be monitored by officers from the Dorset Trailway (to prevent garden grabbing by future residents). The standard approach in relation to biodiversity matters would be to rely on just the abovementioned condition. Given the lack of detail in the layout plan in relation to landscaping and the fact that certain natural landscape features are necessary for biodiversity mitigation, a further condition is also considered necessary requiring the approval and implementation of a detailed landscaping plan.

15.53 Furthermore, it is also necessary to secure an external lighting condition, given that the acceptability of the scheme, in biodiversity terms, is so predicated on certain lighting being used to preserve the habitat for bats.

- 15.54 A Construction Environmental Management Plan is also considered necessary as detailed in the Biodiversity Plan. The construction phase of the development will inevitably bring, if unregulated, threats to the species that use the site.
- 15.55 The Biodiversity Plan has identified the need for access points for species such as hedgehogs to traverse from plot to plot across the site. The Plan rightly identifies the shortcomings of modern developments with fences tightly sealing garden areas. The condition identified in the Residential Amenity section of this report can cover the inclusion of these access holes.
- 15.56 It is also necessary to restrict permitted development rights for minor operations (means of enclosure). If these rights were not restricted, then future residents could not only replace the biodiversity friendly fences and walls but they could also replace or supplement natural boundary landscaping. In this regard, it is accepted that it is entirely reasonable for future residents to enclose their private gardens for privacy and safety. However, a balance between such considerations and biodiversity is clearly possible and one should not be at the expense of the other.

16.0 Balance and conclusions

- 16.1 There is conflict with the development plan, by reason of the effect of the proposal on the Council's spatial strategy and location of the proposed development outside of a settlement boundary. The presumption must be applied in this instance because the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.
- 16.2 It is accepted that the tilted balance should be applied in the decision-making process on this application, given that the policies referred to in footnote 7 of the NPPF are not engaged. In accordance with paragraph 11 d) of the Framework, as directed by Footnote 8, policies which are most important for determining the application are considered out-of-date, and subsequently planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As such, Policy 6 of North Dorset Local Plan, which seeks to deliver housing, is tempered. The application needs to be considered 'in the round' weighing all material issues in the planning balance.
- 16.3 Weighing in favour of the proposal is the sites sustainable location. The growth proposed would be commensurate to the scale of growth that the settlement can sustain. Subject to conditions, there is accordance with other development plan policies such as in relation to landscape and visual impact, design, residential amenity, highway safety, biodiversity flooding and drainage. The benefit of the provision of the dwellings is afforded significant weight in the overall balance, and these benefits are not significantly or demonstrably outweighed by adverse impacts.

17.0 Recommendation

Grant permission subject to conditions

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

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

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

20057 P010 Rev G Location and Site Plan

20057 P011 Prepared access and shared surface driveway

20057 P020 House Type 1

20057 P021 House Type 2

20057 P022 House Type 3

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

3. Prior to the commencement of development details of a surface water drainage scheme for the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented prior to the completion of the development and retained thereafter for the lifetime of the development.

Reason: To ensure adequate facilities are provided in the interests of flooding and pollution and specially to ensure no increase in runoff onto the A350's carriageway in the interests of highway safety.

4. Before the development is occupied or utilised the first **10.00** metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing - see the **Informative No. 1** below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority. The said access shall be retained thereafter for the lifetime of the development.

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

5. Before the development is occupied or utilised, the first 5.00 metres of any access, access crossing and drive must be constructed to a gradient not exceeding 1 in 12. The gradient for this first 5.00 metres shall not exceed 1 in 12 for the lifetime of the development.

Reason: To ensure that the public highway can be entered safely.

6. Before the development is occupied or utilised the existing southern access point onto the A350 must be permanently closed by extending the adjoining

highway boundary and removing any gates. The existing highway vehicular crossing must be expunged and reinstated to a specification which must be submitted to and approved in writing by the Planning Authority.

Reason: To ensure the proper and appropriate reinstatement of the adjacent highway.

7. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number **P010 Rev G** must be constructed, unless otherwise agreed in writing by the Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

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

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

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

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

10. 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:

- a) the parking of vehicles of site operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials used in constructing the development
- d) 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.

11. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 11th August 2021 must be implemented in accordance with any specified timetable and completed in full prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be

implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the local planning authority, the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

12. Prior to the commencement of any development hereby approved, above damp course level, a soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The scheme shall include the following:-

- a) A new native species-rich hedgerow to be planted along the southwest boundary of the site within the reptile receptor area. The hedgerow will comprise a mixture five different native species from the following list: blackthorn (*Prunus spinosa*), hawthorn (*Crataegus monogyna*), spindle (*Euonymus europaea*), field maple (*Acer campestre*), dogwood (*Cornus sanguinea*), elm (*Ulmus procera*), crab apple (*Malus sylvestris*), oak (*Quercus robur*) and hazel *Corylus avellana*).
- b) An area to include semi-improved tussocky grassland and the hedge cited in a. above, measuring not less than 320m² in area along the southwest boundary and southeast boundaries of the site.

The approved scheme shall be implemented in full during the planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall be accompanied by a Landscape Ecology Management Plan (LEMP) to include provision for the maintenance and replacement as necessary of the trees and shrubs and landscape features for a period of not less than 20 years following commencement of the development. The approved Landscaping shall be managed and maintained in complete accordance with this LEMP for the abovementioned 20 year period.

Reason: In the interest of visual amenity and biodiversity as identified as necessary in the approved Biodiversity Plan.

13. No external lighting shall be installed until details of a lighting strategy and plan for such lighting has been submitted to and agreed in writing by the Local Planning Authority. The strategy and plan shall include the following:-

- a. No external site lighting on the rear western elevations of Plots 3, 4 and 5 and on the southern elevation of Plot 5 and Plot 6;
- b. The luminaire angle of any bollard lighting must not exceed 90°;
- c. Warmer colour temperatures with peak wavelengths greater than 550nm (~3000°K)

Thereafter, for the lifetime of the development, all external lighting shall be in accordance with the lighting scheme which shall have been installed operated and maintained in accordance with the agreed details.

Reason: In the interests of biodiversity as identified as being necessary in the Biodiversity Plan and in the interests of amenity of neighbouring residents.

14. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include details of:

- a) measures to control noise or vibration affecting biodiversity and nearby residents;
- b) artificial illumination;
- c) dust control measures;
- d) pollution incident control and site contact details in case of complaints.

The construction phase of the development hereby approved shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: Identified as necessary in the Biodiversity Plan and to protect neighbouring residents from noise, vibration and dust.

15. Prior to the first occupation of any of the dwellings hereby approved, details of all proposed means of enclosure, boundary walls and fences to the site, shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall accord with the soft landscaping scheme required by condition 12 and the Biodiversity Plan, the implementation of which is required by condition 11. The boundary treatments shall include at least one hedgehog access point to each boundary. The said boundary treatments shall have been completed prior to the first occupation of the dwelling they serve and retained thereafter with the hedgehog access points for the lifetime of the development.

Reason: In the interests of the visual amenity of the area given the edge of settlement location, the residential amenity of adjoining existing residents, the residential amenity of future residents of the development and in the interests of biodiversity.

16. Prior to development above damp proof course level, details and samples of all external facing materials for the wall(s) and roof(s) shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no enlargement(s) or alteration(s) of the dwellinghouse hereby approved for plots 1, 2 and 3, permitted by Classes A, B and C of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To protect the residential amenity of existing residents on May Grove.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-

enacting that Order) (with or without modification) no gate, fence, wall or means of enclosure permitted by Classes A of Schedule 2 Part 2 of the 2015 Order, shall be erected or constructed.

Reason: In the interests of biodiversity as identified as necessary in the Biodiversity Plan.

19. No dwelling shall be occupied until a scheme to include details of refuse/recycling storage facilities for each plot and the collection details for all of the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented for the lifetime of the occupational phase of the development.

Reason: A bespoke scheme is required due to the approved layout's incompatibility with the Council's refuse and recycling service and in the interests of residential amenity to minimise odours and visual amenity to minimise unsightly storage of waste and recycling.