



## Eastern Area Planning Committee

**Date:** Wednesday, 11 January 2023  
**Time:** 10.00 am  
**Venue:** The Allendale Centre, Hanham Road, Wimborne, Dorset, BH21 1AS

### Members (Quorum )

Mike Barron, Toni Coombs (Chairman), Shane Bartlett (Vice-Chairman), Alex Brenton, Robin Cook, Mike Dyer, Barry Goringe, David Morgan, Julie Robinson, David Tooke, Bill Trite and John Worth

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

For more information about this agenda please contact Democratic Services Meeting Contact [megan.r.rochester@dorsetcouncil.gov.uk](mailto:megan.r.rochester@dorsetcouncil.gov.uk)

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda.

For easy access to all the council's committee agendas and minutes download the free public app called Modern.Gov for use on any iPad, Android, and Windows tablet. Once downloaded select Dorset Council.

## Agenda

Item	Pages
<b>1. APOLOGIES</b>	
To receive any apologies for absence	
<b>2. DECLARATIONS OF INTEREST</b>	
To disclose any pecuniary, other registrable or personal interest as set out in the adopted Code of Conduct. In making their decision 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.	
<b>3. MINUTES</b>	5 - 14

To confirm the minutes of the meeting held on 7 December 2022

**4. PUBLIC PARTICIPATION** 15 - 18

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

Please refer to the Guidance for speaking at Planning Committee.

The deadline for notifying a request to speak is 8.30am on Monday 9<sup>th</sup> January 2023.

**5. PLANNING APPLICATIONS**

To consider the applications listed below for planning permission

- |           |   |           |
|-----------|---|-----------|
| <b>a)</b> | Application No: P/FUL/2022/05149 - The Moors at Arne East of the community of Ridge and North of Arne Road<br>The creation of intertidal habitat and restricted tidal exchange shallow saltwater lagoons, through managed realignment involving selective breaching of existing tidal embankments. The provision of new set-back earth embankments, including the provision of flapped surface water outfalls, tidal exchange culverts, and an improved channel and outfall for the Furzebrook Stream. The formation of permissive footpaths and screens for public to view birds from, maintenance access tracks and the provision of associated gates, fences and boundary treatment works. | 19 - 80   |
| <b>b)</b> | Application No 3/21/1115/FUL - 184 RINGWOOD ROAD, ST LEONARDS AND ST IVES, BH24 2NR<br>Demolish existing residential buildings and erect block of 15 apartments with parking, bin and cycle stores.   | 81 - 104  |
| <b>c)</b> | Application No: 3/21/1566/RM - Land south of Leigh Road Wimborne Dorset BH21 2DA  | 105 - 142 |

**6. 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.

**7. 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.

This page is intentionally left blank



## EASTERN AREA PLANNING COMMITTEE

### MINUTES OF MEETING HELD ON WEDNESDAY 7 DECEMBER 2022

**Present:** Cllrs Toni Coombs (Chairman), Shane Bartlett (Vice-Chairman), Alex Brenton, Robin Cook, Mike Dyer, David Morgan, Julie Robinson, David Tooke and Bill Trite

**Apologies:** Cllrs Mike Barron, Barry Goringe and John Worth

**Also present:** Cllr David Walsh

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

Philip Crowther (Legal Business Partner - Regulatory), Kim Cowell (Development Management Team Leader), David Northover (Democratic Services Officer), Elizabeth Adams (The Development Management Team Leader), Cari Wooldridge (Planning Officer) and Susan Hetherington (Engineer (Development Liaison))

**309. Declarations of Interest**

No declarations of disclosable pecuniary interests were made at the meeting.

**310. Minutes**

The minutes of the meeting held on 2 November 2022 were confirmed and signed as a correct record.

**311. Public Participation**

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

**312. Planning Applications**

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

**313. P/OUT/2021/04873 - Outline application for Access and Layout to demolish a pair of semi-detached bungalows and replace with 5 x 3 bedroom dwellinghouses 97 High Street, Sturminster Marshall**

The Committee considered application P/OUT/2021/04873 for outline application for Access and Layout to demolish a pair of semi-detached bungalows and replace with 5 x 3 bedroom dwellinghouses 97 High Street, Sturminster Marshall.

With the aid of a visual presentation, the Development Management Team Leader detailed the main proposals, principles and planning issues of the development. The presentation focused on not only what the development entailed and its detailed design, but what effect it would have on residential amenity and the character the area.

The planning history of the site was drawn to the Committee's attention. Following previous refusal of the application, officers were now happy that the revised layout offered informality of street scene and would avoid the harm previously identified.

Plans and photographs gave detail of access and highway arrangements. Members were advised of the parking provision and a typo in para 15.26 of the report, which stated there would be 3 visitor car park spaces, when there were 4 proposed. This would accord with Policy KS12. At this was an outline application, at this stage there was no provision to show the potential appearance of the houses.

A Biodiversity plan had been provided which identified the need to compensate for the loss of grassland, space for brown eared bats and other mitigation measures. This would be dealt with via a financial planning obligation which was included in the officer recommendation to approve the application.

Oral representation was received from:-

Mr Paul Bennett in objection to the application.

Dr Marilyn Cash and Mr Neil McKeown, (the agent for the applicant) in support of the application.

Cllr Sonia Cade on behalf of Sturminster Marshall Parish Council in objection to the application.

The Development Management Team Leader was invited to respond to the comments made by the speakers, following which the committee members debated the application. Their debate and questioning focussed around the lack of a turning head, bin storage, management of the private road, flood risks, the possible materials used for the driveway and the emerging Neighbourhood Plan.

It was felt that the application before the committee had overcome the shortcomings of the previous scheme and was in accordance with the findings of the Planning Inspectorate.

Proposed by Cllr Mike Dyer, seconded by Cllr Shane Bartlett

**Decision: That the application be delegated to the Head of Planning to grant subject to conditions outlined in the appendix to these minutes and the completion of a satisfactory planning obligation or Refuse if a satisfactory planning obligation was not provided.**

314. **P/FUL/2022/02394 -Removal of existing canopy, supply and fit of new canopy, fuel dispensers and islands, and new offset fillers. Holton**

## **Heath Garage, Wareham**

The application was being considered by the Planning Committee as Dorset Council owned part of the site.

The Planning Officer presented the report.

With the aid of a visual presentation, members were shown details of the site location, planning designations, and an aerial view of the site together with views from the Highway, which also detailed accesses to the site.

The new square canopy would allow fuelling for up to 8 vehicles at any one time from 4 fuel pumps. It would be raised slightly to allow HGV and delivery lorries access but would not adversely impact the area.

The Planning Officer responded to concerns from neighbours regarding petrol sales with an additional informative note which was provided as part of the presentation.

The application was recommended for approval subject to conditions.

A written representation was read on behalf of Cllr Beryl Ezzard in support of the application.

Committee members were given the opportunity to ask questions of the Planning and Highways Officers. In relation to advisory signs for traffic turning in and out of the garage the committee was advised that this was not enforceable. There was some member discomfort regarding the condition and age of the underground fuel storage tanks and the risk of land contamination. In response to a question asking if a full survey could take place on the condition of the fuel storage tanks before construction started the Planning Officer advised such a request was outside of the planning process which was why the additional informative note had been added in the report

Proposed by Cllr Bill Trite, seconded by Cllr David Morgan.

**Decision: that the application be granted subject to the conditions outlined in the appendix to these minutes and the additional informative note.**

### **315. Urgent items**

There were no urgent items for consideration.

### **Appendix - Decision Sheet**

**Duration of meeting:** 10.00 - 11.38 am

**Chairman**

---

## Eastern Area Planning Committee 7 December 2022 Decision List

**Application Reference:** P/OUT/2021/04873

**Application Site:** 97 High Street Sturminster Marshall Wimborne BH21 4AT

**Proposal:** Outline application for Access and Layout to demolish a pair of semi detached bungalows and replace with 5 x 3 bedroom dwellinghouses

**Recommendation:** Either

A. GRANT subject to conditions and the completion of a satisfactory planning obligation or

B. REFUSE if a satisfactory planning obligation is not provided.

**Decision:** A) **DELEGATED to the Head of Planning 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: Contributions required for Biodiversity enhancement and gains And subject to the following conditions:**

1. No part of the development hereby approved shall commence until details of all reserved matters (appearance, scale and landscaping) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

2. An application for approval of any 'reserved matter' must be made not later than the expiration of three years beginning with the date of this permission.

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

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

4. The development hereby permitted shall be carried out in accordance with the following approved plans: tbd-127 OU-02 Location Plan tbd-127 OU-04 Proposed Site plan

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

5. 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 27/09/2022 must be completed in full (including photographic evidence of compliance being submitted to the Local Planning Authority in accordance with section J of the Biodiversity Plan) prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. Thereafter 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.

6. Before any ground works start on site a detailed surface water drainage scheme for dealing with surface water drainage from the development must be submitted to and approved in writing by the Council.

This must include: - the results of an assessment into the potential for disposing of surface water by means of a sustainable drainage system (SuDS) - details of a management and maintenance plan for the drainage scheme The appropriate design standard for the surface water drainage scheme must be the 1 in 100 year return period rainfall event with a 40% allowance for climate change. The approved drainage scheme must be implemented before the first occupation of the building/any of the buildings and thereafter maintained and managed in accordance with the agreed management plan.

Reason: These details are required to be agreed before ground works start in order to ensure that consideration is given to installing an appropriate drainage scheme to alleviate the possible risk of flooding to the site and elsewhere for the lifetime of the development.

7. Before the development hereby approved is first occupied the first 5m of the vehicular access, measured from the rear edge of the highway (excluding the vehicle crossing- see Informative Note below) must be laid out, constructed, and surfaced, to a specification which shall have been submitted to, and agreed in writing by, the Local Planning Authority.

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

8. Before the development hereby approved is occupied or utilised the turning and parking areas shown on Drawing Number 0U-04 must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for parking and turning.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

B) Refuse permission for the reasons set out below if the agreement is not completed by 7 March 2023 or such extended time as agreed by the Head of Planning.

1. The proposed development fails to appropriately mitigate or compensate for the loss of biodiversity on the site contrary to policy ME1 of the Christchurch and East Dorset Local Plan and paragraphs 174 and 180 of the National Planning Policy Framework.

Informative Notes:

1. The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at

dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

2. Informative: National Planning Policy Framework Statement In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by: - offering a pre-application advice service,

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

In this case: - The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

3. The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. The amount of levy due will be calculated at the time the reserved matters application is submitted.

4. Informative: This permission is subject to a legal agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated ## ## relating to contributions towards biodiversity enhancement and gains

**Application Reference:** P/FUL/2022/02394

**Application Site:** Holton Heath Garage, Wareham Road, Holton Heath, Poole, BH16 6JW

**Proposal:** Removal of existing canopy, supply and fit of new canopy, fuel dispensers and islands, and new offset fillers

**Recommendation:** GRANT planning permission subject to conditions.

**Decision: GRANTED 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 2022/290/014c, Block Plan 2022/290/013c, Proposed Site Plan – New canopy 2022/290/010a, Proposed North and South Elevations – New Canopy 2022/290/011a, Proposed East and West Elevations – New Canopy 2022/290/012a.

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

3. Prior to the commencement of any development hereby approved, full details of hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include: means of boundary enclosures/treatments, hard surfacing materials, minor artefacts and structures (e.g. furniture, signs, refuse and other storage units), proposed and

existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc), and a soft landscaping and planting scheme. The development shall be carried out in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

4. Prior to the commencement of development, details and samples of all external facing materials and finishes shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall proceed in accordance with such materials and finishes as have been agreed.

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

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

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

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

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

6. Prior to the commencement of 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.

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

7. The premises shall only be used for the purposes hereby permitted between the hours of 6am and 11pm.

Reason: To safeguard the character and amenity of the area and living conditions of any surrounding residential properties.

8. Deliveries shall only be taken at the site between the hours of 6am to 11pm.

Reason: To protect nearby residential accommodation from excessive noise at night-time.

9. No flood lighting or security lighting shall be installed until details of a scheme

to control glare or stray lighting has been submitted to and approved in writing by the local planning authority. The scheme shall include timings of use of the artificial lights, shielding and angle of the head to reduce glare and light intrusion on land that it is not owned by the development as appropriate, and must be located and screened in such a manner that no illumination is directed towards the adjoining highway. Thereafter the lighting shall be installed, operated and maintained in accordance with the agreed details.

Reason: To protect visual amenities, avoid nuisance to adjoining properties and to ensure that drivers aren't dazzled or distracted by the light.

10. Before the development is utilised the turning/manoeuvring and parking shown on the submitted plans must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

11. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). Should any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. Remediation shall be carried out in accordance with the approved scheme and on completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

#### Informative Notes:

1. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at [dorsethighways@dorsetcouncil.gov.uk](mailto:dorsethighways@dorsetcouncil.gov.uk), or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.

2. A Petrol Vapour Recovery Permit may be required for the use of the site. A Part B Application – Petrol Station can be made via the following link: <https://www.gov.uk/government/publications/application-for-an-environmentalpermit-part-b1-standard-facilities-permit> - GOV.UK ([www.gov.uk](http://www.gov.uk))

3. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.

4. The application relates to above surface works only and any changes / replacement / new fuel tanks will require separate consent.

5. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

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

In this case:

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



## **A Guide to Public Speaking at Planning Committee**

All members of the public are welcome to attend formal meetings of Planning Committees to listen to the debate and the decisions being taken.

If you have written to the Council during the consultation period about an application that is to be considered by the committee, any relevant planning or rights of way issues raised in your letter will be appraised by the case officer and summarised within the committee report. You will also receive a letter informing you of the committee date and inviting you to attend the meeting.

The agenda for the meeting is normally published five working days before the committee date and is available to view on the council's website at <https://moderngov.dorsetcouncil.gov.uk/mgListCommittees.aspx?bcr=1> or via the Modern.gov app which is free to download.

You can also track progress of a planning application by visiting the council's website at <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning/planning-application-search-and-comment.aspx>. Alternatively you can contact a member of the Democratic Services Team on 01305 251010 or email [megan.r.rochester@dorsetcouncil.gov.uk](mailto:megan.r.rochester@dorsetcouncil.gov.uk) for Eastern Area Planning Committee, [megan.r.rochester@dorsetcouncil.gov.uk](mailto:megan.r.rochester@dorsetcouncil.gov.uk) for Northern Area Planning Committee [elaine.tibble@dorsetcouncil.gov.uk](mailto:elaine.tibble@dorsetcouncil.gov.uk) for Western and Southern Area Planning Committee and [elaine.tibble@dorsetcouncil.gov.uk](mailto:elaine.tibble@dorsetcouncil.gov.uk) for Strategic and Technical Planning Committee. They will be able to advise you on whether an application will be considered by a committee meeting.

Formal meetings are open to the press and the public and during the meeting you may come and go as you wish. Please keep disruption to a minimum to allow the business to be conducted smoothly. Members of the press and public will normally only be asked to leave the meeting if confidential/exempt items are to be considered by the committee.

Members of the committee and the public have access to individual representation letters received in respect of planning applications and rights of way matters in advance of the meeting. It is important to note that any comments received from the public cannot be treated as confidential.

### **How do I register to speak?**

Planning committee meetings are held in public but they are not a public meeting; as a result you need to register to speak as below.

The first three members of the public, including any community or amenity group, who register to speak, for and against the application, including the applicant or their representative (maximum six in total) will be invited to address the committee. If the applicant or their representative registers to speak, then only the first two members of the public who wish to speak for the application may address the Committee. MPs need to register in the same way and will count as one of the six speakers.

If you wish to address the committee at the planning meeting it is essential that you contact the Democratic Services Team on 01305 251010 or email addresses set out above before 8.30am at least two clear working days before the meeting. If you do not register to speak, you will not normally be invited to address the committee. When contacting the Democratic Services Team you should advise which application you wish to speak on, whether you are objecting or supporting the application and provide your name and contact details.

### **The Member who chairs Planning Committee**

Ultimately the Chairman of the Planning Committee retains the power to determine how best to conduct a meeting. The processes identified below are therefore always subject to the discretion of the Chairman.

### **What will happen at the meeting and how long can I speak for?**

The Chairman will invite those who have registered to speak to address the committee. Each speaker will have up to **three** minutes each to address the committee.

When addressing the committee members of the public should:

- keep observations brief and relevant;
- speak slowly and clearly;
- for rights of way matters, limit views to those relevant to the legal tests under consideration;
- for planning matters limit views to relevant planning issues such as:
  - the impact of the development on the character of the area;
  - external design, appearance and layout;
  - impact of the development on neighbouring properties;
  - highway safety;
  - planning policy and government guidance.
  
- avoid referring to issues such as safety, maintenance and suitability for rights of way definitive map modification matters, as they cannot be taken into account;
- avoid referring to matters, which are not relevant to planning considerations, such as:

- trade objections from potential competitors;
  - personal comments about the applicant;
  - the developer’s motives;
  - moral arguments;
  - matters covered by other areas of law;
  - boundary disputes or other private property rights (including restrictive covenants).
- remember you are making a statement in public: please be sure that what you say is not slanderous, defamatory or abusive in any way.

### **Can I provide handouts or use visual aids?**

No. Letters and photographs, or any other items must not be distributed at the meeting. These must be provided with your written representations during the consultation period in order to allow time to assess the validity, or otherwise, of the points being raised. To ensure fairness to all parties, everyone needs to have the opportunity to consider any such information in advance to ensure that any decision is reasonably taken and to avoid potential challenge.

### **What happens at the Committee?**

After formal business such as declarations of interest and signing of minutes the meeting moves on to planning applications.

- The planning / rights of way officer will present the application including any updates.
- The Chairman will invite those who have registered to speak to address the committee and each speaker is allocated a maximum of three minutes.
- The applicant or their representative will be allowed up to three minutes speaking time in total between them both.
- The order of speaking will normally be: individual members of the public and groups; the applicant or their representative and then; parish/town council representative. Any such group or council will normally be given one three minute slot each for any representations to be made on its behalf.
- If one or more of the relevant Dorset Council Ward Members wishes to address the committee, they will each be allowed three minutes to do so.
- Neither the objectors or supporters will normally be questioned. However, the Chairman may ask questions to clarify a point of fact in very exceptional circumstances.
- Public participation then ends and the committee will enter into the decision

making phase. During this part of the meeting only members of the committee and officers may take part.

- The Chairman of the Committee has discretion over how this protocol will be applied and has absolute discretion over who can speak at the meeting.

You should not lobby members of the committee or officers immediately prior to or during the committee meeting. Members of the public should also be aware that members of the committee are not able to come to a view about a proposal in advance of the meeting because if they do so it may invalidate their ability to vote on a proposal. Equally any communication with members of the committee during the meeting is to be avoided as this affects their ability to concentrate on the matters being presented at that time.

You should note that the council has various rules and protocols relating to the live recording of meetings.

### **What happens after the Committee?**

The minutes, which are the formal record of the meeting, will be published after the meeting and available to view in electronic and paper format, as a matter of public record, for a minimum of six years following the date of the meeting.

Please note that if you attend a committee meeting and make oral representations to the committee, your name, together with a summary of your comments will be included in the minutes of the meeting.

<b>Reference No:</b> P/FUL/2022/05149
<b>Proposal:</b> The creation of intertidal habitat and restricted tidal exchange shallow saltwater lagoons, through managed realignment involving selective breaching of existing tidal embankments. The provision of new set-back earth embankments, including the provision of flapped surface water outfalls, tidal exchange culverts, and an improved channel and outfall for the Furzebrook Stream. The formation of permissive footpaths and screens for public to view birds from, maintenance access tracks and the provision of associated gates, fences and boundary treatment works.
<b>Address:</b> The Moors at Arne East of the community of Ridge and North of Arne Road
<b>Recommendation:</b> Grant
<b>Case Officer:</b> Naomi Shinkins
<b>Ward Members:</b> Cllr Ezzard, Cllr Holloway
<b>CIL Liable:</b> n/a

<b>Fee Paid:</b>	£2028.00		
<b>Publicity expiry date:</b>	23 September 2022	<b>Officer site visit date:</b>	April and September 2022
<b>Decision due date:</b>	18 November 2022	<b>Ext(s) of time:</b>	18 January 2022
<b>Where Scheme of Delegation consultation required under constitution:</b>			
<b>SoD Constitutional trigger:</b>	Referred to Planning Committee by the Head of Service		
<b>Nominated officer agreement to delegated decision</b>	<b>Date agreed:</b>	29/11/2022	

**1.0** The application has been referred to committee by the nominated officer having gone through the Council's Scheme of Delegation Process.

**2.0 Summary of recommendation:**

- 2.1 A) GRANT subject to conditions and legal agreement
- B) REFUSE if legal agreement is not secured

**3.0 Reason for recommendation:**

A):

- Principle of development is acceptable in the countryside location and surrounding context.
- Proposal is acceptable in its design and visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity that would warrant refusal.
- The proposal would not have an adverse impact on road safety and the on-site parking provision is acceptable.
- The proposal would provide appropriate mitigation and compensation for its impact on biodiversity and biodiversity enhancement would be provided.
- The proposal would not result in offsite flood risk.
- Other issues raised by consultees and neighbours have been assessed and there are not any which would warrant refusal of the application.

B):

- The proposal has failed to secure appropriate mitigation and compensation for its impact on biodiversity and biodiversity enhancement.

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable
Scale, design, impact on character and appearance	Acceptable – subject to condition
Impact on amenity	Acceptable – subject to condition
Impact on road safety & parking provision	Acceptable – subject to condition
Impact on biodiversity	Acceptable- – subject to condition and securing compensation via S106
Impact on Trees	Acceptable - subject to condition
Flood Risk	Acceptable - subject to condition

#### 5.0 Description of Site

- 5.1 The application site is located at the Moors at Arne, near Wareham in Dorset. The total area of the Site is approximately 200ha and extends from Ridge Wharf and the River Frome to the west to Bank Gate Cottages to the east.
- 5.2 The nearest residential properties are Ridge Farm and the community of Ridge immediately southwest of the Site, and Bank Gate Cottages to the east of the Site boundary. The southern boundary of the Site is marked by the Arne Road that runs from the community of Ridge towards the Arne peninsula. The northern perimeter of the Site is bounded by an existing earth tidal embankment along the mudflats bordering the Wareham Channel.
- 5.3 The western Site boundary is formed by another existing earth tidal embankment present alongside the River Frome, and the Ridge Wharf Boatyard and Causeway.

- 5.4 The Site is currently predominantly grassland (grazing marsh) habitat, dissected by an extensive network of drainage ditches which were historically constructed to drain the land and make it suitable for pasture. Most of the ditch network on the Site drains to an outfall sluice in the northern tidal embankment at Turner's Cove and discharges into Poole Harbour.
- 5.5 The Furzebrook is the primary watercourse feeding the land drainage network on the Site. Although parts of the north western area of the Site drain to the Ridge Wharf Sluice.
- 5.6 The Site is mostly owned and managed by the Royal Society for Protection of Birds (RSPB) for conservation purposes and is grazed and cut for hay in the summer months. Sunnyside Farm, which forms part of the site is owned by Natural England. There is currently no public access (in the form of public rights of way) to the Site, although the National Cycle Route 2 runs along Arne Road. The majority of the Site is covered by multiple statutory nature conservation and landscape designations, as set out in the constraints section of this report.

## **6.0 Background and Description of Development**

- 6.1 The Environment Agency is seeking to create a new coastal habitat on the Arne Moors. The need to provide a new habitat is necessitated by the 2014 Poole Harbour and Wareham Flood and Coastal Erosion Risk Management Strategy, which recommends a "Hold the Line" policy for many parts of Poole Harbour in order to prevent homes and property from being flooded and from erosion.
- 6.2 As a result of this policy, a significant amount of intertidal habitat will be lost, as rising sea levels will destroy the existing habitats and new replacement habitats will not be formed due to the active intervention of the "hold the line" policy, preventing erosion that would form new intertidal habitats replacing those lost by the rising sea levels. Much of the intertidal habitats are protected by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations) and the regulations therefore require compensation for the lost habitats. The Strategy identified the need for 44 ha of legally required compensatory intertidal habitat by 2030, rising to up to 86 ha by 2060 (cumulative) and 300 ha by 2110 (cumulative). If this compensatory habitat is not provided, the works to hold the line elsewhere in the harbour cannot proceed, and this will lead to the eventual flooding of property.
- 6.3 The Department for Environment, Food and Rural Affairs (Defra) has made the Environment Agency responsible for delivering the compensatory habitat. Arne Moors has been identified as being a site with the potential to deliver the compensatory habitat required.
- 6.4 The proposal is to form approximately 78ha of intertidal habitat and 35ha of saline lagoon habitat on Arne Moors. This will be achieved by forming three breaches in the existing tidal walls. To protect land beyond the site from being flooded, new embankments will be formed. The majority of the habitats will be salt marsh, mud flats and reed beds. Two saline lagoons will be formed using embankments at the western end of the site, these will have a footprint of approximately 35ha between them. Tidal flow in and out of the lagoons will be restricted to form permanent pools.

The lagoons are designed to compensate for some of the loss to the existing habitat (which is designated as a Site of Special scientific interest (SSSI), Special Protection Area (SPA) and Ramsar land). The lagoons will provide high tide roost functionality and feeding grounds for the birds that currently frequent the site. Drainage outlets will be installed in the embankments to ensure that water draining from the surrounding land can still continue to do so, preventing new areas prone to flooding being formed. Land to the west of the embankment, the existing freshwater habitats, will be enhanced to improve their quality in order to compensate to a degree the lost habitat caused by the proposed works. As part of the scheme, it is proposed to form a footpath from the existing car park at Sunnyside Farm to the southern part of the site in order to allow visitors to the site in a controlled manner.

6.3 A summary of the proposed development is as follows:

	<b>Proposed</b>
<b>Site Area (ha)</b>	200 ha
<b>Existing Use</b>	Falls outside a defined use class (Sui Generis)
<b>Proposed Use</b>	Sui Generis
<b>Existing habitat</b>	Grassland
<b>Proposed habitat</b>	78ha Intertidal (salt marsh), 35ha saline lagoon, 87ha grassland retained and enhanced
<b>Proposed features</b>	Embankments, tidal lagoons, drainage outlets, existing fresh water habitats enhanced, footpaths, maintenance access, viewing points, fencing
<b>Approximate Height of embankments</b>	Up to 2.7m AOD
<b>Parking Spaces</b>	Approx 15 existing spaces at Sunnyside car park 2 new disabled spaces adjacent to Arne Road

6.4 A summary of engineering works includes:

- Excavations to create proto-channels and internal creeks.
- Excavations to create the realigned flood embankment using material excavated on-site from up to 14 'borrow pits'.
- Construction of outfalls in the embankments to convey freshwater flows into the intertidal areas, to convey freshwater flows into Poole Harbour and to prevent seawater from passing through the embankment.
- Engineering works to create embankments for two saline lagoons with artificial islands.
- Construction of lagoon water inlet, outlet and exchange structures.
- Excavations to breach the existing tidal embankments in three locations.
- New areas of habitat creation, retention of existing high value habitat and proposals for management, conservation and enhancement, tree and shrub planting.
- Realignment and re-naturalisation of the Furzebrook Stream.

- Infilling of ditches and excavation of new ditches.
- Provision of maintenance vehicle access track and permissive public access routes with viewpoints.

## 7.0 Relevant Planning History

7.1 A number of planning applications exist for areas surrounding the site, including works related to oil drilling. The following applications are considered relevant to this application, which include applications related to Sunnyside Car park:

6/1997/0674 - Decision: GRA - Decision Date: 01/12/1997  
Works to meadows to allow control of water levels.

6/2002/0070 - Decision: REF - Decision Date: 05/03/2002  
Works to form visitors car park including improved access, vehicle pull-in, traffic flow plates and height restriction. Upgrade former tramway track and erect visitor shelter/hide.

6/2002/0439 - Decision: GRA - Decision Date: 28/06/2002  
Works to form visitors car park including improved access, vehicle pull-in and traffic flow plates. Upgrade former tramway track and erect visitor shelter/hide. Erect National Nature Reserve signs.

6/2013/0059 - Decision: GRA - Decision Date: 14/03/2013  
Relocate existing car park & demolish existing agricultural building & erect new agricultural building. Form new vehicular access.

EA2/2019/0001 - Decision: E3 - Decision Date: 11/09/2019  
EIA Scoping Opinion - the Moors at Arne Coastal Habitat Creation Scheme with related earthworks near Ridge, Wareham & associated Freshwater Habitat Creation works at East Stoke

## 8.0 Constraints:

8.1 Given the location and nature of the site there are a number of existing constraints:

- Within 400m of a SSSI heathland
- Within 500m of Ancient Woodland
- Within the Dorset AONB (Purbeck)
- European Designation - Dorset Heathland
- River/coastal flooding - Flood Zone 2 and 3
- Within the Purbeck Heritage Coast
- Within a Historic Flood Zone
- Within the Mineral Safeguarding Area.
- River Catchment - Frome (Dors.Lower)
- Within a SSSI The Moors

- Within 2km of a Special Area of Conservation (SAC) and Environmental Impact Assessment Regs (EIA) apply
- Within the Ball Clay Consultation Area
- Wildlife Present: S41 - Grass Snake ; Scarce Reptile ; Slow-worm ; Common Lizard ; moth; flowering plant ; Canadian Waterweed ; butterfly ; fungus ; Sika Deer ; Eastern Grey Squirrel ; moss ; Brown-tail ; Willow Ermine ; an ermine moth ; Bird-cherry Ermine ; orthopteran ; S41 - bird ; Canada Goose ; bat ; true fly (Diptera) ; Adder ; Bat Roosts : SY98/BR 0029 - Arne, Arne Road.
- An ordinary watercourse crosses this site
- Surface water flooding - annual flood risk equivalent to Flood Risk Zone 1, 2 and 3
- This property is within the Poole Harbour Special Protection Area
- Future tidal flooding - annual flood risk equivalent to Flood Risk Zone 3
- Low lying areas around the edges of Poole Harbour which is positioned close to the land at risk from future tidal flooding
- All water courses other than main rivers
- Within the Poole Harbour SSSI
- Within a Ramsar site
- Within the Nitrate Catchment Area

## 9.0 Consultations

9.1 The application was advertised by means of site notices and a press advertisement.

87 members of the public have submitted representations, 49 letters in support, 3 comments and 35 raising concerns or objecting to the proposal on the following grounds (summary only, full comments available online):

- Comments of support:
  - Support but some concerns regarding silting of the river and queries what remedial action will take place
  - Important protected site which needs protecting
  - Required to restore lost habitats
  - Wetlands are excellent sequesters of CO2
  - Considered to be no threat to surrounding properties
  - Vital project for Poole Harbour wildlife
  - Excellent response to sea levels rising
  - The area will be enhanced
  - Considered to prevent fracking in the area
  - Current embankments will not stand forever
  - Historically large vehicles have used the roads previously
  - Permissive paths will be a local benefit
  - Will provide new habitats for nesting birds
  - New embankments will provide additional flood risk defence
  - Impacts on wildlife, economy and neighbours are minimised
  - The UK is nature depleted and this project will help address an imbalance
  - Will improve ecotourism in the area
  - Considered to help improve flood risk to the area
  - Will provide improvements to freshwater habitats on the site

- Will improve surroundings of adjacent heathlands
- Realignment is required and there is an obligation to carry this out
- Dorset Council have declared a climate emergency and this project aligns with this
- Well researched and evidenced application that is required
- Concerns raised include:
  - Potential flooding to neighbouring properties
  - Flood risk dependent on drainage maintenance
  - Existing embankments will not be maintained and should be
  - Requires expert input to assess
  - Loss of open countryside and amenity
  - Negative impact on existing highways as result of large vehicles and increased traffic
  - Insufficient parking
  - Negative impact on existing wildlife and ecology
  - Potential silting of the lower reaches of the Frome and Wareham Channel
  - Lack of commitment to remedy silt issues
  - Negative impact on tidal flow
  - Negative impact on leisure activities such as sailing
  - Negative impact on local businesses associated with boating
  - Negative impact as a result of existing banks being breached and not being maintained
  - Consent should require dredging conditions to maintain channels
  - Already sufficient intertidal habitat in Poole Harbour
  - Borehole sampling carried out to date is too limited
  - Modelling submitted is flawed - correct water flows for Ridge have not been used
  - Part of the site has not been looked at
  - Insufficient parking provided
  - No permissive access via Ridge Farm
  - Western Bank will have a negative on the adjacent yacht club
  - Negative impact in terms of noise on the adjacent Ridge Farm campsite
  - Public money wasted
  - No point in fighting nature
  - Increase in biting insects
  - Odour issues related to intertidal habitats
  - Are flood mitigation measures and infrastructure fit for purpose?
  - Impact on protected trees
  - Proposed hours of construction unacceptable
  - Concerns regarding proposed construction routes and suggestion to use the disused tramway as an alternative
  - Benefits are outweighed by adverse effects
  - Sufficient monitoring is required
  - Navigational hazards during construction
  - Changes to tidal regime
  - The site could become an algal-mat area instead of inter-tidal habitat
  - Revised FRA is insufficient and incorrect

A petition signed by 24 residents was also received raising concerns regarding construction traffic in particular highways safety, impact on road surfacing, impact on protected trees, damage to properties due to noise and vibration.

9.2 The following consultees have also commented on the application (extensive comments are in summary only, full comments available online):

### 9.2.1 Arne Parish Council

<p><b>Initial submission</b></p>	<p><b>Comments</b></p> <p>Should Dorset Council be minded to grant permission to this proposal the following conditions should be included to address the concerns raised by the residents:</p> <ol style="list-style-type: none"> <li>1. An Emergency Plan is provided in the event that a serious flooding incident should threaten the area and that appropriate training has been given for its implementation.</li> <li>2. Contact details should be provided listing the contact details of the person(s) in charge at the site during the construction stage and following the completion of the works when the scheme is in operation.</li> <li>3. The plan for the maintenance of the site and the flood warning service they will operate should be provided prior to the completion of the scheme and provided to the local planning authority and Arne Parish Council.</li> <li>4. The Furzebrook flap valves should be monitored by telemetry.</li> <li>5. That in the event that the Furzebrook valves fail machinery is available to access and clear the site.</li> <li>6. That during the construction stage there is a record of communication between the contractors and the Environmental Agency showing clear acknowledgement of where responsibility lies.</li> <li>7. That during the construction and upon completion of the scheme details of the Managers of the site are provided so that residents and the Parish Council have contact details to report any matters of urgency that may arise.</li> <li>8. That the Environmental Agency be required to monitor the area beyond Arne Moor in the interests of public interest and safety until 2030.</li> </ol>
<p><b>Response to additional info</b></p>	<p><b>Comments</b></p> <p>Arne Parish Council have discussed the details provided with the amended plans and welcomes the positive response to the Parish Council's previous comments.</p> <p>However, with Regard to Item 6 (The Furzebrook Flap Valves) the Parish Council remains of the opinion that monitoring by</p>

	Telemetry should remain a condition to monitor the outfall in the interests of protecting nearby property.
--	--

### 9.2.2 Dorset Council Highways

<b>Initial submission</b>	<p><b>Comments</b></p> <p>No objection in principle but further information required regarding disabled parking, informal crossing and passing bays.</p>
<b>Response to additional info</b>	<p><b>No Objection</b></p> <p>Chapter 11 of the submitted Environmental Statement (ES) assessed the potential impact of the proposal's likely traffic generation upon the local highway network during both the construction and operational phases of the project. The Highway Authority considers that the submitted information 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.</p> <p>No objection, subject to conditions in relation to passing places, parking and construction traffic management.</p>

### 9.2.3 Dorset Council Trees

<b>Initial submission</b>	<p><b>No objection, subject to condition</b></p> <p>The areas of mature woodland (mainly oak &amp; birch) are mainly to the southern margin of the site. It is understood that to construct the proposed embankments within the proposed intertidal area, the loss of sections of mature tree belts/ hedgerows/ hedgerow trees is unavoidable.</p> <p>Given the nature of the site and proposals it is noted that potential tree planting sites are limited. New areas of tree/vegetation planting are proposed around the southern edge of the site to mitigate for the tree loss. It is assumed that the pre-app advice, which included input from the AONB Management Team, as follows "..... some compensatory tree planting may be provided in the area in which the compound would be situated (a field at the southwestern periphery of the site). This would have the dual benefit of offsetting some of the lost trees and also improving the level of screening to the site, therefore reducing its visual impact on the site." has been taken on board and that the planting is as shown circled red on the attached Final Landscape Masterplan.</p>
---------------------------	---

	Hence, if minded to grant consent it would be appropriate to impose a tree protection condition
<b>Response to additional info</b>	N/A Officer note: Natural England requested tree planting within the SAC removed and the Tree Officer has raised no objection to this.

#### 9.2.4 Dorset Council Natural Environment Team (NET)

<b>Initial submission</b>	<b>Comments</b>  It would have been desirable to see some field survey to provide up-to-date baseline locations of breeding and wintering birds and habitats used, against which future monitoring would have been more meaningful. However, it is acknowledged that this is likely to change over time as features and different habitat types develop as well as changes in visitor disturbance become more evident.  Further habitat loss and gain information required.  Further disturbance information required.  Further sand lizard information required, which can be conditioned.
<b>Response to additional info</b>	LEMP to be conditioned Sand lizards to be conditioned Compensation payment to be secured via S106 agreement

#### 9.2.5 Natural England

<b>Initial submission</b>	<b>No objection, subject to condition and clarification of points raised</b>  -Proposed trees within the SAC to be removed -NET gain and compensation information to be clarified and reviewed by the LPA -Recreational impacts to be reviewed and considered by the LPA -Monitoring strategy to be agreed in principle and secured by condition -Method statement in relation to sand lizards to be agreed in principle and secured by condition -Botanical survey condition required -Construction Environmental Management Plan condition required
---------------------------	---

<b>Response to additional info</b>	N/A
------------------------------------	-----

### 9.2.6 Dorset Council Landscape

<b>Initial submission</b>	<p><b>No objection</b></p> <p>The construction period over three years will be comparatively intrusive to the existing situation with some moderate adverse landscape and visual effects brought about by uncharacteristic and urbanising features such as the compound, construction vehicles and equipment. The change to the Valley pasture LCA is reported as having a major adverse significance of residual impact after the mitigation in the construction phase. However, post completion this changes to <i>moderate beneficial</i> in the long term.</p> <p>The physical change of landscape character will bring about wider environmental benefits and remain a naturalistic landscape appropriate to the place.</p> <p>The LVIA findings post completion for the short-term report negligible to mostly minor beneficial landscape effects. There are no significant or major landscape or visual effects reported after mitigation measures are applied.</p> <p>Long term post 15 year completion, the significance of effects are reported as having <i>moderate beneficial</i> significance of landscape effects and <i>negligible or minor beneficial</i> visual effects. Based on the information submitted I broadly support these conclusions and the application.</p>
<b>Response to additional info</b>	<p>N/A</p> <p>[Officer note: Natural England requested tree planting within the SAC removed and the Landscape Officer has raised no objection to this.]</p>

### 9.2.7 AONB

<b>Initial submission</b>	<p><b>No objection</b></p> <p>The AONB Team defers to input from Natural England concerning landscape and ecological impacts. The AONB's special qualities include nationally and internationally important wildlife sites and long-term outcomes of this project have the potential to contribute to these designated habitats. The proposed changes, whilst foreseeably resulting in some notable disturbance during the construction phase, are not considered to</p>
---------------------------	--

	result in significant long-term adverse impacts upon natural beauty. Overall, the short-term impacts and resultant physical transformation of the landscape of the site may be considered to be positively counterbalanced by the outputs of the project. In this respect, the Team broadly concurs with the findings of the applicant's LVIA.
<b>Response to additional info</b>	N/A [Officer note: Natural England requested tree planting within the SAC removed and the AONB Officer has raised no objection to this.]

### 9.2.8 Dorset Council Archaeology

<b>Initial submission</b>	<b>Comments</b> No objection in principle but subject to amendments to Written Scheme of Investigations (WSI) and subject to condition securing the WSI
<b>Response to additional info</b>	<b>No objection</b> Amendments to Written Scheme of Investigations (WSI) is acceptable and should be conditioned

### 9.2.9 Historic England

<b>Initial submission</b>	<b>No objection</b> We agree with the advice of your Archaeological Advisor, Steve Wallis that changes and updates to the Written Scheme of Investigation (WSI) can be dealt with through an appropriately worded condition. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 194, 190 & 205.
<b>Response to additional info</b>	<b>No objection</b> Amendments to Written Scheme of Investigations (WSI) is acceptable and should be conditioned

### 9.2.10 Dorset Council Public Health

<b>Initial submission</b>	<b>Comments</b>
---------------------------	-----------------

	<p>Accept the findings in the Environmental Statement Chapter 10 (Noise) subject to a compliance condition, however further information required in relation to noise impact on adjacent campsite.</p> <p>Contaminated land matters are subject to comments to be provided by WPA Contaminated Land Consultants. However reporting of unexpected contamination condition is required.</p>
<b>Response to additional info</b>	<p><b>No objection</b></p> <p>Proposed noise mitigation adjacent to campsite acceptable subject to conditions securing mitigation and hours of work</p>

### 9.2.11 WPA (Contaminated Land Consultant)

<b>Initial submission</b>	<p><b>No objection, subject to condition</b></p> <p>The preparation of a Phase 1 desktop site investigation that prepares a preliminary site conceptual model of ALL potential contaminant linkages is recommended so that requirements for further invasive investigation and the updating of risk assessment through a developed site conceptual model can be facilitated. This will lead to a more informed process of remediation and integration of the contamination issues with a CEMP and Materials management plan. Currently the documentation appears to attend to matters regulated by the Environment Agency with those regulated by Environmental Health, such as the overall consideration of contamination (and especially human health risk assessment), missing in the bundle.</p>
<b>Response to additional info</b>	N/A

### 9.2.12 Marine Management Organisation

<b>Initial submission</b>	<p><b>Comments</b></p> <p>Works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.</p>
<b>Response to additional info</b>	N/A

**9.2.13 Dorset Council Minerals and Waste**

<b>Initial submission</b>	<p><b>No objection</b></p> <p>The site lies within the Ball Clay safeguarding area, and also within the Sand and Gravel safeguarding area. Although ball clay is a nationally important mineral, the Mineral Planning Authority consider that it is highly unlikely that consent would be granted to extract minerals in this area due to the presence of environmental designations.</p> <p>Having taken these various factors into consideration, the Mineral Planning Authority can confirm that in this case, on the site identified for this proposal, the mineral safeguarding requirement is waived and no objection will be raised to this proposal on mineral safeguarding grounds.</p>
<b>Response to additional info</b>	N/A

**9.2.14 Dorset Council Lead Flood Authority**

<b>Initial submission</b>	<p><b>No objection</b></p> <p>The Lead Local Flood Authority (LLFA) are not statutory consultees for Fluvial/Tidal Flood Risk - the EA are. And therefore, are not providing comment on Tidal and/or Fluvial flood risk to the site or proposed development.</p> <p>There are ordinary watercourses traversing the site where work to those watercourses is likely to be involved. Land Drainage Consent <u>may</u> be required. Informative required.</p> <p>The proposed development comprises the establishment of intertidal flood zones, and pathways. Due to the proximity of a tidal discharge point. Surface water runoff attenuation or a SuDS strategy is not considered to be necessary. The design of the ecological nature reserve takes into account the movement of water in great detail and therefore it is not considered that a Surface Water Management Plan is required to be submitted to the LLFA as part of the planning application.</p> <p>Section 6.3 of the FRA deals with potential increases in surface water flood risk off-site. A number of potential receptors (existing developments) are identified and assessed. The section concludes with the statement 'It is assessed that the scheme will not have an adverse impact on surface water flood risk to people or property outside of the site.'</p>
---------------------------	--

	<p>Section 6.4 of the FRA deals with potential increases in groundwater flood risk off site. A number of potential receptors (existing developments) are identified and assessed. The section concludes with the statement 'While climate change may affect groundwater flood risk locally, it is not considered that the proposed scheme will affect this.'</p> <p>Appendix F of the FRA includes a number of Technical Notes on Flood Risk. These were prepared circa 2021 and predate the FRA. It appears these technical notes may form the content of the FRA and the conclusions are consistent with the FRA conclusions listed above.</p> <p>The submitted documentation states that the proposed development will not adversely affect surface water or groundwater flood risk to the surrounding properties investigated.</p> <p>Due to the above, we do not object to the proposed development. Recommended conditions from the LLFA are not considered necessary.</p>
<b>Response to additional info</b>	N/A

### 9.2.15 Environment Agency (EA)

<b>Initial submission</b>	<p><b>No objection subject to condition</b></p> <p>Provided the Local Planning Authority (LPA) is satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met, the Environment Agency would have no objection, in principle, to the proposed development, subject to FRA condition.</p>
<b>Response to additional info</b>	N/A

### 9.2.16 Dorset Council Planning Policy

<b>Initial submission</b>	<p><b>Comments</b></p> <p>Complies with shore management policies but some concerns regarding public access to previously inaccessible protected site. Acceptable subject to agreement with NET and NE and conditions in relation to monitoring and management.</p>
---------------------------	---

<b>Response to additional info</b>	N/A
------------------------------------	-----

Other consultations where no response was received:

- Ward Members
- Dorset Council Rights of Way

**Development Plan:  
Adopted Purbeck Local Plan Part 1**

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Christchurch and East Dorset Local Plan and saved policies of the East Dorset Local Plan (2002).

10.2 The following policies are of particular relevance in this case:

- Policy CE: Coastal Erosion
- Policy CO: Countryside
- Policy BIO: Biodiversity and Geodiversity
- Policy DH: Dorset Heaths International Designations
- Policy PH: Poole Harbour
- Policy FR: Flood Risk
- Policy D: Design
- Policy LHH: Landscape, Historic Environment and Heritage
- Policy IAT: Improving Accessibility and Transport

**10.3 Neighbourhood Plans**

Arne Neighbourhood Plan 2018-2034 (made June 2021):

Policy 11: Tourism

Policy 7: Management of Ecological Sites

**10.4 Other Material Considerations**

Emerging Local Plans

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

The Purbeck Local Plan (2018-2034) Submission January 2019 ('the Submitted Draft Purbeck Local Plan') was submitted for examination in January 2019. At the point of assessing this application, examination of the Submitted Draft Purbeck Local Plan is ongoing, hearing sessions and consultation on Proposed Main Modifications and additional consultation on Further Proposed Main Modifications having been undertaken and a further public hearing session held on 19 July 2022. Updates on the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, Dorset Council and other interested parties) are published on Dorset Council website ([www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck-local-plan/purbeck-local-plan-latest-news](http://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck-local-plan/purbeck-local-plan-latest-news)).

Having regard to the plan's progress through the examination and Dorset Council's position following consultation on the Proposed Main Modifications and the Further Proposed Main Modifications, at this stage only limited weight should be given to the Emerging Draft Purbeck Local Plan.

In the preparation of this report, account has been taken of the following draft policies of the Emerging Draft Purbeck Local Plan, but for the reasons set out above these policies should be accorded little weight in the determination of the application:

- E1: Landscape
- E2: Historic Environment
- E4: Assessing flood risk
- E6: Coastal Change Management Areas
- E8: Dorset Heathlands
- E9: Poole Harbour
- E10: Biodiversity and geodiversity
- E12: Design
- I2: Improving accessibility and transport

Supplementary Planning Document/Guidance

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Nitrogen Reduction in Poole Harbour SPD Adopted

Consultation Report - Nitrogen Reduction in Poole Harbour SPD

Consultation Statement - Nitrogen Reduction in Poole Harbour SPD

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

Supplementary Planning Documents/Guidance for Purbeck Area:

Poole Harbour Recreation 2019-2024 SPD

National Planning Policy Framework:

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.

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 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). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 173). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

### National Planning Practice Guidance

10.5 Other non-planning policy and guidance which are material considerations for the Project include:

- National Flood and Coastal Erosion Risk Management Strategy for England (2020)
- Poole and Christchurch Bays Shoreline Management Plan 2 (2011) (SMP2)
- Poole Harbour and Wareham Flood and Coastal Erosion Risk Management Strategy (2014)

### **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 proposal will provide public access including disabled parking and access. No disadvantage to persons with protected characteristics is anticipated.

### 13.0 Financial benefits

What	Amount / value
<b>Material Considerations</b>	
Biodiversity Compensation Payment	£551,780
<b>Non Material Considerations</b>	
Community Infrastructure Levy (CIL)	N/A
Estimated annual council tax benefit	N/A
Estimated annual New Homes Bonus per residential unit (for first 4 years)	N/A

### 14.0 Climate Implications

14.1 While the proposed will result in the loss of some grassland habitat it will result in the creation of a new intertidal habitat and enhanced existing fresh water habitat in order to address the loss of intertidal habitat as a result of the 'hold the line' policy for Poole Harbour. The creation of new intertidal habitat, enhancement of existing habitat and financial compensation that will be used for biodiversity projects, is considered to outweigh the loss of grassland habitat in terms of climate change implications.

### 15.0 Planning Assessment

15.1 The main issues relation to this application are considered to be:

- Environmental Impact Assessment (EIA) Regulations
- Principle of Development
- Design and Appearance
- Landscape and Visual Impact
  - o AONB
  - o Impact on the character of the area
- Trees
- History and Archaeology
- Land Contamination
- Highway Impact
- Flood Risk
- Local Amenity
  - o Flood risk
  - o Noise
- Biodiversity and Ecology

#### 15.2 EIA

15.2.1 An EIA Scoping Opinion was provided on 11th November 2019. The following have been submitted as part of the application as required under Environmental Impact Assessment Regulations:

- Biodiversity, Flora and Fauna

- Communities (including Noise), Health,
- Cultural Heritage and Archaeology
- Landscape and Visual Environment
- Marine Ecology and Fisheries
- Noise
- Traffic
- Water (incorporating surface water, hydrogeology/soils and coastal processes)
- Cumulative Effects Assessment.
- Appendices, including:
  - an Environmental Action Plan
  - Report to Inform Habitats Regulations Assessment Stage 1
  - Screening and Stage 2 Appropriate Assessment
  - Flood Risk Assessment
  - Flood Risk Technical Note

15.2.2 The EIA Officer has been consulted and has confirmed the submitted EIA meets the requirements of the EIA regulations.

### **15.3 Principle of Development**

15.3.1 The site is in a coastal location and is within 400m of the coastline meaning policy CE of the adopted Purbeck Local Plan applies. The proposal seeks to amend the coastline through managed realignment which is supported by policy CE where managed realignment is supported in this location as included within the Shoreline Management Plan (SMP2).

15.3.2 The site is also situated in the open countryside and Policy CO will be applicable when considering the principle of the development. It is unusual in the sense that the development is to form a new habitat. Nonetheless, as an existing habitat will be lost in order to undertake the works it is considered appropriate to assess the proposal against the policy.

15.3.3 The policy allows for development so long as it does not have a significant adverse impact either individually, or cumulatively on the environment, visually, ecologically, or from traffic movements, where a countryside location is essential.

15.3.4 Although the proposal does not include any additional dwellings or buildings policy CO does highlight that development will need to make a “positive contribution to landscape character and biodiversity and provide mitigation measures for European protected sites”. The applicant has worked closely with Natural England and the Dorset Council Natural

Environment Team (NET) to ensure this requirement from policy CO is met and that negative impacts on the designated site from the proposal including longer term impacts from additional recreation on the site are avoided, as set out later in this report.

- 15.3.5 Third party concerns have been raised there is already sufficient intertidal habitat in Poole Harbour. However, the need for this location has been established by the decision to “hold the line” along much of the coastline of Poole Harbour in order to protect property. The squeezing pressure of the maintenance of coastal defences along with rising sea levels will necessitate the need to provide a replacement habitat for those which will be lost as part of this process.
- 15.3.6 The Environment Agency has worked collaboratively with Natural England to find a site that is suitable to provide the mitigation that is required to allow the coastal management plan to proceed. As such, the countryside location is essential and this particular site has been chosen in conjunction with Natural England to provide the required compensation.
- 15.3.7 Third party concerns have been raised that the proposed would result in the loss of open countryside and amenity. The application site has no existing public access and the proposed development will provide permissive paths in certain areas. While grassland will be lost this will be replaced with intertidal habitat and compensated for as set out later in this report, which is considered acceptable in surrounding context of Poole Harbour and the River Frome.
- 15.3.8 Arne Neighbourhood Plan was adopted in June 2021. The main policies in the Neighbourhood Plan that relate to this proposal include; Policy 7 (Management of Ecological Sites) and Policy 11 (Tourism). Policy 7 supports improvements of visitor access, education and recreation of designated wildlife sites, however proposals must provide evidence that increased movement would not have an adverse impact on the environment. Policy 11 highlights that the parish should be a centre for tourism however this should not be at the detriment of the local environment including landscape and wildlife designations. This matter is dealt with under the ‘Biodiversity’ section of this report.
- 15.3.9 The emerging Purbeck Local Plan is not yet adopted meaning the policies included carry limited weight. The emerging plan highlights the importance of protecting areas designated for environmental conservation. Emerging policy E7 expands the scope of protection for designated sites further to include adverse impacts on nature conservation sites either directly or indirectly within the policy. Preventing direct and indirect impacts is also included within policy E8 which relates to Dorset heathlands. This is relevant due to the proximity of the site to the designated heathland. The proposal which increases recreation on a currently inaccessible site within 400m of a designated heathland would be likely to indirectly impact the designated heathland due to increased recreational activity in the area. Policy E9 in the emerging plan focuses on Poole Harbour and supports the adopted Poole Harbour Recreation SPD. Policy E9 requires proposals to: “avoid or mitigate adverse impacts arising from recreational activity on

Poole Harbour”. Again this matter is dealt with under the ‘Biodiversity’ section of this report.

- 15.3.10 Based on the above the proposed is considered to be in accordance with Policy CE and CO of the development plan and the principle of development acceptable.

## **15.4 Design and Appearance**

- 15.4.1 The proposed design will change part of the application site from grassland to intertidal habitat including saltwater lagoons, earth embankments and alterations to the existing Furzebrook stream. It also includes the formation of permissive footpaths and viewing points, maintenance access tracks, fencing and boundary treatment works. There will be some tree removal and planting of tree and shrub belts as mitigation measures.
- 15.4.2 Submitted documents provide a history of the design development and describes how the design has evolved in response to physical requirements, community engagement and consultation responses over a number of years. Given the nature of development the main physical structures to be provided on site will be the embankments, lagoons, fencing, viewing screens, footways, access tracks and parking.
- 15.4.3 Of these physical additions the embankments are most significant at 4 km in length and up to 2.7m in height at the crest. Submitted drawings show the base of the embankments are up to 26m in width and 5m in width at the crest. The size and height are based on flood risk and access/maintenance requirements. Embankments will be finished in topsoil allowing for grass and vegetation to grow. Access tracks will be finished with self-binding gravel. Proposed embankments will replace existing embankments to be breached. The proposed design is considered acceptable in terms of height, scale and materials based on requirements and aesthetics. Once the proposed development is complete it is considered embankments will form features of the landscape appearance and are acceptable in the surrounding context.
- 15.4.4 A north and south lagoon will form a significant part of the proposed development to the west at 35 ha. Lagoons are contained by the western embankment and the divided by the lagoon embankment. Lagoons will contain habitat islands with grass and shingle finishes to accommodate different species. Lagoons are adjacent to the harbour, river Frome and Ridge Wharf Yacht Centre. Once the proposed development is complete it is considered lagoons will form natural features of the landscape appearance and are acceptable in the surrounding context.
- 15.4.5 Other physical structures include the following:

<b>Structure</b>	<b>Size and materials</b>
Viewpoints (3 viewpoints - southern lagoon embankment, eastern embankment and western embankment)	Existing fencing, cattle proof fencing (1.6m high), timber bird screening (up to 1.95m high)
Pedestrian track	2m wide, self-binding gravel
Vehicle track	5m wide, self-binding gravel
Disabled parking (2 no. adjacent to Arne Road)	Asphalt

Given the modest nature, proposed materials and functional need for the above the proposed are considered acceptable within the context.

15.4.6 In conclusion, the proposed design and appearance is considered acceptable given the functional need and appropriate design. Once completed, the proposed will mostly form natural features within the surrounding coastal and rural context and other proposed man-made features are in keeping with the surrounding context.

15.4.7 Based on the above the proposed is considered to be in accordance with Policy D of the development plan and the proposed design and appearance acceptable.

## **15.5 Landscape and Visual Impact**

15.5.1 The site is within the Dorset AONB and is in a highly protected and highly tranquil valued landscape. The area has a strong landscape character and high landscape sensitivity.

15.5.2 The construction period over three years will be comparatively intrusive to the existing situation with some moderate adverse landscape and visual effects brought about by uncharacteristic and urbanising features such as the compound, construction vehicles and equipment. The change to the Valley pasture Landscape Character Area (LCA) is reported as having a major adverse significance of residual impact after the mitigation in the construction phase. However, post completion this changes to moderate beneficial in the long term.

15.5.3 After construction, areas of the site will change from freshwater and grazing marsh to naturalistic tidal mudflats, wet woodland and freshwater ponds. Managed public access will be enabled through new permissive paths and viewpoints. This physical change of landscape character will bring about wider environmental benefits and remain a naturalistic landscape appropriate to the place.

- 15.5.4 The LVIA findings post completion for the short-term report negligible to mostly minor beneficial landscape effects. There are no significant or major landscape or visual effects reported after mitigation measures are applied.
- 15.5.5 Long term post 15 year completion, the significance of effects are reported as having moderate beneficial significance of landscape effects and negligible or minor beneficial visual effects.
- 15.5.6 Both the Dorset Council Landscape Officer and the AONB Officer have been consulted and both broadly agree with information submitted in and conclusions made within the submitted Landscape Visual Impact Assessment.
- 15.5.7 It is noted the AONB Officer has deferred landscape and ecological matters to Natural England. This matter is dealt with later in detail in this report.
- 15.5.8 The AONB's special qualities include nationally and internationally important wildlife sites and long-term outcomes of this project have the potential to contribute to these designated habitats. The proposed changes, whilst foreseeably resulting in some notable disturbance during the construction phase, are not considered to result in significant long-term adverse impacts upon natural beauty. Overall, the short-term impacts and resultant physical transformation of the landscape of the site may considered to be positively counterbalanced by the outputs of the project.
- 15.5.9 Based on the above the proposed is considered to be in accordance with Policy LHH of the development plan and the visual impact acceptable.

## **15.6 Trees**

- 15.6.1 There are existing trees and vegetation within the site. The areas of mature woodland (mostly oak & birch) are mainly to the southern margin of the site. As a result of the proposed intertidal area, the loss of sections of mature tree belts/ hedgerows/ hedgerow trees within the site is unavoidable. However, this removal and loss is necessary as part of the restoration of the estuarine landscape to its natural, open condition. Third party concerns have been raised regarding the loss of trees.
- 15.6.2 New areas of tree and vegetation planting are proposed around the southern edge of the site to mitigate for the losses of trees and vegetation in the intertidal area. This planting will also provide screening mitigation during construction.
- 15.6.3 The Dorset Council Tree Officer has been consulted and raised no objection to the loss of trees and proposed new planting, subject to a tree protection condition, which has been added to this report.
- 15.6.4 It is noted that tree planting was also proposed to the southern boundary within the SAC area for the benefit of bats. Natural England has asked

that these trees are removed as they are not required and are against the objectives of the SAC. The AONB, Landscape and Tree officers have been consulted on this matter and raised no objection to the removal of the trees within the SAC as screening is not required in this area. Planting outside the SAC that provides screening has been retained. As proposed trees within the SAC are not required for bats or screening, Natural England's request to remove these is considered acceptable and revised plans have been submitted to reflect this.

- 15.6.5 Third party concerns have been raised that protected trees will be damaged by construction traffic. A condition secures tree protection within the site as agreed by the Tree Officer. This planning application cannot control the movements of vehicles on a public highway, however construction routes will form part of the Construction Method Statement which is conditioned in this report.
- 15.6.5 Based on the above the proposed is considered to be in accordance with Policy LHH of the development plan and the proposed loss and replacement of trees is acceptable subject to condition.

## **15.7 Land Contamination**

- 15.7.1 It is noted that there are oil fields in the vicinity of the site, notably to the east of the site. There are also some areas on the site which have been infilled. It is unclear what has been used to infill the site, and there is the possibility that these may have contaminated materials within them. To the immediate west of the site is Ridge Wharf and the site of former ball clay drying pits, alongside the route of the tramway that travelled from ball clay quarries at Creech to Ridge Wharf.
- 15.7.2 Environmental Protection have confirmed that the site and land adjacent to it are not listed on the Council's register for contaminated land. They also confirmed the Council does not hold any information on any private water supplies within 1 km of the site. However, a number of historic potentially contaminative land uses within 250m of the Arne Moors Coastal Habitat have been identified.
- 15.7.3 Dorset Council's contaminated land consultant was consulted and advised whilst there is significant consideration of the Water Framework Directive and the potential impact to the Poole Harbour Water Body from works in the river and associated marshlands, submissions concerning public health during and post development that relate to development activities, and a desktop study concerning ecological considerations, there was no Phase 1 contaminated land assessment that considers human health (in respect to exposure to contaminants in soils and water in respect to residents in the vicinity, visitors and site workers)
- 15.7.4 Whilst the curtilage of the development is not majorly affected by industrial development the area could have had potential impact from Luftwaffe bombing raids during WW2. There is evidence of agricultural land use and man-made drainage schemes across the land that could have mobilised and concentrated agricultural chemicals in soils and at outfalls. Neighbouring areas have also been subject to oil exploration. Across the

river and Wareham Channel there also lies the area of Wareham Town, Sandford, and Holton Heath. Holton Heath alone has a history concerning military activities, cordite production and known contamination of marshland opposite the proposed development.

- 15.7.5 It would not be appropriate for the application to exclude such considerations under the NPPF, and a Phase One desktop study should be completed and submitted so that the process of considering land contamination can be moved forward. A pre-commencement condition has been included to this regard.
- 15.7.6 Based on the above the matter of contaminated is considered acceptable subject to condition.

## **15.8 History and Archaeology**

- 15.8.1 The application site sits within the floodplain of the River Frome. This environment would have provided prehistoric communities access to a wide range of resources and we know that there was early Mesolithic activity just to the north at Bestwall Quarry.
- 15.8.2 Historic England (HE) have advised excavations at Bestwall carried out over a ten-year period, date the site to the early Mesolithic period. Significant finds include microliths and lithic scatters including axes from Cornwall, six Bronze Age round houses and evidence of later Roman and Saxon occupation including graves, cremations, a coin hoard and over 30 kiln structures. Given the significance of the remains identified at Bestwall Quarry and the number of prehistoric burial monuments, many of which are scheduled, in the surrounding landscape, there is potential for this to be a highly significant landscape.
- 15.8.3 There are no designated heritage assets within the application site. However, the trial trench evaluation and palaeoenvironmental assessment has identified several features and useful dating evidence. Most features such as gullies, ditches and circular features found during the phased trial trench evaluation date to the late Iron Age/ Romano British period. The evaluation results support the results of previous investigations in the area and help demonstrate the further potential for Late Iron Age to Romano-British features, with a particular focus on craft industries.
- 15.8.4 The presence of an early Mesolithic peat deposit in the south-west freshwater area of the site is highly significant due to the scarcity of deposits of this date within lowland contexts. The deposit is additionally significant as part of a wider complex of deposits across the site, representing an important regional resource on the physical, vegetation and cultural landscape extending over perhaps 9000 years.
- 15.8.5 The archaeological investigations have highlighted the presence of early exploitation of the landscape with the presence of a single flake of Portland chert believed to be associated with Mesolithic/early Neolithic activity. Combined with the preservation of Mesolithic peat and associated

deposits, such a presence is indicative of the longevity of human interaction with the landscape within which the scheme is proposed. The ring gullies identified also hold significance not only due to the potential for a greater understanding of the economy of the landscape, but the potential to more closely date the features using techniques such as optically stimulated luminescence (OSL) sampling. The results of the evaluation have also shown that the site has the potential to further indicate the way(s) in which humans have interacted with and exploited the landscape not only for salt and pottery production, but methods of landscape management.

- 15.8.6 The application is accompanied by a number of archaeological documents, which reflects the considerable amount of archaeological work that has been undertaken on the site already and the detailed discussions that have taken place on the archaeological implications of the proposed development.
- 15.8.7 Both HE and the Dorset Council County Archaeologist have been consulted and requested amendments to the initially submitted Written Scheme of Investigation (WSI). A revised WSI was submitted and agreed with HE and the County Archaeologist and have raised no objection subject to a condition securing the WSI.
- 15.8.8 Based on the above the proposed is considered to be in accordance with Policy LHH of the development plan and the matter of impact on history and archaeology is acceptable subject to condition.

## **15.9 Highway Impact**

- 15.9.1 The proposed development will require access from the existing public highway at Arne Road for the public by foot and vehicle access for maintenance only. Other elements of the development that will impact highways include proposed parking, construction traffic and construction access.
- 15.9.2 Third party concerns have been raised in relation to highways as follows:  
- Negative impact on existing highways as result increased traffic  
- Insufficient parking  
- Concerns regarding proposed construction routes and impact of construction traffic
- 15.9.3 Public access will be via Arne Road to the south and east where the majority of visitors will park at the existing Sunnyside car park. 2 disabled spaces are proposed off Arne Road to the south also and are to the east of Sunnyside car park. Visitors using the eastern entrance are likely to utilise the existing RSPB car park.
- 15.9.4 The majority of parking relies on existing parking provision. While a limited permissive path and viewing points are provided the proposed development is to primarily become an intertidal reserve and not a tourist destination.

Therefore existing parking is utilised to limit the number of cars which can park to use the facility.

- 15.9.5 While concerns regarding parking are noted the applicant has advised in the operational phase, the upper estimate of 22,000 additional visitors to the Site annually is not predicted to result in a significant increase in traffic volumes on local roads. The combined total for the predicted number of visitors to the Site, with the most recent visitor counts for the RSPB Arne Reserve (100,000 visits estimated) would also still be below the recent historical peak in visitor numbers to the RSPB Arne Reserve experienced in 2017-2018 (140,000 visits estimated).
- 15.9.6 The Dorset Council Highways Officer has been consulted and has raised no objection to the proposed use of existing facilities and the addition of 2 disabled spaces.
- 15.9.7 It is considered the largest changes to volumes of traffic will occur during construction. The highest level of construction vehicle activity will occur in the second year, when the majority of the embankments are being constructed. Impacts of construction traffic on the surrounding area was a concerns raised early in the consultation process prior to submission of the planning application. To address this the development proposes 'borrow pits' on site where soil is taken from the lagoon and intertidal areas where all of the soil for the construction of the embankments is site won. However an 8% requirement for an off-site source has been allowed as contingency and has been included in the submitted transport information. The transport assessment has specifically assessed this peak period, to understand the maximum volume of construction traffic that is likely to be experienced. This peak or maximum period of activity will take place over approximately four weeks.
- 15.9.8 During this four-week peak phase, it is anticipated less than six Heavy Goods Vehicles (HGV) movements will be generated in any one hour along the construction routes. This number of HGV movements is not considered to be significant. It is estimated that, at the peak of construction, the works will generate 80 additional Light Goods Vehicles (LGV) (cars and vans) trips per day, of which around 54 will be staff related. Average LGV trips predicted across the whole active construction period (i.e. outside of the peak of activity) are however almost half of this estimate.
- 15.9.9 It is noted that there are existing HGV movements along the Arne Road, associated with a commercial oil production site north of Bank Gate Cottages. Passing places are also proposed along the New Road and Arne Road carriageways, which will also facilitate access past HGVs for other network users and have been secured by Grampian.
- 15.9.10 The Highways Officer has been consulted regarding highways safety and has raised no objection where they have advised that that the submitted information 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. This is subject to a condition requiring a Construction Traffic Management Plan prior to commencement and a Grampian condition securing proposed passing place improvements.

- 15.9.11 Based on the above the proposed is considered to be in accordance with Policy IAT of the development plan and impact on highways is acceptable subject to condition.

## **15.10 Flood Risk**

- 15.10.1 The Environment Agency's (EA) Flood Map for Planning indicates that the site of the proposal is within Flood Zone 3. The flood mechanism is expected to be both tidal and fluvial. There is with a high probability of fluvial flooding - greater than a 1 in 100 chance of flooding in each year, and a high probability of tidal flooding - greater than a 1 in 200 chance of flooding in each year.

- 15.10.2 The EA's Risk of Flooding from Surface Water (RoFSW) mapping indicates that the site is partially affected by surface water flooding in all modelled events. The predominant flood risk to the site is from tidal/fluvial sources, and therefore, the responsibility of assessing flood risk to the site and the proposed development lies with the EA.

- 15.10.3 Third party concerns have been raised the proposed would result in flood risk to neighbouring properties and the EA should indemnify insurance policies. Concerns were also raised the submitted FRA is insufficient and incorrect and that existing embankments should be maintained.

- 15.10.4 The applicant has provided a Flood Risk Assessment (FRA) for the site. The applicant has followed a precautionary approach within the design of the FRA using the Higher Central peak river flow climate change allowance when only the Central allowance is required. Since this modelling was originally conducted, the climate change allowances have been updated. This has resulted in peak river flow levels being underestimated by 7% for the updated Central allowance. The applicant has consequently redone the modelling using the updated allowances and the results can be found within the appendix 'Fluvial modelling with latest climate change allowances. This has been reviewed by the EA's planning consultations team and the Council's Lead Flood Risk Team.

- 15.10.5 The LFA have advised they are not statutory consultees for Fluvial/Tidal Flood Risk - the EA are. Therefore they have not provided comment on Tidal and/or Fluvial flood risk to the site or proposed development.

- 15.10.6 With regards to flood risk from the site and regulatory matters the LFA have advised there are ordinary watercourses traversing the site where work to those watercourses is likely to be involved. Land Drainage

Consent may be required and informative to advise this has been added to this report.

- 15.10.7 The LFA has also advised, regardless of prevailing risk, any development has the potential to exacerbate or create flood risk, if runoff is not appropriately considered and managed as evidenced by a substantiated SW strategy. Ordinarily therefore, and in keeping with the requirements of the National Planning Policy Framework (NPPF), all major development proposals must take due consideration of surface water management and should offer a drainage strategy that does not create or exacerbate off site worsening and should mitigate flood risk to the site.
- 15.10.8 The proposed development comprises the establishment of intertidal flood zones, and pathways. Due to the proximity of a tidal discharge a surface water runoff attenuation or a SuDS strategy is not considered to be necessary. The design of the ecological nature reserve takes into account the movement of water and therefore it is not considered that a Surface Water Management Plan is required to be submitted to the LFA as part of the planning application.
- 15.10.9 To assess the potential of an offsite increase in surface water or groundwater flood risk offsite, the LFA reviewed the aforementioned FRA. Section 6.3 of the FRA deals with potential increases in surface water flood risk off-site. A number of potential receptors (existing developments) are identified and assessed. The section concludes with the statement 'It is assessed that the scheme will not have an adverse impact on surface water flood risk to people or property outside of the site.'
- 15.10.10 Section 6.4 of the FRA deals with potential increases in groundwater flood risk off site. A number of potential receptors (existing developments) are identified and assessed. The section concludes with the statement 'while climate change may affect groundwater flood risk locally, it is not considered that the proposed scheme will affect this.'
- 15.10.11 The evidence provided and submitted documentation concludes that the proposed development will not adversely affect surface water or groundwater flood risk to the surrounding properties investigated and the LFA have raised no objection to this.
- 15.10.12 In terms of fluvial and tidal flood risk, as noted previously, the EA is the statutory consultee for these matters and has been consulted. The 'Sustainable Places' team within the EA, which deals with planning application responses and is separate to the application team, has advised:

*'Provided the Local Planning Authority (LPA) is satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met, the Environment Agency would have no objection, in*

*principle, to the proposed development, subject to the inclusion of the following condition within the Decision Notice.'*

15.10.13 Paragraph 161 of the NPPF notes regarding sequential tests:

*The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.*

15.10.13 While the site is within a flood zone 3, where a sequential test is normally required, it is noted the applicant has reviewed four sites as part of the site selection process, which concluded the application site was the only appropriate site that was available for the required development. Sites reviewed under the selection were in the Poole Harbour area only, where it is feasible to create intertidal habitats and the compensation site is required to be in this area. The LPA agrees with the search area based on these requirements.

15.10.14 The other locations that were considered by the study were discounted for the following reasons:

- One site was discounted due to the low salinity of the River Frome at this location, and the potential impacts of realignment on navigation in the River Frome;
- One site offered good opportunity for a large area of habitat creation, and was technically feasible, but the landowner was not supportive of the changes to their land; and
- A third site considered was concluded to be too small on its own to offer required compensatory habitat, and it subsequently flooded naturally and so could then not be counted as compensatory habitat.

Based on the site selection process it is considered the sequential test is passed in terms of flood risk.

15.10.15 The proposed development is for managed realignment of the tidal embankments, and creation of intertidal habitat. The development can therefore be classed as water compatible under Annex 3 of the NPPF. Water compatible development is potentially suitable within Flood Zone 3, as stated in table 2 of the PPG and does not require the exception test to be applied. Furthermore, coastal management, including realignment of coastal risk management structures, is actively promoted within the recent updates to the PPG (paragraph: 064, reference ID: 7-064-20220825).

15.10.16 Specific concerns have been raised by the neighbouring property at Ridge Yacht Club regarding flood risk and standing water from intertidal waters should there be tidal overspill from the proposed adjacent lagoons. The neighbour in question is concerned about water backing up on their land and would be a threat to future business of the Yacht Club. The objector requested the western bank is located a further 15m from the

neighbouring boundary to increase capacity for any potential overtopping and therefore preventing it entering neighbouring land.

15.10.17 The applicant has responded to this matter and advised they have met with the objector and provided evidence on drainage capacity and as part of the flood risk assessment for the scheme as a whole the applicant elected to prepare bespoke appendices for neighbouring landowners to summarise the risk to their properties before and after the scheme. These assessments were reviewed by an independent consultant as chosen by the objector, who agreed with the findings.

15.10.18 The following information has been provided by the applicant to the objector and the objector has confirmed by email their concerns are allayed based on this:

- *The eastern ditch has a capacity of 9,600m<sup>3</sup>*
- *The volume of tidal water that comes over Ridge Wharf land when the level is between 1.3-1.8mAOD is less than 9,600m<sup>3</sup> and so nearly fills the ditch, but not quite.*
- *The ditch becomes full at the point when the entire wider area is under water, a very extreme tide of higher than 1.8mAOD. At this height all of the existing river embankments along the whole of the river would be overwhelmed by the water, as their heights are on average 1.6mAOD.*
- *Even at a water level of 1.8mAOD not all of the Ridge Wharf land is under water, and there is no difference in the situation with the project in place or without the project in place.*
- *The timestep diagrams in the Ridge Wharf Tidal Narrative shows that the Ridge Wharf land has water flowing over (as is the case currently) but the water does not back up across the land until the point when the whole area is under water (orange colour figs 3-19 & 3-20).*
- *Thus there will be no newly created standing water on Ridge Wharf land and no detriment. The modelling even shows a very minor betterment for Ridge Wharf land at the highest tidal level.*

15.10.19 The FRA has been reviewed by the EA planning consultations team who have raised no objection to the proposed as follows subject to embankment level conditions:

*The applicant is proposing to develop new embankments with a crest level of 2.2-2.4m AOD. The FRA states that the tidal 1 in 200-year (0.5% AEP) design flood level is 3.2m AOD, which will result in flooding of approximately 0.8-1m. Consequently, the development of the scheme will have neither a positive nor negative flood risk impact to the area for the design 2125 tidal flood event. Fluvial modelling (using the latest climate change allowances) has shown that the scheme will reduce flood risk for the local communities for the 1 in 100 (1% AEP) fluvial event. As this scheme does not result in an increase in flood risk for others and provides a flood risk betterment for fluvial and less extreme tidal events, we have no objection to the proposed development.*

15.10.20 Based on the above the proposed is considered to be in accordance with Policy FR of the development plan and impact on highways is acceptable subject to condition.

**15.11 Local Amenity**

- 15.11.1 The site and surrounding area are rural in nature but is located in the vicinity of the village of Arne. Adjacent neighbours to the site boundary include Ridge Wharf Yacht Club to the west; Ridge Farm Camp Site to the south west; and Banks Cottages to the east. The next nearest properties are some 100-120m away.
- 15.11.2 Concerns raised regarding impact on neighbouring amenity include:
- Noise and vibration during construction in particular the on the adjacent Ridge Farm campsite
  - Proposed hours of construction unacceptable
  - Increase in biting insects
  - Odour issues related to intertidal habitats
- 15.11.3 A Noise Impact Assessment (NIA) has been submitted with the application and the Environmental Health Officer (EHO) has been consulted. In general the EHO agreed with the NIA but did raise concerns regarding impact on the Ridge Farm Campsite.
- 15.11.4 Impact on Ridge Farm Campsite – concerns raised by the EHO are in relation to noise impacts affecting those under canvas. These concerns have been raised with the applicant who is willing to provide noise mitigation to the area of construction that would impact the campsite. This proposed mitigation would reduce noise impacts to an acceptable level in relation to existing background noise. The EHO has reviewed this mitigation and is satisfied it is acceptable, subject to being secured by condition. The objector has also requested that construction is limited in July and August. This is considered unreasonable given the limitations of construction during the winter period and proposed mitigation that is secured to overcome noise concerns. However, hours of construction and use of heavy machinery have also been conditioned at the end of this report.
- 15.11.5 Hours of construction proposed by the applicant conflict with the hours suggested by the EHO as follows:

<b>Time period</b>	<b>Applicants proposed hours</b>	<b>EHO proposed hours</b>
Mon to Fri	07:00 to 19:00	07:00 to 19:00
Saturday	07:00 to 19:00	08:00 to 13:00
Sundays and bank holidays	At no time	At no time

Due to the potential impact of heavy plant in operation on the western embankment to the adjacent campsite, additional restrictions are proposed for July and August:

*No use of Heavy Plant within 100m of the boundary of the Ridge Farm Camping and Caravan Site shall take place during July and August other than between the hours of:*

<b>Time period</b>	<b>Applicants proposed hours</b>	<b>EHO proposed hours</b>
Mon to Fri	08:00 to 18:00	08:00 to 18:00
Saturday	08:00 to 18:00	09:00 to 13:00
Sundays and bank holidays	At no time	At no time

- 15.11.6 While it is acknowledged the hours of construction proposed by the EHO are standard which consider impact on neighbouring amenity, noise receptors to the application site are limited. A noise impact assessment has been submitted which assessed impact on neighbouring amenity based on hours of construction from 07:00 to 19:00, which the EHO raised no objection to other than the campsite. While mitigation is to be provided to reduce the potential impact on the adjacent campsite it is considered reasonable that heavy plant hours are reduced on Saturdays at peak season within 100m of the campsite. Therefore the condition regarding hours of construction is recommended as follows:

*No construction work in relation to the development, which would generate noise audible beyond the site boundary, shall take place other than between the hours of 07:00 to 19:00 Monday to Saturday and at no time on Sundays or Public or Bank Holidays.*

*No use of plant machinery or tools, save hand tools, within 100m of the boundary of the Ridge Farm Camping and Caravan Site shall take place during July and August other than between the hours of 08:00-18:00 Monday to Friday, 08:00 -13:00 Saturdays and at no time on Sundays or Public or Bank Holidays.*

*If specific construction work is required to take place outside of these hours a detailed scheme shall be submitted to and agreed in writing by the LPA. Prior to this specific work taking place two weeks' notice will be given in writing by the applicant to adjoining neighbours.*

*Reason: To safeguard the amenity of existing residents having regard to Local Plan Policy HE2.*

- 15.11.5 Impact on Banks Cottages – Banks Cottages are some 300m from the proposed embankments and as noted above, the EHO has reviewed the NIA submitted and has not raised concerns regarding noise impact other than that related to the camp site. It is noted the existing vehicle access track adjacent to Banks Cottages is to be retained, however this will provide access for maintenance vehicles only. Proposed pedestrian routes are located to the north of Bank Cottages but are pedestrian only with parking facilities some 1-1.5km west and east of Banks Cottages (including the existing RSPB parking facility to the east). The nature of the use of the existing track and proposed pedestrian routes are not anticipated to impact neighbouring amenity to an extent that would warrant refusal.
- 15.11.6 While noise and disturbance during construction are acknowledged, this is managed by condition of construction management and construction hours conditions set out in this report.
- 15.11.7 An increase in biting insects have been raised as a concern. Chapter 6 of the ES highlights the management of lagoons will limit breeding conditions for mosquitoes and notes freshwater ditches are existing on the site. The wider area around the Site, which is a landscape of extensive natural habitats comprising saltmarsh, reedbed, fens, mire, heath and woodland habitats will continue to support populations of mosquitoes. It is therefore considered unlikely that the level of habitat change and reduction of suitable mosquito habitats brought about by the Project across the Site as a whole will have any significant reduction to mosquito populations in the context of the wider area. Given the existing nature of the site and the management of proposed lagoon areas, it is not anticipated any potential issues in relation to an increase in biting insects would impact on neighbouring amenity to an extent that would warrant refusal.
- 15.11.8 With regards to odour issues due to algal mats – while there are some algal mat odour issues in specific areas of Poole Harbour, there are no existing reported issues in the vicinity of the site. The proposed development would not increase nutrient input to the harbour, which is a cause of algal mats. While it cannot be guaranteed that algal mats will not form, proposed embankments for intertidal areas are some 200-300m from the closest neighbouring properties. Properties also lie to the south, south east and south west, which is upwind in relation to prevailing winds. Chapter 6 of the submitted ES has assessed this potential and concludes this would be a minor adverse effect. Given the distance to and location of existing properties it is not anticipated any potential odour related to intertidal habitats would impact on neighbouring amenity to an extent that would warrant refusal.
- 15.11.9 Based on the above the proposed is considered to be in accordance with Policy D of the development plan and impact on neighbour amenity would not warrant refusal subject to condition.

## **15.12 Biodiversity and Ecology**

- 15.12.1 The proposal includes creation of intertidal habitat and restricted tidal exchange shallow saltwater lagoons, through managed realignment involving selective breaching of existing tidal embankments as well as the formation of additional footpaths. The proposed site for these works is within the Poole harbour nutrient catchment, Poole Harbour Recreation zone and partly within the 400m heathland buffer. The majority of site is also designated as a Ramsar site, Site of Special Scientific Interest (SSSI) and is in close proximity to a Special Protection Area (SPA) and designated Ancient Woodland.
- 15.12.2 The site is important for biodiversity, including habitats and species protected at local, national and international levels. Third party concerns have been raised regarding a negative impact on existing wildlife and ecology.
- 15.12.3 The applicant has worked closely with Natural England (NE) for a number of years on the project development and pre-application advice was sought in 2021, which included advice from the Dorset Council Natural Environment Team (NET). Both consultees have been consulted on the application and the following assessment is based on their expert advice.
- 15.12.4 The proposed development will have potential Likely Significant Effects on both terrestrial and marine habitats, which are considered separately below. These specific habitat sites are:
- Poole Harbour Special Protection Area (SPA)
  - The Dorset Heaths (Purbeck & Wareham) & Studland Dunes SAC
  - Dorset Heathlands Special Protection Area (SPA)
  - Dorset Heathlands Ramsar
  - Poole Harbour Ramsar
  - The Moors SSSI

#### Habitats Regulation Assessment (HRA)

- 15.12.5 The Conservation of Habitats and Species Regulations 2017 ('Habitats Regulations') places a legal duty on local planning authorities to determine whether a planning application may affect the protected features of a habitats site before deciding whether to grant permission. This duty is fulfilled through the Habitats Regulations Assessment (HRA) process.
- 15.12.6 A shadow HRA has been submitted by the applicant as part of the planning application. Natural England confirm that the applicant has identified an appropriate range of potential impact pathways in the information to inform the conclusions reached in their HRA documentation. Therefore the information presented in the applicant's shadow SRA is sufficient to inform the Council's Appropriate Assessment.
- 15.12.7 The planning practice guidance advises that where more than one competent authority is involved in determining a project, a lead authority

should be nominated for the purposes of the HRA. The responsibilities of the lead authority include preparing the HRA report on behalf of the other competent authorities and coordinating the statutory consultation with Natural England.

- 15.12.8 This application involves both the Marine Management Organisation (MMO) determining the marine licence and Dorset Council determining the planning application. In this instance, the MMO have been nominated as the lead authority and have provided the required HRA. The HRA has been reviewed by Natural England who have advised the HRA it is robust. The Dorset Council Senior Environmental Assessment Officer has reviewed the HRA and has also advised it is robust. Therefore Dorset Council will adopt the conclusions of the HRA report written by the MMO.
- 15.12.9 The HRA, produced by the MMO on 26<sup>th</sup> September 2022, concluded that the proposed project would not have an adverse effect on the integrity of a habitats site, either alone or in-combination with other plans of projects, providing that the following mitigation was secured:
- An appropriate qualified and experienced Ecological Clerk of Works (ECoW) must be employed throughout the works to advise on ecological constraints.
  - Use of vibrational piling instead of percussion piling, wherever possible, to minimise disturbance to birds and other wildlife. Any piling should only occur 2 hours either side of high tide and should utilise soft start techniques to allow for the birds in the vicinity to move away from the site.
  - Works, apart from tree and vegetation clearance, must occur between 01 April and 31 August inclusive to avoid disturbing overwintering birds and damage to habitats.
- 15.12.10 This mitigation is secured under the Construction Environmental Management Plan (CEMP) condition in this report.
- 15.12.11 Natural England was consulted on the HRA report on 3<sup>rd</sup> October 2022, and Natural England's advice was incorporated as amendments to the HRA report. Natural England have advised they are satisfied with the final conclusions of the HRA report.

#### Terrestrial Habitats

- 15.12.12 Both NE and NET have provided advice on the terrestrial habitats. Based on consultee responses the following matters have been considered as part of this assessment:
- Protected species
  - Recreational pressure
  - Habitat loss and gain assessment
- 15.12.13 **In terms of protected species** - the following considerations have been made for protected species found on the site

Species	Impact	Mitigation
Bats	Loss of trees within the site	Boundary trees retained and enhanced as agreed with NE and NET
Otters	Some loss of habitat	Fresh water habitat within the site enhanced as agreed with NE and NET
Badgers	Setts outside of intertidal areas but potential disturbance during operation	Not main setts on site and public access restricted to permissive paths only as agreed with NE and NET
Birds (breeding/wintering & passage)	Some loss of habitat	Fresh water habitat enhanced, islands within lagoons provided for breeding birds, intertidal habitat provided for relevant bird species
Sand Lizards	Loss of habitat-translocation proposed	NE and NET requested site enhancement and monitoring rather than translocation – strategy secured by condition
Plant species	Loss of plant species	Translocated where possible as agreed with NE and NET. Compensation agreed for other loss.

15.12.14 Based on the above, the impact on protected species is considered acceptable where mitigation and compensation has been agreed with NE and NET and secured by condition and legal agreement.

15.12.15 **In terms of recreational pressure** – Policy BIO within the adopted plan highlights that new development; “will need to ensure that there are no adverse effects upon the integrity of European protected sites (SPA, SAC, Ramsar, possible SAC, potential SPA)” and “will need to ensure that there are no adverse impacts upon SSSI, for example an indirect effect of disturbance from increased public access”.

15.12.16 It is noted within Chapter 2 of the Environmental Statement, that there will be an increase in recreational use of the application site once in operation, and the impact of this was concluded by the applicant to be negligible.

15.12.17 There is currently no formal public access to the site and it is acknowledged the proposal does increase the risk of disturbance to SPA birds that utilise the site. Although no public access is proposed to the SPA area itself the potential is for disturbance to newly established intertidal and lagoon areas which may be considered functionally linked to the SPA. This issue has been considered in the adopted Appropriate Assessment (AA).

15.12.18 Although the application discusses that recreational disturbance will be managed with minimal increases in facilities, no access to dogs and

signposting users away from more sensitive areas; these measures are difficult to enforce successfully.

- 15.12.19 It is noted that submitted information indicates that access from the Ridge/western edge of the application site will be constrained at Sunnyside car park with no access from the Ridge Wharf Yacht Club track to the new flood defence bund. This avoids the establishment of a circular walk favoured by dog walkers, who are in any case not intended to be permitted and is an important avoidance mechanism which must be maintained. The fencing layout which restricts the permissive paths has been conditioned to be retained.
- 15.12.20 Natural England has advised that the applicant has not considered the visitor monitoring data collected and held by the Urban Heaths Partnership(UHP). It is understood that the nearby car park at the Sunnyside area managed by Natural England has up to 15 spaces, the evidence available from annual car park counts shows that year on year the number of cars present is increasing. This is in its self not a problem as one of the functions of this area is to absorb recreation pressure. In this respect it is important that the visitor capacity at Sunnyside is maintained as existing. The Reserve Manager for Natural England has confirmed that the available space will not be extended beyond its current 30m. It is likely that use of the car park will continue to increase and visitors to The Moors, post construction will add to the use as it provides easy access. This will need to be reviewed by Natural England and UHP, using their monitoring effort, to avoid the displacement of local users and their dogs onto the designated heathlands nearby. At this time it is considered that measures to maintain the current capacity and prevent cars spreading will be sufficient.
- 15.12.21 NET have advised they are satisfied proposed fencing and ditch details are sufficient to prevent to public access beyond permissive paths. However details of the management of recreational pressure are still required to be provided and have been conditioned.
- 15.12.22 Based on the above, the impact of recreational pressure is considered acceptable where mitigation has been agreed with NE and NET and secured by condition.
- 15.12.23 **In terms of habitat loss and gain** – The proposed will result in the loss of approximately 96ha of priority grassland but will create approximately 106 ha of priority saltmarsh/intertidal/saline lagoon habitat. Chapter 5 of the ES provides habitat loss and gain information, however further information was requested by the NET, which was provided.
- 15.12.24 In response to further information NET advised they recognise the difficulty in assessing losses and gains in a way that is both meaningful and acknowledges the project rationale. They also note that the Biodiversity Metric is a tool that uses proxy values and cannot be strictly applied to this project, however there are few options that provide a means to account for

habitat loss/gain/exchanges. NET do not expect, or consider it appropriate, the project to be able to achieve the target 10% biodiversity net gain that the Metric is designed to demonstrate, however, the standard default for all project and development types is no net loss and a measurable net gain.

- 15.12.25 As the Metric flags this as 'unacceptable loss', the alternative means of arriving at an equivalent compensatory habitat area is the application of the Dorset Biodiversity Compensation Framework (DBCF) multipliers.
- 15.12.26 NET and Natural England consultation comments reflect that it would be inappropriate to seek like-for-like compensation for a project of this nature and complexity. Additionally, as previously advised, it is considered that the loss of some habitats will need to be accepted for this project. This includes reedbeds and saltmarsh due to the creation of alternative coastal habitat types and the unpredictability of natural colonization of reedbeds and intertidal habitats. This leaves the loss of woodland, priority grassland and SSSI habitats to consider.
- 15.12.27 Natural England and the NET Team have agreed that a financial contribution is sufficient compensation for the loss of priority habitats. A compensation payment of £551,780 will be provided and secured via Section 106 Legal Agreement as agreed by the NET Team.

#### Marine Habitats

- 15.12.28 Under current management arrangements, the long term prospects for maintaining the existing marine features are poor. Natural England consider this project will lead to the creation of a diverse range of habitats, fulfilling a requirement for compensatory intertidal habitat within the harbour, but at the same time benefitting a range of SPA bird species by providing new feeding and nesting opportunities. The small change in the distribution and abundance of habitats across the harbour is not considered an adverse effect on the integrity as no specific SPA features would be affected by the reduction in the area of this reedbed; and lagoons will be likely to support more birds than existing habitats and attract a wider range of different bird species. Moreover, it is likely that there would be a positive effect on water quality due to denitrification within the new saltmarsh.
- 15.12.29 Furthermore, Natural England agrees with the conclusions in Chapter 12 of the Environmental Statement that any changes to hydrological conditions of the Poole Harbour water body will be localised and that construction impacts on water quality will be mitigated by good construction working practices.
- 15.12.30 Chapter 9 of the Environmental Statement, considers direct risks from the new structures, including entrapment of Atlantic salmon and European eels and other fish within the lagoons. It is noted that a minor significant effect is concluded. Natural England agrees with the proposed mitigation measures to reduce these impacts by incorporating additional measures

into the designs based upon advice from technical specialists from the Environment Agency.

- 15.12.31 It is critical that the timing of the breach avoids key migratory periods for fish in the harbour. Poole Harbour and its principal tributary rivers (the Rivers Frome and Piddle) are known to support Atlantic salmon, sea trout and European eel, species which are all under significant adverse pressures. Although the Harbour itself has not been designated for any migratory fish species, Atlantic salmon and European eels are interest features of the upstream River Frome SSSI. Therefore, the timings of construction and the associated impacts of disturbance need to be aligned with the seasonal restrictions associated with birds and secured through a CEMP planning condition, which is one of the recommended conditions.

#### Biodiversity and Ecology Conditions

- 15.12.32 A number of conditions have been requested by NE and NET in order to ensure impact is acceptable and secure compensation and mitigation. These conditions are considered necessary and set out in the recommended conditions; in summary they are:

- Further botanical surveys required
- Sand lizard strategy and licence to be provided
- Construction Environmental Management Plan (CEMP)
- Habitat Creation Management Plan (HCMP)
- Visitor monitoring plan
- Recreational Pressure Management Plan
- Biodiversity Monitoring Strategy
- Piling details required
- Working seasons to be restricted.

#### Biodiversity and Ecology Conclusion

- 15.12.33 In general Natural England have advised they support the principle of the application and its aims to re-establish natural processes in the harbour, allowing the restoration of saline conditions across their former extent which is particularly relevant in the strategic context of climate change and rising sea levels.
- 15.12.34 The NET Team have advised that the proposed development is acceptable subject to securing the compensation payment via a legal agreement.
- 15.12.35 Based on the above the proposed is considered to be in accordance with Policy BIO of the development plan and impact on biodiversity and ecology is acceptable subject to condition and a Section 106 agreement securing compensation.

**15.13 Other**

15.13.1 Other matters raised by the Parish Council not already addressed include the following:

<b>Arne PC Response</b>	<b>EA Response</b> (summary only, full comments available online)	<b>Officer Assessment</b>
An Emergency Plan for serious flooding incidents and appropriate training implementation of an emergency plan	<p>The Environment Agency has made a comprehensive assessment of flood risk associated with the proposed development and has modelled extensively. The Environment Agency has been working closely with engineers and other professions to reassure RSPB and local residents that the project has considered and managed out any conceivable risk that might cause detriment to neighbouring landowners and residents.</p> <p>The flood risk assessment of the proposed scheme concludes that the risk of flooding to third parties is unlikely.</p> <p>In any event the legislation that the Environment Agency operates under does take account of the fact that despite the best efforts of all parties concerned, loss and damage may occasionally occur. Schedule 21 Water Resources Act 1991 makes provision to ensure that anyone suffering loss or damage as a direct consequence of works carried out under section 165 of the Water Resources Act 1991 would be in no worse position as a result of works being carried out by a statutory body (such as the Environment Agency) than they would have been under common law.</p> <p><b>Managing and responding to flood incidents</b> There is no single body responsible</p>	<p>No further response from Arne PC.</p> <p>Officers consider the response addresses concerns raised.</p>

	<p>for managing local flood risks in the UK. In many cases, flooding may be caused by a number of different sources which are managed by different Flood Risk Management Authorities. The Environment Agency is the body responsible for managing and responding to flooding from Main Rivers and the sea.</p> <p>The Environment Agency has an incident hotline for use by the public in the event of flooding from Main Rivers and the sea. An incident that is within the Environment Agency's remit should be phoned through to the Environment Agency incident hotline. Reports are assessed and passed on to the duty officer if required. The duty officer operates 24 hours a day, 7 days a week. The duty officer would then decide what action to take, for example deploy a gang or monitor the situation.</p> <p>The EA prepares a specific flood procedure for each of the assets and sites it manages, which sets out how the duty officer should operate the site. A site specific procedure for the Moors at Arne would be produced for internal use by the EA once the site is handed back to the EA post construction.</p>	
Contact details of the person(s) in charge at the site during the construction stage	The details of the Site Liaison Officer who will be the community's point of contact throughout construction will be set out in the Construction Environmental Management Plan (CEMP). The CEMP will be prepared and submitted to Dorset Council for written approval prior to construction commencing. Upon approval, the CEMP will be a public document.	No further response from Arne PC.  A condition is included securing the CEMP pre-commencement
Contact details of the person(s) in charge at the site	The contact details of the Site Manager during the operation stage of the project will be set out in	No further response from Arne PC.

during the operation stage	<p>Landscape Environmental Management Plan (LEMP).</p> <p>The submission of a LEMP for approval of Dorset Council will be secured by planning condition. Upon approval, the LEMP will be a public document.</p>	A condition is included securing the LEMP pre-commencement
A plan for the maintenance of the site and the flood warning service should be provided to the local planning authority and Arne Parish Council.	<p>Details of the maintenance of the site during the operation stage of the project will be set out in the LEMP, which will be secured by planning condition.</p> <p>Existing flood warnings already cover the Ridge already exist.</p> <p>There will be no requirement to replace the existing flood warning service. The new flood risk management assets will be inspected annually in terms of condition and public safety. They will have quarterly operational checks by the Field Team. This would be accompanied by any unplanned maintenance should the need arise.</p>	<p>No further response from Arne PC.</p> <p>A condition is included securing the LEMP pre-commencement</p>
The Furzebrook flap valves should be monitored by telemetry	Telemetry is not considered necessary; however to provide assurances, the EA is investigating the possibility of whether a web camera could be installed on the proposed outfall structure. If possible, this would allow remote monitoring of the outfall.	<p>Arne PC have advised they consider telemetry is still required.</p> <p>Furzebrook flap valves remain in the control of the EA who will carry out maintenance and monitoring. A monitoring condition has been imposed to ensure a strategy is secured.</p>
That in the event that the Furzebrook valves fail machinery is available to access and clear the site.	The Furze brook outfall structure is designed so that it can be operated safely by EA operational staff without the need for machinery. It consists of 3 flap valves with significant capacity set at different levels to provide resilience. There are slots in place to	<p>No further response from Arne PC.</p> <p>Officers consider the response</p>

	allow stop-logs to be installed for extra resilience or planned maintenance within the culverts. The stop logs will be stored at the depot in Dorchester and can be brought to the structure via the access track on the embankment. The EA would respond according to the severity or implications of any issues that arise.	addresses concerns raised.
A record of construction responsibilities between the applicant and construction contractor	The roles and responsibilities during construction will be set out in the Construction Environmental Management Plan (CEMP). The CEMP will be prepared and submitted to Dorset Council for written approval prior to construction commencing. Upon approval, the CEMP will be a public document.	No further response from Arne PC.  A condition is included securing the CEMP pre-commencement
During the construction and upon completion of the scheme details of the Managers of the site are provided so that residents and the Parish Council have contact details to report any matters of urgency that may arise	This information will be set out in the CEMP and LEMP	No further response from Arne PC.  A condition is included securing the CEMP and LEMP pre-commencement
That the Environmental Agency be required to monitor the area beyond Arne Moor in the interests of public interest and safety until 2030.	Local Planning Authority cannot stipulate planning conditions which relate to land outside of the application site and beyond the applicant's control. We are however continuing a programme of monitoring of the bathymetry of a section of the Lower Frome and the Wareham channel to allow the assessment of any changes in channel morphology. The monitoring will be for a minimum term of 3 years post completion. After this time period it is expected the monitoring on the channel will be completed by the South East Coastal Monitoring	No further response from Arne PC.  Conditions cannot be applied on land outside the red line boundary

	<p>Programme operating from the Channel Coast Observatory. We are considering the public reassurance that will be provided if we continue the data gathering and monitoring of the boreholes located around Bankgate Cottages, near Ridge Farm and within Ridge. Such monitoring would be in place for the duration of the works and the aftercare period.</p>	
--	--	--

15.13.2 Other matters raised by the neighbours not already addressed above include the following:

<b>Comments received</b>	<b>EA Response</b>	<b>Officer Assessment</b>
<p>Potential silting of the lower reaches of the Frome and Wareham Channel and lack of commitment to remedy silt issues.</p> <p>Negative impact on leisure activities such as sailing.</p> <p>Negative impact on local businesses associated with boating.</p> <p>Consent should require dredging conditions to maintain channels.</p>	<p>The applicant has advised no adverse siltation impacts affecting navigation on the River Frome are expected as a result of the project, including its construction. During the construction, the new tidal embankments and site features on the existing moors will be created first and then the three proposed breaches will be opened to the tidal water. It is not expected that this method of habitat creation will lead to outflow of silt into the Frome and the wider Harbour. The applicant has established a programme of pre-scheme bathymetric survey to measure bed profiles which will continue whilst works are in progress and for a few years beyond. A specification will then be agreed for routine coastal monitoring would take over from that point delivered by The Channel Coast Observatory. When the project has been completed the indication is that incoming sediment at high tide would</p>	<p>Adverse effects of siltation are not anticipated and monitoring of siltation is secured by condition.</p> <p>Any unlikely loss or damage can be resolved outside the planning process under schedule 21 of the Water Resources Act 1991.</p> <p>Siltation falls under the remit of the EA and informative note has been added to advise monitoring should be carried out.</p>

	naturally settle within the realignment site to create the features such as mudflats and saltmarsh. Typically, intertidal areas accumulate sediment until the saltmarsh rises above the tidal range. If monitoring demonstrates an adverse siltation change in the Wareham Channel or River Frome linked to the project, then the provisions of schedule 21 of the Water Resources Act 1991 may also be available to address anyone suffering demonstrable loss or damage.	
No permissive access via Ridge Farm.	Updated plans submitted to show no permissive access via Ridge Farm	Acceptable where revised plans address concerns raised
Borehole sampling carried out to date is too limited.  Modelling submitted is flawed - correct water flows for Ridge have not been used.  Part of the site has not been looked at.	Details of modelling and extensive borehole investigations have been submitted in response to neighbour concerns	Sufficient information has been submitted in order to determine the application as set out in this report.

## 15.14 Conclusion

15.14.1 Key planning issues are summarised as follows:

Issue	Conclusion
Principle of development	Acceptable
Scale, design, impact on character and appearance	Acceptable – subject to conditions
Impact on amenity	Acceptable – subject to conditions
Impact on road safety & parking provision	Acceptable – subject to conditions

Impact on biodiversity	Acceptable – subject to conditions and securing mitigation via 106
Impact on Trees	Acceptable – subject to conditions
Flood Risk	Acceptable - subject to conditions

15.14.2 This assessment exercise has involved considering the acceptability of the proposal in relation to the Development Plan, taken as a whole, and all other materials considerations. All of the foregoing factors have also been considered in relation to the social, economic, and environmental benefits to be provided by the proposal. It is considered the proposed is acceptable in relation to material planning considerations.

15.14.3 Therefore, subject to suitable conditions, the proposal accords with National and Local Plan requirements as a whole. The recommendation is for approval of the application with conditions and subject to completion of a s106 obligations to secure the required compensation payment.

**Recommendation:**

A) Grant permission 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:

- to secure viability review

And the conditions noted below

OR

B) Refuse permission if the legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by (6 months from the date of committee) or such extended time as agreed by the Head of Planning.

**Conditions:**

[Pre-commencement conditions agreed in writing on 28.12.2022]

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.

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

Appendix A.1 Environmental Action Plan	
ES Appendix C Causeway Outfall	
ES Appendix C Furzebrook Outfall	

232726_The Moors at Arne_Mitigation_WSI	
Appendix G.12 Figure 8.8 Final Landscape Masterplan Sheet 1 Of 4	
ES Appendix G.13 Figure 8.8 FLM 2 of 4	
ES Appendix G.14 Figure 8.8 FLM 3 of 4	
Appendix G.15 Figure 8.11 Final Landscape Masterplan Sheet 4 Of 4	
Proposed Topography	ENVIMSW002130-ATK-00-3AW-DR-C-000013
Overview Plan p0402	ENVIMSW002130-ATK-IZ-3AW-DR-C-000001
Eastern Embankment Typical Cross Section	ENVIMSW002130-ATK-DE-3AE-DR-C-000007
Western Embankment Typical Cross Section	ENVIMSW002130-ATK-DE-3AE-DR-C-000006
Turner's Cove Breach GA	ENVIMSW002130-ATK-00-3AW-DR-C-000005
Central Breach GA	ENVIMSW002130-ATK-00-3AW-DR-C-000006
Eastern Breach GA	ENVIMSW002130-ATK-00-3AW-DR-C-000007
Creek Network Typical Cross Section	ENVIMSW002130-ATK-LH-3AW-DR-C-000002
General Arrangement Sheet 1 of 3	ENVIMSW002130-ATK-IZ-3AW-DR-C-000002
General Arrangement Sheet 2 of 3	ENVIMSW002130-ATK-IZ-3AW-DR-C-000003
General Arrangement Sheet 3 of 3	ENVIMSW002130-ATK-IZ-3AW-DR-C-000004
Eastern Embankment Outfall 1 Plan	ENVIMSW002130-ATK-00-3AW-DR-C-000025
Eastern Embankment Outfall 2 Plan	ENVIMSW002130-ATK-00-3AW-DR-C-000026
Eastern Embankment Outfall 3 Plan	ENVIMSW002130-ATK-00-3AW-DR-C-000027
Access Track Typical Details	ENVIMSW002130-ATK-ZZ-3AE-DR-C-000001
Furzebrook Outfall GA	ENVIMSW002130-ATK-00-3AW-DR-C-000003
Lagoon Exchange Structure GA	ENVIMSW002130-ATK-00-3AW-DR-C-000002
Lagoon Exchange Structure Plan	ENVIMSW002130-ATK-00-3AW-DR-C-000029
Lagoon Inlet Structure GA	ENVIMSW002130-ATK-00-3AW-DR-C-000001
Lagoon Inlet/Outlet Structure Plan	ENVIMSW002130-ATK-00-3AW-DR-C-000028
Lagoon Outlet Structure GA	ENVIMSW002130-ATK-00-3AW-DR-C-000034
Southern Lagoon Viewpoint General Arrangement	ENVIMSW002130-ATK-00-3AW-DR-C-000050
Intertidal Viewpoint General Arrangement	ENVIMSW002130-ATK-00-3AW-DR-C-000051
Eastern Embankment Viewpoint General Arrangement	ENVIMSW002130-ATK-00-3AW-DR-C-000052
Fencing Typical Details	ENVIMSW002130-ATK-ZZ-3AE-DR-C-000002
Main construction works Year 1 Rev P01.01	ENVIMSW002130-ATK-00-3AW-DR-C-000038
Main construction works Year 2	ENVIMSW002130-ATK-00-3AW-DR-C-000039
Construction Compounds, Haul Roads and Water Management	ENVIMSW002130-ATK-00-3AW-DR-C-000032
Fencing Layout Rev. P03.0	ENVIMSW002130-ATK-00-3AW-DR-C-000032
Public Access Plan	ENVIMSW002130-ATK-XX-3XX-DR-PL-000004
Arne Fluvial modelling - Climate change update Sep 22	
RVT Group - Soundex Quilt - 2022	
Offsite Highway Works Location Plan	ENVIMSW002130-ATK-00-3AW-DR-C-000033
Footpath Crossing - Arne Road	ENVIMSW002130-ATK-00-3AW-DR-C-000041
Highway Details Sheet 1	ENVIMSW002130-ATK-00-3AW-DR-C-000042
Sunnyside Farm Entrance GA	ENVIMSW002130-ATK-00-3AW-DR-C-000054
Passing Place 3 GA	ENVIMSW002130-ATK-00-3ZZ-DR-D-000003
Passing Place 6 GA	ENVIMSW002130-ATK-00-3ZZ-DR-D-000006

Accessible Parking Spaces GA	ENVIMSW002130-ATK-00-3AW-DR-C-000067
232726 The Moors at Arne Mitigation WSI Geoarchaeology Addendum	

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

3. Prior to the commencement of the development hereby approved details of any access facilitation works and a plan showing the location of barriers in accordance with BS5837:2012 Trees in relation to design, demolition and construction shall be submitted to and approved in writing by the local planning authority before any equipment, machinery or materials are brought on to the site for the purposes of the development. The barriers shall be erected and maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.

Reason: To ensure that trees and their rooting environments are afforded adequate physical protection during construction.

4. The applicant shall carry out the archaeological investigations and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition), as detailed in the approved written scheme of archaeological investigation DM/2022/004 – 232726.01 December 2022 and submit to the LPA a report on the findings within 2 years of breaching the existing embankments.

Reason : In the interest of preserving and recording heritage assets and archaeological remains.

5. No development maybe commenced until a Construction Method Statement (CMS) must be submitted to and approved in writing by the Planning Authority.

The CMS must include details of:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the use of plant and machinery
- wheel washing and vehicle wash-down and disposal of resultant dirty water - oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the process for the control and removal of spoil and wastes.

The approved CMS shall be adhered to throughout the construction period for the development.

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

6. No development may be commenced until 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
- a framework for managing abnormal loads
- contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- wheel cleaning facilities
- vehicle cleaning facilities
- Inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
- a scheme of appropriate signing of vehicle route to the site
- a route plan for all contractors and suppliers to be advised on
- temporary traffic management measures where necessary

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

Reason: To minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway.

7. No development may be commenced until a Construction Environmental Management Plan (CEMP) must be submitted to and approved in writing by the Planning Authority.

The CEMP must include:

- Risk assessment of potentially damaging construction activities.
- Identification of "biodiversity protection zones"
- A timetabled protected species mitigation strategy to cover habitat translocation and pre-commencement habitat mitigation establishment/enhancement
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction including lighting, noise, vibration and visual impacts (may be provided as a set of method statements).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- Responsible persons and lines of communication.
- Use of protective fences, exclusion barriers and warning signs.
- Storage of construction materials/chemicals and equipment
- Dust suppression

- Chemical and/or fuel run-off from construction.
- Method of construction of the jetty to reduce contamination risks to the Harbour
- Visual screening (for SPA birds)
- The times/activities during construction when specialist ecologists need to be present on site to oversee works, including the details and remit of the Ecological Clerk of Works on site during construction activities
- Contingency plan for unforeseen events
- Site management contact details during construction.

The approved CEMP shall be adhered to throughout the construction period for the development.

Reason: To minimise the likely impact of construction traffic on surrounding protected sites species.

8. No construction work in relation to the development, which would generate noise audible beyond the site boundary, shall take place other than between the hours of 07:00 to 19:00 Monday to Saturday and at no time on Sundays or Public or Bank Holidays.

No use of plant machinery or tools, save hand tools, within 100m of the boundary of the Ridge Farm Camping and Caravan Site shall take place during July and August other than between the hours of 08:00-18:00 Monday to Friday, 08:00 - 13:00 Saturdays and at no time on Sundays or Public or Bank Holidays.

If specific construction work is required to take place outside of these hours a detailed scheme shall be submitted to and agreed in writing by the LPA. Prior to this specific work taking place two notice will be given in writing by the applicant to adjoining neighbours.

Reason: To safeguard the amenity of existing residents having regard to Local Plan Policy HE2.

9. Prior to the construction of the toe drain and western embankment hereby approved, heras fencing at least 2m in height shall be erected along the frontage of the Ridge Farm campsite at a distance of 5m from the location of the edge of the toe drain hereby approved. The heras fencing shall be fitted with acoustic attenuation as detailed on the RVT Group – Soundex Quilt – 2022 specification sheet. The acoustic attenuation shall be fitted to a height on 2m. The heras fencing and acoustic attenuation shall be maintained throughout the duration of construction.

Reason: To safeguard the amenity of existing residents having regard to Local Plan Policy HE2

10. No development may be commenced until the following information is submitted to and agreed in writing by the Local Planning Authority:

- 1) a ground conditions 'desk study' report documenting the site history.
- 2) a site investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages and incorporating risk assessment.
- 3) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed.
- 4) a detailed phasing scheme for the development and remedial works (including a time scale).
- 5) a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time.

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby permitted first comes in to use or is occupied. On completion of the development written confirmation that all works were completed in accordance with the agreed details shall be submitted to the Local Planning Authority.

Reason: To ensure potential land contamination is addressed.

11. In the event that previously unidentified contamination is found at any time when carrying out the approved development, this must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment, conducted in accordance with recognised good practice, and a proposed remediation scheme shall be submitted to the Local Planning Authority for consideration and approval.

The remediation scheme shall then be carried out in accordance with the approved details and following completion of measures identified in the approved remediation scheme a verification report shall be submitted to the Local Planning Authority for approval.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised.

12. No development may be commenced until a Habitat Creation and Management Plan (HCMP) is submitted to, and be approved in writing by, the Local Planning Authority. The content of the HCMP shall include the following:

- a) Description and evaluation of habitat types to be created/ managed
- b) Aims and objectives for the creation and/or management of the ecological and wildlife habitats of the Site
- c) Ecological trends and constraints on site that might influence management
- d) Appropriate management options for achieving aims and objectives
- e) Prescriptions for management actions to maintain long-term ecological value and function of the Site including a biosecurity protocol to minimize or remove the risk of introducing non-native species
- f) A protected species mitigation strategy, including habitats to be retained, created or enhanced & associated management measures required by species

- g) Detailed drawings and specifications for the habitats (e.g. vegetation composition and structure and water regimes) and associated structures (e.g. ditches, water control structures)
- h) Preparation of a work schedule (including details and timing of the scheme for the creation, translocation, management of habitat and species mitigation areas & an annual work plan capable of being rolled forward over a five-year period).
- i) Details of the body or organization responsible for implementation of the plan.
- j) Ongoing monitoring and remedial measures for habitat attributes and target species.
- k) Site management contact details.

The HCMP 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 HCMP shall also set out (where the results from monitoring show that conservation aims and objectives of the HCMP 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 HCMP must be implemented in accordance with the approved details.

Reason: In the interest of surrounding protected sites and protected species.

13. Prior to the breaching of existing embankments, a recreational pressure plan shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- Public access management plan
- Signage
- Footpath/fence/ditch maintenance
- Management responsibilities

The recreational pressure plan will be implemented in accordance with the approved details.

Reason: In the interest of surrounding protected sites and protected species

14. No development may be commenced until a Biodiversity Monitoring Strategy for priority habitats and target species, including a post-construction ornithological monitoring programme shall be submitted to and approved in writing by the Local Planning Authority. The content of the Strategy shall include the following:

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be

judged.

d) Methods for data gathering and analysis.

e) Location of monitoring.

f) Timing and duration of monitoring.

g) Responsible persons and lines of communication.

h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the planning authority at the intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

Reason: In the interest of surrounding protected sites and protected species.

15. The development hereby approved shall be carried out in accordance with the approved fencing layout for permissive paths set out in drawing 'ENVIMSW002130-ATK-00-3AW-DR-C-000032.'

The fencing layout for permissive paths shall be retained for the lifetime of the development.

Reason: In the interest of protected sites, preventing the creation of a circular walk and public safety.

16. Prior to the breaching of existing embankments, a Visitor Monitoring Strategy shall be submitted to and approved in writing by the Local Planning Authority. The content of the statement shall include the method of monitoring and recording; frequency of recording; and the reporting procedure.

The monitoring strategy will be implemented in accordance with the approved details.

Reason: In the interest of surrounding protected sites, protected sites and highways safety.

17. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (titled 'The Moors at Arne Coastal Change' produced by Atkins on behalf of the Environment Agency, dated July 2022) and the following mitigation measures it details:

– Embankment crest levels shall be set as stated within the FRA.

These mitigation measures shall be fully implemented prior to use and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: In the interest of flood risk.

18. Prior to the commencement of the development hereby approved a scheme for prevention of pollution during the construction phase shall be submitted to and improved in writing by the Local Planning Authority. The scheme should include details of the following:

- Site security.
- Fuel oil storage, bunding, delivery and use.
- How both minor and major spillage will be dealt with.
- Containment of silt/soil contaminated run-off.
- Disposal of contaminated drainage, including water pumped from excavations.
- Site induction for workforce highlighting pollution prevention and awareness.
- Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

The pollution strategy shall be carried out in accordance with the approved details.

Reason: To prevent pollution of the water environment

19. Prior to first use of the permissive paths, the following works must have been constructed to the specification of the Planning Authority:

- The provision of a new uncontrolled pedestrian crossing on Arne Road as shown on Dwg No ENVIMSW002130-ATK-00-3AW-DR-D-000041 Rev P01.01 (or similar scheme to be agreed in writing with the Planning Authority).
- The provision of the accessible parking spaces shown on Dwg No ENVIMSW002130-ATK-00- 3AW-DR-C-000067 Rev P01 (or similar scheme to be agreed in writing with the Planning Authority).

Reason: These specified works are seen as a pre-requisite for allowing the development to proceed, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal.

20. Before the development commences the following works must have been constructed to the specification of the Planning Authority:

- The provision of the off-site highway works shown on Dwg No ENVIMSW002130-ATK-00- 3AW-DR-C-000033 Rev P02.01 (or similar scheme to be agreed in writing with the Planning Authority).
- The provision of passing place 3 shown on Dwg No ENVIMSW002130-ATK-00-3ZZ-DR-D- 000003 Rev P01.01 (or similar scheme to be agreed in writing with the Planning Authority).
- The provision of passing place 6 shown on Dwg No ENVIMSW002130-ATK-00-3ZZ-DR-D- 000006 Rev P01.01 (or similar scheme to be agreed in writing

with the Planning Authority).

Reason: These specified works are seen as a pre-requisite for allowing the development to proceed, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal

21. Prior to the breaching of existing embankments, a Monitoring Strategy for the Furzebrook Valve shall be submitted to and approved in writing by the Local Planning Authority. The content of the statement shall include the method of monitoring and recording; frequency of recording; reporting procedure; maintenance and repair procedures; and procedures should the valve fail.

The monitoring strategy will be implemented in accordance with the approved details.

Reason: In the interest of flood risk.

22. The development hereby approved shall be carried out in accordance with the approved fencing layout set out in drawing 'ENVIMSW002130-ATK-00-3AW-DR-C-000032.'

The fencing layout shall be retained for the lifetime of the development.

Reason: In the interest of protected sites.

23. The development hereby approved shall use vibrational piling instead of percussion piling, wherever possible, to minimise disturbance to birds and other wildlife. Any piling should only occur 2 hours either side of high tide and should utilise soft start techniques to allow for the birds in the vicinity to move away from the site.

Reason: In the interest of protected species.

24. Works, apart from tree and vegetation clearance, must occur between 01 April and 31 August inclusive to avoid disturbing overwintering birds and damage to habitats.

Reason: In the interest of protected species.

### **Informatives:**

1. Prior Land Drainage Consent (LDC) may be required from DC's FRM team, as relevant LLFA, for all works that offer an obstruction to flow to a channel or stream with the status of Ordinary Watercourse (OWC) – in accordance with s23 of the Land Drainage Act 1991. The modification, amendment or realignment of any OWC associated with the proposal under consideration, is likely to require such permission. We would encourage the applicant to submit, at an early stage, preliminary details concerning in-channel works to the FRM team. LDC enquires can be sent to [floodriskmanagement@dorsetcouncil.gov.uk](mailto:floodriskmanagement@dorsetcouncil.gov.uk).

2. If the applicant wishes to offer for adoption any highways drainage to DC, they should contact DC Highway's Development team at [DLI@dorsetcouncil.gov.uk](mailto:DLI@dorsetcouncil.gov.uk) as soon as possible to ensure that any highways drainage proposals meet DCC's design requirements.
3. In addition to any other permission(s) that may be required or may have already been obtained the proposals will also require an Environmental Permit. This is required for flood risk activities for carrying out work in, under, over or near a main river (including where the river is in a culvert), on or near a flood defence on a main river, in the flood plain of a main river, on or near a sea defence. It is also required where the site is a SSSI as in this case. Please contact [Blandford.frap@environment-agency.gov.uk](mailto:Blandford.frap@environment-agency.gov.uk) with details of permitted works and state your planning application reference.
4. Any waste generated must be disposed of in accordance with Waste (England and Wales) Regulations 2011.
5. If waste material is brought onto site for construction purposes, the developer should ensure that appropriate permits are held according to Waste (England and Wales) Regulations 2011.
6. The applicant is advised a copy of the licence for Sand Lizards issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the works to go ahead, or confirmation in writing from Natural England that such a licence is not required, should be submitted to the Local Planning Authority.
7. Siltation monitoring is required for the site, which falls under the remit of the Environment Agency. The applicant is advised a siltation Monitoring Strategy is required for the site and should be adhered to.

**Background Documents:**

Case Officer: Naomi Shinkins

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the Council's website.

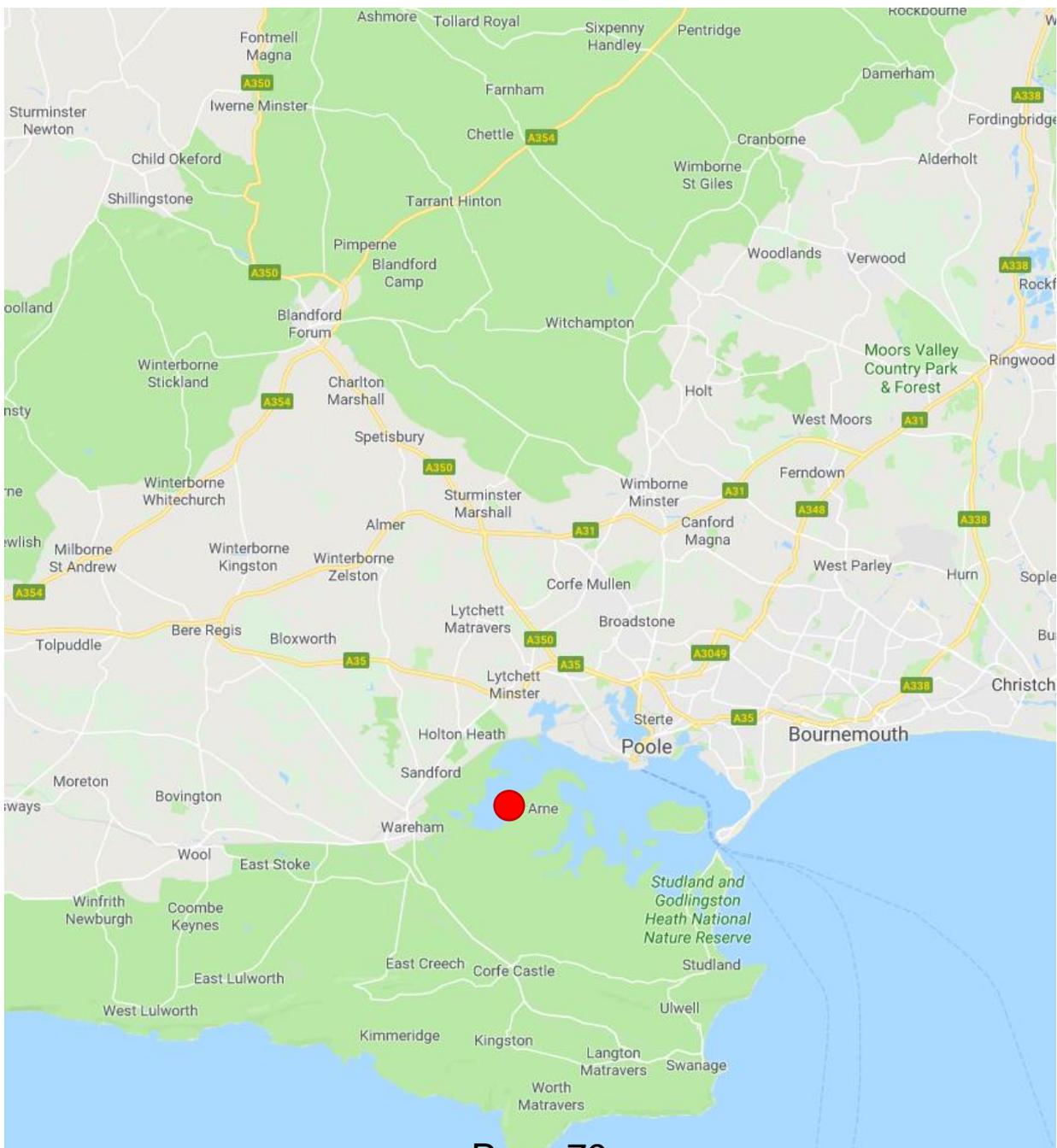
This page is intentionally left blank

Approximate Site Location 

Application reference: P/FUL/2022/05149

Site address: The Moors at Arne East of the community of Ridge and North of Arne Road

Proposal: The creation of intertidal habitat and restricted tidal exchange shallow saltwater lagoons, through managed realignment involving selective breaching of existing tidal embankments. The provision of new set-back earth embankments, including the provision of flapped surface water outfalls, tidal exchange culverts, and an improved channel and outfall for the Furzebrook Stream. The formation of permissive footpaths and screens for public to view birds from, maintenance access tracks and the provision of associated gates, fences and boundary treatment works.



This page is intentionally left blank

## Officer Report

<b>Application Number:</b>	3/21/1115/FUL		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	184 RINGWOOD ROAD, ST LEONARDS AND ST IVES, BH24 2NR		
<b>Proposal:</b>	Demolish existing residential buildings and erect block of 15 apartments with parking, bin and cycle stores		
<b>Applicant name:</b>	Harbourwood Homes Ltd		
<b>Case Officer:</b>	Naomi Shinkins		
<b>Ward Member(s):</b>	Cllr Bryan; Cllr Gorringe		
<b>Publicity expiry date:</b>	30 September 2022	<b>Officer site visit date:</b>	August 2022
<b>Decision due date:</b>	31 October 2022	<b>Ext(s) of time:</b>	18 Jan 2023

1.0 The application has been referred to committee by the Nominated Officer.

### 2.0 Summary of recommendation:

- a). GRANT subject to conditions and securing the affordable housing financial contribution via a Section 106 obligation.
- b). REFUSE if a satisfactory planning obligation is not completed.

### 3.0 Reason for the recommendation:

- The location is considered to be sustainable, and the proposal is acceptable in its scale, design, materials and visual impact.
- The proposal has an appropriate layout and design and would not have an adverse impact on the character and appearance of the area or the landscape.
- There is not considered to be any significant harm to neighbouring residential amenity and the occupants of the proposed dwellings would enjoy an acceptable standard of amenity.
- The proposal would not have an adverse impact on road safety and the access proposed and on-site parking provision are acceptable.
- The proposal would provide appropriate mitigation for its impact on biodiversity and biodiversity enhancement would be provided.
- No other issues which would warrant refusal of the application.

### 4.0 Key planning issues

## Officer Report

<b>Issue</b>	<b>Conclusion</b>
Principle of development	Acceptable - both paragraph 11 of the National Planning Policy framework (NPPF) and KS1 of the Christchurch and East Dorset Local Plan (LP) place a presumption in favour of sustainable development. This site is located within the urban area, being a sustainable location where development is supported. The site is therefore a suitable location for development
Scale, design, impact on character and appearance	Acceptable - the proposed development will be appropriate in scale and design in relation to the surrounding area
Impact on amenity	Acceptable - the proposed development will not have an adverse impact on neighbouring amenity.
Impact on road safety & parking provision	Acceptable- Use of existing access is appropriate and sufficient on-site parking is provided.
Impact on biodiversity	Acceptable- There would be no adverse impact on biodiversity and biodiversity enhancements are proposed.
Impact on Trees	Acceptable - There would be no adverse impact on trees
Drainage	Acceptable – Proposed drainage is considered acceptable.

### **5.0 Description of Site**

- 5.1 The application site comprises 0.18ha of relatively flat land with well vegetated boundaries. It comprises an existing two storey chalet style dwelling and various out buildings. The existing access is from the A31 to the front of the site via a dropped kerb shared with the adjacent petrol station.
- 5.2 This part of the St Leonards and St Ives is a built up suburban area with the frontage dominated by Ringwood Road (the A31 dual carriageway) at a point of transition from residential to a commercial cluster. There is a varied frontage of buildings along Ringwood Road, varying plot sizes, spacings and a loose building line. A narrow lane Garden Lane runs along the western boundary of the site serving five detached dwellings. The scale of buildings varies from modest houses or bungalows up to larger scale commercial buildings.
- 5.3 There is a variety to the architectural character of the locality. The earliest buildings in the locality appear to date from the 1930s but most date from the second half of the 20th century or later. Buildings typically have a traditional form with pitched roofs.

## Officer Report

### 6.0 Description of Development

- 6.1 This planning application proposes the demolition of the existing dwelling and the replacement with an apartment block of 15 dwellings. A revised design was submitted in August 2022 and the following assessment is based on these drawings.
- 6.2 Dwellings are provided in the form of a 2.5/3 storey apartment block with the top storey within the hipped roof. Bin storage is provided to the boundary adjacent to the petrol station (east). Vehicular and pedestrian access is via the existing access on Ringwood Road. 13 unallocated parking spaces are provided to the rear along with secure cycle storage. 2 further unallocated spaces are provided to the front of the site.
- 6.3 The proposed apartment block is 2.5/3 storeys in height and traditional in design. Materials include render, brick and slate.
- 6.4 A summary of the proposed development is as follows:

	<b>Proposed</b>
<b>Site Area (ha)</b>	0.18 ha
<b>Use</b>	C3 residential
<b>Width</b>	20m
<b>Length</b>	25m
<b>Units</b>	15 flats (9 x 2bed, 6 x1 bed)
<b>Approximate Ridge Height (m)</b>	11.5m
<b>Approximate Eaves Height (m)</b>	7m
<b>Materials</b>	Brick, render, slate , upvc
<b>Parking Spaces</b>	15
<b>No. of Storeys</b>	2.5/3 Storeys
<b>Distance from boundaries</b>	SW – 5-8m NE – 10-11m SE – 11.5m NW – 19.5m

## Officer Report

### 7.0 Relevant Planning History

- 3/18/0573/HOU – repair and replace existing 2m fence. Granted October 2013.
- 3/99/0957/FULL – single storey rear extension. Granted December 1999.

### 8.0 List of Constraints

Green Belt – land opposite only

Heathland 5 km zone

Contaminated land – petrol station adjacent

### 9.0 Consultations

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

#### Consultees

1. **Natural England** – no response
2. **Southern Gas Networks** – no response
3. **DC Environmental Health** – no objection subject to condition
4. **St Leonards & St Ives Parish Council** – object
  - significant danger the access/egress to the flats will bring to road users and pedestrians. The closeness to the petrol station and its location in the slip road and by the turning into Garden Lane will present an extremely dangerous stretch of road. Vehicles travelling at 50mph on the A31 arterial road, which can get extremely busy, will come in to contact with vehicles turning into and out of Garden Lane, the flats and the petrol station all within the space of a few metres. It is a concern to the PC that there is a disparity between the National Highways comments and DC highways comments.
  - Lack of parking for the flats. 15 spaces for 15 flats may fulfil DCs parking policy quota but there is likely to be considerably more cars than that. There is nowhere for them to park other than Woolsbridge Road – which will increase the danger of collision with vehicles exiting the A31 at speed. Garden Lane has no on street parking.
5. **Natural Environment Team (NET)** – a NET endorsed Biodiversity Plan dated 20/05/2022 has been submitted with the application
6. **Highways England (HE)** – No objection subject to pre commencement conditions to ensure that access improvements are implemented and available for use prior to occupation of the development.

## Officer Report

Further, the applicant will need to enter into a legal agreement with HE, as the scheme will involve works within the highway boundary

7. **Wessex Water** – Infiltration test results required.
8. **Lead Flood Authority** - No objection subject to condition
9. **Dorset Waste Partnership** - no response
10. **Dorset Council Highways** – Defer on access issues to Highways England. No objection subject to condition in relation to internal layout
11. **DC Trees & Landscape** – No objection subject to condition

### Representations received

Total - Objections	Total - No Objections	Total - Comments
41	1	0

The application was advertised by means of site notices and a press advertisement.

Forty one members of the public have submitted representations, raising concerns as follows:

- Overlooking of neighbouring properties
- Highways safety concerns particularly in relation to the A31 and adjacent petrol station
- Increased traffic
- Apartment block would impact negatively on the character of the area
- Light pollution
- Construction impacts
- Loss of trees
- Insufficient parking
- 3 storeys is too tall
- Proposed design is out character to the area
- Loss of value of existing properties
- Insufficient infrastructure (schools, doctors, dentists, internet)
- Some information submitted is incorrect
- Amendments submitted do not address concerns raised.

One letter of support noting:

- Will improve the area
- Will provide housing for younger generation

## Officer Report

### 10.0 Relevant Policies

#### **Development Plan:**

#### **Christchurch and East Dorset Core Strategy 2014**

#### **East Dorset Local Plan 2002 (saved policies)**

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Christchurch and East Dorset Local Plan and saved policies of the East Dorset Local Plan (2002).

10.2 The following policies are of particular relevance in this case:

The Christchurch and East Dorset Core Strategy (2014) ("the Core Strategy")

Policy HE2 - Design of New Development

Policy HE3 – Landscape Quality

Policy KS1 - Presumption in Favour of Sustainable Development

Policy KS11 - Transport and Development

Policy KS12 - Parking Provision

Policy LN1 - The Size and Type of New Dwellings

Policy LN2 - Design, Layout and Density of New Housing Development

Policy LN3 - Provision of Affordable Housing

Policy ME1 – Safeguarding Biodiversity and Geodiversity

Policy ME2 - Protection of the Dorset Heathland

Policy ME4 – Renewable Energy Provision

Policy ME6 – Flood Management, Mitigation, and Defence

10.3 The East Dorset Local Plan (2002) ("the Local Plan")

Policy DES2 - Pollution

Policy DES11 - Enhancing the Environment

Policy LTDEV1 – External Lighting

10.4 **Other Material Considerations**

#### Supplementary Planning Documents/Guidance:

Dorset Heathlands Planning Framework 2020 - 2025 SPD (DHPF)

#### National Guidance

The National Planning Policy Framework (NPPF) July 2021 and National Planning

Practice Guidance (NPPG)

Paragraph 11d of the NPPF sets out the presumption in favour of sustainable development.

## Officer Report

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.

Most relevant NPPF sections include:

- Section 5 Delivering a sufficient supply of homes
- Section 12 Achieving well-designed places
- Section 14 Meeting the challenge of climate change, flooding and coastal change

### **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 proposal would result in fifteen dwellings being provided in a sustainable urban location with level ground floor access. No disadvantage to persons with protected characteristics is anticipated.

### **13.0 Financial benefits**

## Officer Report

What	Amount / value
Material Considerations	
Affordable housing contribution	£58,147
Non Material Considerations	
CIL	TBC

### 14.0 Climate Implications

14.1 The proposed will result in the redevelopment of a brownfield site within a sustainable urban location. While the development will be new build, given the relatively low number of dwellings, the proposal is not considered to have a significant impact on climate change. Renewable energy source and water efficiency requirements have been conditioned.

### 15.0 Planning Assessment

15.1 The main issues relation to this application are considered to be:

- 6.1 - The Principle of Development
- 6.2 – Viability
- 6.3- Design and Appearance
- 6.4- Local Amenity
- 6.5- Highway Impact
- 6.6- Trees
- 6.7- Biodiversity
- 6.8- Drainage

#### **Principle of development**

15.2 This planning application proposes the erection of new dwellings within the development limits of the main urban area of St Leonards and St Ives, where the principle of development is acceptable subject to accordance with other local and national planning policy.

#### **Viability**

15.3 The submitted viability appraisal states that the proposal cannot support any affordable housing or other financial contributions, apart from CIL.

15.4 Policy LN1 of the Core Strategy states that individual sites will be expected, in terms of the size and type of new market and affordable dwellings, to reflect the needs of the Strategic Housing Market Assessment (SHMA). Policy LN3 of the Core Strategy states that greenfield residential development resulting in a net increase of housing is to provide up to 50% of the residential units as affordable housing. All other residential development resulting in a net

## Officer Report

increase of housing is to provide up to 40% affordable housing. As the application site is currently residential, 40% affordable housing is required.

- 15.5 The submitted viability information has been assessed by the District Valuation Service (DVS) - The DVS is the specialist property arm of the Valuation Office Agency (VOA) who provide independent, impartial, valuation and professional property advice across the entire public sector, and where public money or public functions are involved.
- 15.6 The DVS has advised while onsite affordable housing is not viable, a financial contribution of £58,147 is. This was in relation to the initial design where 10x2 bed and 5 x 1 bed apartments were provided and the applicant accepted the DVS' findings. The revised design submitted in August 2022 is for 9x2 bed and 6x1 bed apartments. Despite the reduction in 2 bed apartments the application is still willing to pay the contribution previously specified and secure the affordable financial contribution via a Section 106 agreement.
- 15.7 With a financial contribution secured in line with the DVS findings, the proposed is considered to accord policy LN3 of the Core Strategy.

### **Design**

- 15.8 The proposed apartment block is 2.5/3 storeys in height and traditional in design. Materials include render, brick and slate.

Policy HE2 of the Core Strategy states that new development must be of a high quality and that in various respects, including its visual impact, it must be compatible with or improve its surroundings. Policy DES11 of the Local Plan states that development will only be allowed where, in terms of its form and materials amongst other things, it would respect or enhance its surroundings. Section 12 of NPPF July 2021 notes '*good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*'

- 15.9 A revised design was submitted in August 2022 and the following changes were made:
- Bedroom windows to first and second floor apartments overlooking 186 Ringwood Rd removed by replacing the 2 bed with a 1 bed apartment and rearranging the internal layout.
  - Main pitched roof replaced with a hipped roof to reduce bulk and massing of roof line
  - Parking now in accordance with DC guidance including visitor spaces by reducing the number of 2 bedroom apartments.
  - Relationship to the access road improved with defensible space now provided at entrance area.

## Officer Report

- 15.10 Dwellings are provided in the form of 9x2 bed and 6x1bed apartments within a 2.5/3 storey apartment block, where the third storey accommodation is located within the hipped roof. Communal garden space is provided to the front and side. Bin storage is provided within the site, adjacent to the filling station boundary and the majority of parking is to the rear, with 2 spaces located to the front. Cycle parking is provided to the rear. Vehicular and pedestrian access is via the existing access on Ringwood Road. The proposed building is traditional in design and brick and render are the main materials proposed. The proposed building is 11.5m from the from the public highway and existing trees are retained which screen the site extensively.
- 15.11 Third party concerns have been raised that the proposed is out of keeping with the character of the area and that 3 storeys is too high. It is the case officer's opinion that the revised design would not warrant refusal in design terms as noted in the next paragraph and is screened by substantial trees to the frontage, which will be retained.
- 15.12 The proposed is 11.5m in height to the highest ridge and 7m to the eaves. While concerns regarding scale and height are acknowledged in relation to single storey dwellings in the immediate area, the proposed is also adjacent to a commercial cluster comprising a filling station and two storey travel lodge. Given the change of character to this part of Ringwood Road, a taller building is not unacceptable. The height of the third storey is constrained by containing the accommodation within the roof space and the roof is hipped away from all boundaries. As noted previously, the building is set back from the public highway and screened by substantial trees to be retained. Therefore it is considered the proposed would not have an impact on the character of the area to an extent that would warrant refusal. The proposal therefore accords with Policies HE2 and DES 11.

### **Trees and Landscaping**

- 15.13 Policy HE3 of the Core Strategy notes development needs to protect and seek to enhance the landscape character of the area. Section 15 of the NPPF (2021) aims to protect the natural environment including trees. Third party concerns have been raised regarding the loss of trees on the site.
- 15.14 An aboriocultural assessment has been submitted and the tree officer has advised the findings of the submitted Tree Report application are broadly agreed with, including the removal of some trees on site. The tree located on the northern boundary, while screening the site from the neighbouring properties, is in a poor condition and the argument to retaining it is not there. The same can be said for the trees along the eastern boundary with the petrol

## Officer Report

station and the western boundary also. However the tree officer advised there will need to be a strong landscaping scheme both to screen the neighbouring properties from the build and vice versa. Therefore there is no objection subject to the landscape and tree protection conditions added to end of this report.

- 15.15 Proposed landscaping is considered to be generally acceptable, however conditions in relation to landscaping detail ( Conditions 12 &13)have been imposed to ensure planting details are sufficient as per the tree officer request. The proposed therefore is in accordance with policies HE2 and HE3 of the Core Strategy subject to conditions.

### **Local Amenity and Standard of Accommodation**

- 15.16 Policy HE2 of the Core Strategy states that new development should be compatible with or improve its surroundings in relation to nearby properties and general disturbance to amenity. Section 12 of the NPPF encourages good design that is safe and inclusive.
- 15.17 The proposed separation distance to the neighbouring dwellings are as follows:
- Garden Lane (SW) – 5-8m
  - Filling Station (NE) – 10-11m
  - A31 (SE) – 11.5m
  - Garden Lane extending to the rear (NW) – 19.5m
- 15.18 Third party concerns have been raised regarding overlooking to neighbouring properties. The revised design removed previously proposed windows to the SW elevation, which have overlooked 186 Ringwood Road. While the loss of some trees reduces screening to neighbouring boundaries, proposed separation distances are considered acceptable where windows directly face neighbouring properties, which is 19.5m to the NW. Notwithstanding this, windows to the rear would overlook dwelling frontages, mostly used for parking.
- 15.19 Concerns were also raised that a 3 storey building would be overbearing from neighbouring properties. Given the separation distances set out above, hipped roof and separation by Garden Lane, it is not considered the proposed would have an overbearing impact to an extent that would warrant refusal.
- 15.20 In terms of amenity for future occupiers – the proposed development provides 1 bed 2 person and 2 bedroom 3 person dwellings. Internal space requirements provided exceed standards required by the Christchurch and East Dorset Local Plan. There are no external space standard requirements but external communal space is provided to the front and side of the proposed building.

## Officer Report

15.21 Therefore the proposal is considered to be in accordance with Policy HE2 of the Core Strategy.

### **Noise**

15.22 The proposed building is adjacent to the A31. The Environmental Health (EH) Officer has been consulted and advised that the proposed is acceptable subject to proposed conditions 5,14 &20 (set out in full in section 16):

- Noise impact assessment required for mitigation from noise from the A31 for future occupiers
- Construction management information is required including hours of construction and best practice on site to minimise disruption to neighbours.

### **Contaminated Land**

15.23 The proposed is adjacent to the filling station and the EH Officer has been consulted. The EH Officer has requested a contaminated land condition is imposed (proposed Condition 19)

### **Highways and parking**

15.24 Policy KS12 states that adequate vehicle and bicycle parking should be provided to serve new development. Third party concerns have been raised insufficient parking has been provided.

15.25 15 unallocated parking spaces have been provided on site. DC parking guidelines requires this development to provide 13 unallocated spaces only. Therefore there is an over provision of 2 spaces based on the guidelines. Cycle parking has been provided to the rear in a separate structure.

15.26 Third party concerns have also been raised regarding highways safety and access from the A31. DC Highways Officers deferred access issues to National Highways.

15.27 National Highways have been consulted and advised they had no objection once additional information was provided subject to the following conditions:

- Scheme of improvement works to the A31 trunk required (Condition 6)
- Construction traffic management plan required(Condition 5)
- Tree works information required for removal (Condition 7)
- Boundary landscaping to be agreed (Condition 8)
- No surface water to the A31 (Condition 9)

15.28 Paragraph 111 of the NPPF notes:

## Officer Report

*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

In terms of its impact on highway safety and the provision of adequate parking provision, the proposal is considered to be in accordance with Policy KS12 of the Core Strategy, subject to the use of the aforementioned conditions.

### **Biodiversity**

- 15.29 The application site lies within 5km but beyond 400m of Dorset Heathland which is designated as a Site of Special Scientific Interest and as a European wildlife site.
- 15.30 The proposal for a net increase of 14 residential units, in combination with other plans and projects and in the absence of avoidance and mitigation measures, is likely to have a significant effect on the sites. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected site, in view of the site's conservation objectives.15.31
- 15.31 The appropriate assessment dated August 2022 has concluded that the mitigation measures set out in the Dorset Heathlands 2020-2025 SPD can prevent adverse impacts on the integrity of the site. The SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). The strategic approach to access management is necessary to ensure that displacement does not occur across boundaries.
- 15.32 The Council collects Heathland mitigation payments via the Community Infrastructure Levy (CIL) and/or legal agreements which will secure the necessary contribution in accordance with the Dorset Heathlands SPD. With the mitigation secured the development will not result in an adverse effect on the integrity of the designated site so in accordance with regulation 70 of the Habitats Regulations 2017 planning permission can be granted; the application accords with Core Strategy Policy ME2.
- 15.33 Concerns have also been raised that proposed did provide a Biodiversity Mitigation Enhancement Plan (BMEP). A Dorset Council Natural Environment Team endorsed BMEP has been submitted dated June 2022. A condition is imposed to secure the delivery of this plan.

### **Drainage**

- 15.34 The application site is not within a flood risk zone and is identified on the Environment Agency flood risk as 'very low risk' with regards to surface water flooding.

## Officer Report

- 15.35 Third party concerns have been raised in relation to flood risk. Whilst the site is not thought to be at risk of flooding the proposed scheme has the potential to exacerbate risk to adjacent areas if surface water runoff from the proposed development is not adequately managed. In accordance with the recommendations of the National Planning Policy Framework all development proposals are to be supported by a strategy of surface water management that is both viable and deliverable, and which demonstrates that the proposed development and any adjoining property or infrastructure are not to be placed at risk, or worsening.
- 15.36 It is noted that the Highways Authority require that surface water is not discharged into highways drains. The proposed drainage strategy highlights discharge of surface water via permeable paving and diffuser tanks. The DC Lead Flood Authority have been consulted and noted that the proposed is acceptable on the basis of the conceptual drainage strategy shown. Wessex Water have advised that if this approach fails then the surface water should be discharged to the existing surface water sewer in Braeside Road. If this option is legitimately discounted Wessex Water have confirmed that a reduced rate discharge to the foul sewer would be acceptable. Full results from groundwater monitoring will need to be submitted (under Conditions 19 & 20) in order to demonstrate that the proposed soakaways will not be compromised by groundwater.
- 15.37 The proposed development is considered to be accordance with Policy ME6 of the Core Strategy.

### **Servicing**

- 15.41 Bin storage is provided within the site, to the eastern boundary adjoining the filling station. Dorset Waste Services have been consulted and no response was received.
- 15.42 The submitted transport statement identifies how a full size refuse vehicle can enter and turn on site. Officer are satisfied DWS requirements can be met where reversing distances are less than 12m and pull distances are less than 10m. Highways England have raised no objection to refuse vehicle movements proposed to enter and exit the site. The proposed servicing is therefore considered acceptable.

### **16.0 Conclusion**

- 16.1 This assessment exercise has involved considering the acceptability of the proposal in relation to the Development Plan, taken as a whole, and all other materials considerations. All of the foregoing factors have also been considered in relation to the social, economic, and environmental benefits to be provided by the proposal. It is considered the proposed is acceptable in relation to material planning considerations.

## Officer Report

- 16.2 The proposal is therefore considered to comply with the requirements of the Development Plan as a whole and to be sustainable development for the purposes of NPPF paragraph 11. The recommendation is for approval of the application with conditions and securing the affordable housing financial contribution via Section a 106 Legal agreement.

### **A) Recommendation: Approval**

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.

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

9457/100 'I' Block Plan

9457/101 'B' Floor Plans

9457/102 'B' Elevations

9457/103 'D' Elevations

9457/105 'C' SUDS Plan

9457/107 'A' Site Section

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

3. Before the development is occupied or utilised the cycle parking facilities shown on Drawing Number '9457/100 I' 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.

4. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number '9457/100 I' 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.

## Officer Report

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

5. Before the development hereby approved commences a Construction traffic Management Plan (CTMP), Construction Method Statement (CMS) Construction Environmental Management Plan (CEMP) must be submitted to and approved in writing by the Local Planning Authority. The CMS & CEMP must include:
- construction vehicle movements
  - construction operation hours
  - construction delivery hours
  - expected number of construction vehicles per day
  - car parking for contractors vehicles
  - arrangements for on-site off-loading and storage of construction plant and materials as no parking or off-loading will be permitted from the A31
  - the provision of adequate turning space on site to ensure vehicles can enter and exit the A31 in a forward gear.
  - storage of plant and materials used in constructing the development
  - the use of plant and machinery
  - wheel washing and vehicle wash-down and disposal of resultant dirty water - oils/chemicals and materials
  - the location and form of work and storage areas and compounds
  - the control and removal of spoil and wastes.

The approved CMS, CTMP & CMP 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.

6. No occupation of the dwellings hereby permitted shall take place unless and until the scheme of works for the improvement of the access onto the A31 trunk road is completed and available for use. The works shall be implemented in accordance with the preliminary design drawing 800-0032-006 Rev B, subject to any necessary changes identified during the detailed design and Road Safety Audit process.

Reason: in the interest of the safe and efficient operation of the A31 trunk road.

7. Prior to the removal of trees in proximity to the boundary with the A31 trunk road, a method of works shall be submitted to and approved in writing by the local planning authority (in consultation with National Highways). The method statement shall include consideration of traffic management requirements to protect users of the A31 trunk road and associated public footpath. The works

## Officer Report

shall be undertaken in accordance with the agreed method statement by a suitably qualified contractor.

Reason: in the interest of the safe and efficient operation of the A31 trunk road.

8. Prior to the commencement of the development hereby permitted, a boundary treatment/landscaping plan shall be submitted to and agreed in writing by local planning authority (in consultation with National Highways). The plan shall include details of any fencing or planting, its location with reference to the National Highways boundary, and a maintenance schedule. Boundary treatments shall be implemented prior to occupation in accordance with the agreed plan and maintained as such thereafter.

Reason: in the interest of the safe and efficient operation of the A31 trunk road.

9. The method of surface water drainage for the development hereby permitted shall be designed, implemented and maintained to ensure no surface water run-off arising from the development site shall enter the trunk road or highways drainage systems.

Reason: in the interest of the safe and efficient operation of the A31 trunk road and to protect the highways drainage asset.

10. The development hereby approved shall not be occupied unless and until the protected species mitigation measures as detailed in the approved mitigation plan dated 20/05/2022 have been completed in full unless any modifications to the agreed mitigation plan as a result of the requirements of a European Protected Species Licence or the results of subsequent bat surveys have first been submitted to and agreed in writing by the Local Planning Authority.

Thereafter approved mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: This information is required prior to the commencement of development to ensure that bat/barn owl species are protected and their habitat enhanced, in accordance with the Wildlife and Countryside Act 1981 as amended, the Conservation of Habitats and Species Regulations 2010 and policy ME1 of the Christchurch and East Dorset Core Strategy.

11. No development above damp proof course (DPC) shall take place until details and samples of all external facing and roofing materials have been provided on site and approved in writing by the Local Planning Authority (LPA). All works shall be undertaken strictly in accordance with the details as approved.

Reason: This information is required prior to above ground work commencing to ensure satisfactory visual relationship of the new development to the existing. This decision has also had regard to Policies HE2 and HE3 of the

## Officer Report

Local Plan and Government Guidance contained in the National Planning Policy Framework.

12. No development above damp proof course (DPC) shall take place until full updated details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority (LPA). These details shall include full details of structural tree pits (tree Bunker or Silvacell or similar); details of boundary planting; and schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate). All works shall be undertaken strictly in accordance with the details as approved and maintained as such.

Reason: This information is required prior to above ground work commencing as the long term establishment, maintenance and landscaping of the site is necessary to preserve the amenity of the locality and biodiversity. This decision has also had regard to Policies HE2 and HE3 of the Local Plan and Government Guidance contained in the National Planning Policy Framework.

13. All hard and soft landscape shall be carried out prior to the occupation of any part of the development and the planting carried out in the first planting season following completion of the development. Any planting found damaged, dead or dying in the first five years following their planting are to be duly replaced with appropriate species.

Reason: To ensure the long term establishment, maintenance and landscaping of the site to preserve the amenity of the locality and biodiversity. This decision has also had regard to Policies HE2 and HE3 of the Local Plan and Government Guidance contained in the National Planning Policy Framework.

14. No construction work in relation to the development, including preparation prior to operations, shall take place other than between the hours of 08.00 hours to 18.00 hours Monday to Friday and 09.00 hours to 13.00 hours on Saturdays and at no time on Sundays or Public or Bank Holidays.

Reason: To safeguard the amenity of existing residents having regard to Local Plan Policy HE2.

15. No development above damp proof course (DPC) shall take place until details have been submitted to and approved in writing by the Local Planning Authority that cover the following matters:

- how the development shall achieve at least 10% of the total regulated energy (used for space heating, hot water provision, fixed lighting and ventilation) used in the dwellings in each phase from renewable sources, unless otherwise agreed in writing with the local planning authority;

## Officer Report

- that options for district heating, and/or power facilities to serve the development have been investigated;
- where it is possible to do so the development should be connected to a district heating and/or power facility in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.

The scheme shall be implemented in accordance with the agreed details.

Reason: To help meet the UK's carbon emissions targets and comply with Policy ME4 of the Christchurch and East Dorset Core Strategy.

16. No development above damp proof course (DPC) shall take place until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme should demonstrate a standard of a maximum of 110 litres per person per day is applied for all residential development. The scheme shall be implemented in accordance with the agreed details.

Reason: This condition contributes to sustainable development and meeting the demands of climate change. Increased water efficiency for all new developments also enables more growth with the same water resources.

17. Notwithstanding details already submitted with the application, the protection of trees shall be in accordance with the Tree Implication Assessment, Method Statement and Tree Protection Plan submitted by RNapc Reference Tree Implication Assessment, Method Statement and Tree Protection Plan submitted by RNapc Reference RNapc/168/TPP/1 dated 20 May 2021. This condition shall not be discharged before an Arboricultural supervision statement, the contents of which are to be agreed at a pre-commencement meeting, is submitted to and approved in writing by the local planning authority on completion of development and prior to the dwelling being occupied.

Reason: To comply with the arboricultural and landscape requirements

18. Prior to commencement of works samples of the cellular confinement system to be used, including the samples of the cell infill aggregate, which shall not be of a calcareous nature rather a 4-20mm clean angular granite or flint shall be submitted and approved in writing by the Local Planning Authority.

REASON: To safeguard trees and natural features which are important to the visual amenities of the area

19. Prior to the commencement of the development hereby approved the following Remediation Scheme shall be submitted to and agreed in writing by the Local Planning Authority:

## Officer Report

- 1) a 'desk study' report documenting the site history.
- 2) a site investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages, and incorporating risk assessment.
- 3) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed.
- 4) a detailed phasing scheme for the development and remedial works (including a time scale).
- 5) a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time.

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby permitted first comes in to use or is occupied. On completion of the development written confirmation that all works were completed in accordance with the agreed details shall be submitted to the Local Planning Authority.

Reason: To ensure potential land contamination is addressed.

20. Before installation of plant or similar equipment, a noise report from a suitably qualified/experienced person shall be submitted to and agreed in writing by the local planning authority. The written report shall follow the BS4142 format and contain details of background sound measurements at times when the plant is likely to be in operation, against the operational plant sound level(s). The report should predict the likely impact upon sensitive receptors in the area; all calculations, assumptions and standards applied should be clearly shown. Where appropriate, the report should set out appropriate measures to provide mitigation to prevent loss of amenity and prevent creeping background noise levels. The agreed mitigation measure shall be fully implemented and permanently retained there after.

Reason: In order to protect the living conditions of surrounding residential properties.

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

## Officer Report

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

### **Informatives:**

1. The A31 access improvement scheme associated with this consent involves works within the public highway, which is land over which the applicant has no control. National Highways will therefore require the applicant to enter into a suitable legal agreement to cover the detailed design and construction of the works. Please contact South East Operations at [SE3PPArea3@nationalhighways.co.uk](mailto:SE3PPArea3@nationalhighways.co.uk) at an early stage to discuss the details of the highways agreement. You should be aware that an early approach to National Highways is advisable to agree the detailed arrangements for financing the design and construction of the scheme. Commencement of works will also need to be timed to fit in with other road works on the strategic road network or local road network to ensure there are no unacceptable impacts on congestion and road safety. Please be advised that National Highways will charge Commuted Sums for maintenance of schemes delivered by third parties. These will be calculated in line with HM Treasury Green Book rules and will be based on a 60 year infrastructure design life period
2. This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.
3. The applicant is advised to have early discussions with Wessex Water in relation to the possible adoption of SuDS features in order to ensure that the final design of the attenuation features are in line with their design requirements.

**B) Refuse permission for the reasons set out below if the agreement is not completed by 31 March 2023 or such extended time as agreed by the Head of Planning.**

## Officer Report

1. The proposed development fails to make an appropriate contribution to affordable housing, contrary to Policy LN3 of the Christchurch and East Dorset Local Plan – Part 1 2014.

### **Background Documents:**

Case Officer: Ursula Fay / Naomi Shinkins

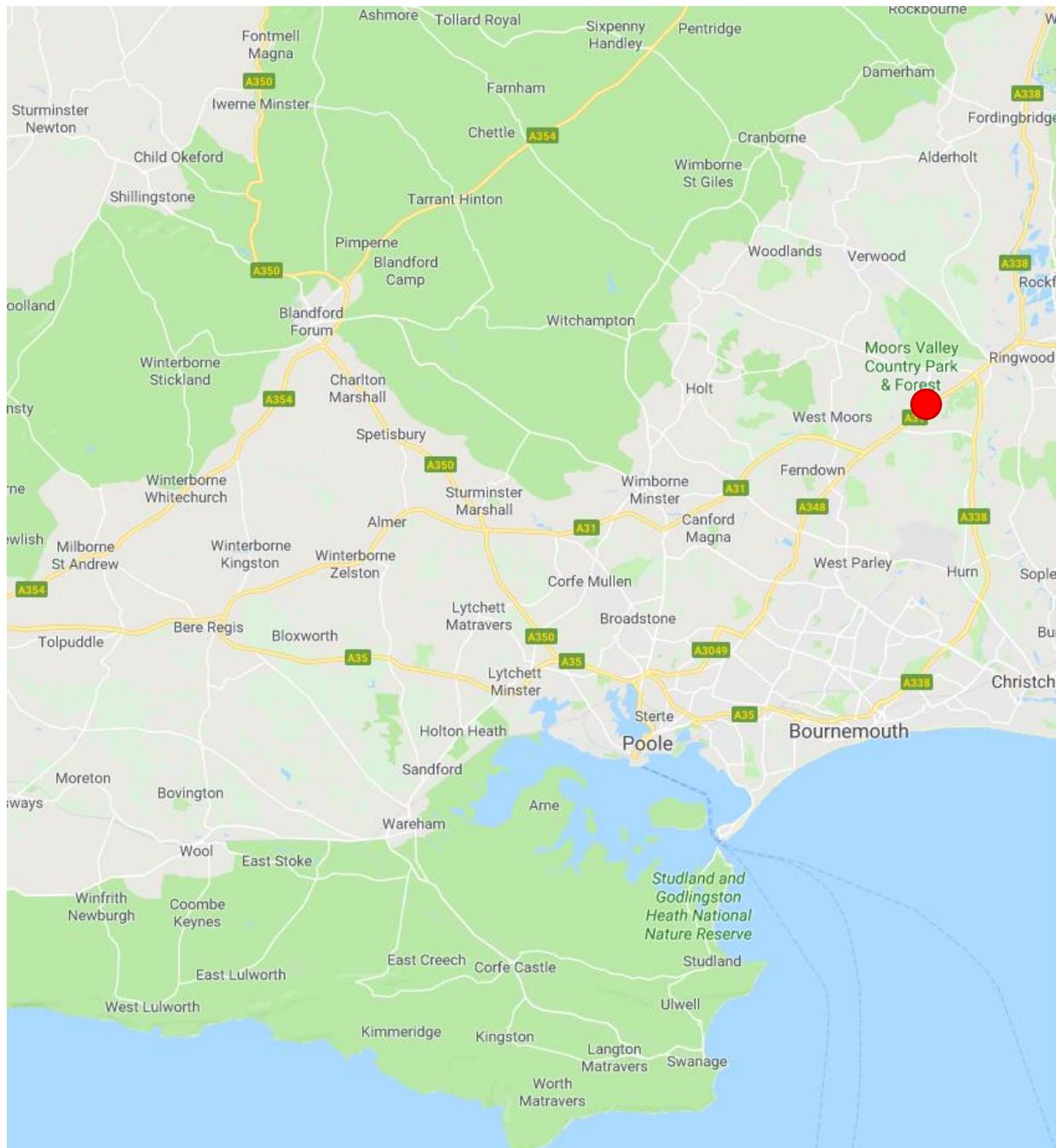
NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the Council's website.

Approximate Site Location 

Application reference: 3/21/1115/FUL

Site address: 184 RINGWOOD ROAD, ST LEONARDS AND ST IVES, BH24 2NR

Proposal: Demolish existing residential buildings and erect block of 15 apartments with parking, bin and cycle stores



This page is intentionally left blank

<b>Reference No:</b> 3/21/1566/RM
<b>Proposal:</b> Approval of reserved matters application in respect of appearance, layout scale and landscaping following outline planning application 3/18/3305/FUL for residential development of 174 dwellings with associated roads, parking, turning and amenity areas; provision of public open space and landscaped areas
<b>Address:</b> Land south of Leigh Road Wimborne Dorset BH21 2DA
<b>Recommendation:</b> <b>GRANT</b>
<b>Case Officer:</b> Naomi Shinkins
<b>Ward Members:</b> Cllr Dover, Cllr Roe
<b>CIL Liable:</b> N

<b>Fee Paid:</b>	£39971.00		
<b>Publicity expiry date:</b>	29 September 2022	<b>Officer site visit date:</b>	September 2021
<b>Decision due date:</b>	14 October 2022	<b>Ext(s) of time:</b>	14 October 2022
<b>SoD Constitutional trigger:</b>	Referred to Planning Committee by the Head of Service as requested by the Vice Chair		
<b>Nominated officer agreement to delegated decision</b>	<b>Date agreed:</b>	29/11/2022	

**1.0** The application has been referred to committee by the nominated officer having gone through the Council's Scheme of Delegation Process.

**2.0 Summary of recommendation:**

2.1.1 GRANT subject to conditions

**3.0 Reason for the recommendation:**

- Principle of development was acceptable under application 3/18/3305/FUL.
- The proposal has an appropriate layout and design and would not have an adverse impact on the character and appearance of the area or the landscape.
- Proposal is acceptable in its scale, design, materials and visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity and the occupants of the proposed dwellings would enjoy an acceptable standard of amenity.

- The proposal would not have an adverse impact on road safety and the on-site parking provision is acceptable
- The proposal would provide appropriate mitigation for its impact on biodiversity and biodiversity enhancement would be provided .
- Other issues raised by consultees have been assessed and there are not any which would warrant refusal of the application.

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable – OUT approved under PA 3/18/3305/FUL
Scale, design, impact on character and appearance	Acceptable - the proposed development will be appropriate in scale and design in relation to the surrounding area
Impact on amenity	Acceptable - the proposed development will not have a significant adverse impact on neighbouring amenity.
Parking provision	Acceptable- sufficient on-site parking is provided.
Impact on biodiversity	Acceptable- There would be no adverse impact on biodiversity and biodiversity enhancements are proposed.
Impact on Trees	Acceptable - There would be no adverse impact on trees
Drainage	Acceptable – Proposed drainage is considered acceptable subject to condition

#### 5.0 Description of Site and Surroundings

5.1 The Application Site is the last residential part of the (Christchurch and East Dorset Local Plan policy) WMC98 allocation to be built out following the grant of a hybrid permission in 2020 under PA 3/18/3305/FUL for

1) 174 dwellings in Outline with all matters reserved save for means of access and

2) the erection of a community sports facility comprising club house, playing pitches, parking and landscaping together with the change of use of the land to leisure (in full)

- 5.2 The site essentially comprises the southernmost portions of the Local Plan Allocation Site WMC8 (South of Leigh Road New Neighbourhood and Sports Village, Wimborne).
- 5.3 The Application Site is located broadly between the B3073 (Leigh Road) to the north and the A31(T) (Wimborne By-Pass) to the south. To the south of the Application Site, beyond the A31, is the River Stour valley which includes open countryside and the settlements of Canford Magna and Oakley.
- 5.4 The northern site boundary adjoins the consented housing area (3/15/0789/COU). On the western site boundary there is a hedgerow and footpath between the site and an additional housing development currently which is now constructed (Application reference 3/15/0839/FUL). The southern site boundary is formed by the A31 and existing mature vegetation. The eastern boundary is open in the southern part, with open fields to the east, between Canford Bottom and the A31.
- 5.5 The Application Site lies within the broad flat valley of the River Stour. To the north the land rises to an approximately height of 65m AOD in the higher residential parts of Colehill and Wimborne Minster. To the west and to the east, within the river valley, the land is fairly level. South of the A31 the land has a gentle gradient to River Stour.
- 5.6 The application site is in the vicinity of the historic line of a Roman Road. There is a public footpath (E2/22) which crosses the western corner of the site and follows the southern site boundary crossing the A31 via the existing footbridge and continuing south, through the consented SANG, to join the long-distance Castleman Trailway.
- 5.7 The site does not lie within, or adjacent to, any statutory designated sites of nature conservation importance. Three Special Protection Areas (SPAs), one Special Area of Conservation (SAC) and three Ramsar sites lie within 10km of the site, including Dorset Heathlands SPA and Dorset Heaths SAC which both lie approximately 2.2km south-west of the site at their nearest point. These are designated for their heathland bird populations and heathland habitats respectively.
- 5.8 There are also seven Sites of Special Scientific Interest (SSSIs), one National Nature Reserve (NNR) and 12 Local Nature Reserves (LNRs) within 2km of the site, the closest of which is Leigh Common LNR which lies adjacent to the Common Site of Nature Conservation Interest (SNCI), a non-statutory site, overlaps the northern edge of the site and includes the grassland verge to the south of Leigh Road. Leigh Common SNCI is described as containing semi improved neutral grassland and an area of secondary woodland, although the portion that occurs within the site contained amenity grassland.

## **6.0 Proposal**

- 6.1 This is a Reserved Matters application for the Appearance, Layout, Landscaping and Scale associated with the Outline consent 3/18/3305/FUL

for 174 residential dwellings and associated roads, parking, turning and amenity areas; provision of public open space and landscaped areas.

6.3 A summary of the proposed development is as follows:

	<b>Proposed</b>
<b>Site Area (ha)</b>	0.4 ha
<b>Use</b>	C3 residential
<b>Materials</b>	Brick, render, slate effect, upvc
<b>No. of Dwellings</b>	174
<b>Parking Spaces</b>	319
<b>No. of Storeys</b>	2-3 Storeys

## 7.0 Relevant Planning History

3/15/0789/COU - Decision: GRA - Decision Date: 05/01/2018  
Hybrid Planning Application comprising 1) Outline planning application for residential development with associated roads, parking, turning and amenity areas; provision of local centre; provision of public open space, landscaped areas and allotments; provision of Rugby Club including clubhouse, parking and pitches; and 2) Full Planning application for change of use of agricultural land to (SANG) Suitable Alternative Natural Greenspace.

3/18/2262/RM - Decision: GRA - Decision Date: 23/01/2019  
Approval of reserved matters application in respect of appearance, layout scale and landscaping (including pumping station and SUD's) following outline planning application 3/15/0789/COU for residential development of 305 dwellings with associated roads, parking, turning and amenity areas; provision of local centre; provision of public open space and landscaped areas at Land at Park Farm, Leigh Road, Wimborne, Dorset, BH21 2DA.

3/18/3305/FUL - Decision: GRA - Decision Date: 22/12/2020  
A hybrid application comprising:  
1) An outline application for the erection of 174 dwellings, with all matters reserved save for means of access.  
2) A full planning application for the erection of a community sports facility comprising club house, playing pitches, parking and landscaping together with the change of use of the land to leisure.

3/19/0820/CONDR - Decision: REF - Decision Date: 22/10/2019  
Variation of condition 2 of application 3/18/2262/RM to substitute drawings originally approved for revised drawings that seek to amend the proposed house types for plots 29, 30, 31, 41, 42 and 43. The application also proposes to separate plots 29 and 30 so that plot 29 is now detached and plots 30 and 31 form a pair of semi-

detached properties. Plots 41 and 42 will also form a pair of semi-detached properties, so that plot 43 is now detached.

3/19/1577/NMA - Decision: REF - Decision Date: 22/10/2019  
Non material amendment to P/A 3/18/2262/RM to substitute 11no. Ashurst House types with the Archford House types.

3/19/2132/NMA - Decision: REF - Decision Date: 25/10/2019  
Non material amendment to P/A 3/18/2262/RM to amend the proposed house types for Plots 29, 30, 31, 41, 42 and 43

3/19/2186/NMA - Decision: WIT - Decision Date: 06/03/2020  
A non-material amendment to application 3/18/2262/RM to substitute 11 no. Ashurst house types with the Archford house type.

3/19/2426/RM - Decision: GRA - Decision Date: 05/03/2020  
Approval of reserved matters application in respect of appearance, layout, scale and landscaping following outline planning application 3/15/0789/COU for residential development of 305 dwellings.

3/19/2494/NMA - Decision: WIT - Decision Date: 16/01/2020  
Non-material amendment to change Condition 27 of PA 3/15/0839/FUL to include for the training pitch surface to be implemented to either a grass pitch or 3G turf standard.

3/20/0496/NMA - Decision: GRA - Decision Date: 17/06/2020  
Non material amendment to 3/19/2426/RM to amend visitor parking bays material-tarmac instead of block paving

3/21/0338/CONDR - Decision: GRA - Decision Date: 20/05/2021  
Application to Vary Condition 6 of Approved P/A 3/15/0789/COU (Hybrid Planning Application comprising 1) Outline planning application for residential development with associated roads, parking, turning and amenity areas; provision of local centre; provision of public open space, landscaped areas and allotments; provision of Rugby Club including clubhouse, parking and pitches; and 2) Full Planning application for change of use of agricultural land to (SANG) Suitable Alternative Natural Greenspace.) To regularise the planning permission in line with the Minor Works Agreement with the Highways Authority to use the existing access arrangement on a temporary basis until the occupation of the 150th dwelling within the development site

3/21/0840/FUL - Decision: GRA - Decision Date: 08/02/2022  
Erect 66 residential dwellings. This application proposes to re-plan part of the permitted Quarterjack Park Development (granted under PA 3/15/0789/COU), resulting in an uplift of 9 units (description amended 21 Sept 2021 as per revised plans submitted)

P/VOC/2021/05473 - Decision: GRA - Decision Date: 08/07/2022  
Vary condition 6 of PA 3/15/0789/COU (Hybrid Planning Application comprising 1) Outline planning application for residential development with associated roads,

parking, turning and amenity areas; provision of local centre; provision of public open space, landscaped areas and allotments; provision of Rugby Club including clubhouse, parking and pitches; and 2) Full Planning application for change of use of agricultural land to (SANG) Suitable Alternative Natural Greenspace) / condition 5 3/21/0338/CONDR of PA (Application to Vary Condition 6 of Approved P/A 3/15/0789/COU to regularise the planning permission in line with the Minor Works Agreement with the Highways Authority to use the existing access arrangement on a temporary basis until the occupation of the 150th dwelling within the development site) to amend wording to temporary priority junction.

## 8.0 Constraints

Scheduled Monument (Roman Road) (List Entry Number: 1018028)  
 Intermediate Pressure Gas Pipeline  
 Foul Water Easements  
 Environment Agency Fluvial Flood Zone 2  
 Grade 3 Agricultural Land  
 Leigh Common Site Nature Conservation Interest  
 Groundwater Protection Zone  
 South East Dorset Green Belt  
 Heathland 5km zone  
 Right of Way  
 Airport Safeguarding  
 Urban Area

## 9.0 Consultation Responses

The application was advertised by site notice around the site in September 2021. No responses from neighbours have been received.

The following consultees have also commented on the application (extensive comments are in summary only, full comments available online):

### Wimborne Town Council

<b>Initial design</b>	<b>No objection</b> <ul style="list-style-type: none"> <li>- No objection but question if Grampian conditions for previous applications have been met</li> </ul> <i>[officer note: the grampian condition questioned does not relate to the reserved matters application for this phase]</i>
<b>Revised design</b>	<b>No response</b>

### Colehill Parish Council

<b>Initial design</b>	<b>No objection</b>
-----------------------	---------------------

<b>Revised design</b>	<b>No response</b>
-----------------------	--------------------

### Dorset Council Highways

<b>Initial design</b>	<b>No response</b>
<b>Revised design</b>	<p><b>Comments</b></p> <ul style="list-style-type: none"> <li>- As proposed, the development meets the requirements of the Council's 'Adopted Highways' Policy and, therefore, would be considered for adoption subject to the comments made.</li> <li>- Changes to highway layout requested</li> </ul> <p><i>[officer note: amended plans submitted in August 2022 in response to changes requested and set out under the 'Highways and parking' section of the report]</i></p>

### Dorset Council Ranger

<b>Initial design</b>	<p><b>Comments</b></p> <p>An agreed long-term temporary diversion and then the final (new) footpath route through the developed site is required to be in place before commencement of works. The temporary diversion should allow access to continue along the southern boundary of the site throughout the construction of the development. This diversion must be maintained to an agreed standard with the Rights of Way Team prior to the diversion start date. The footpath must be constructed at the increased overall raised level of the developed site and not at the current level (which would leave the footpath susceptible to flooding) prior to the rest of the site being raised (a separate 14 day closure will be required for this work to commence). The works to construct the footpath should also include the removal from site of the concrete posts currently bordering the route.</p>
<b>Revised design</b>	<p><b>No objection</b></p> <ul style="list-style-type: none"> <li>- Proposed diversion and new public right of way acceptable as indicated on plans</li> </ul>

### Dorset Council Trees

<b>Initial design</b>	<b>No response</b>
-----------------------	--------------------

<b>Revised design</b>	<b>No response</b> <i>[officer note – tree comments provided by the DC landscape officer]</i>
-----------------------	--

**Natural England**

<b>Initial design</b>	<b>Comments</b> <ul style="list-style-type: none"> <li>- Support comments made by NET team</li> <li>- Boundaries to be revised to allow for hedgehogs</li> </ul> <i>[officer note – boundary plan with hedgehog highways has been submitted]</i>
<b>Revised design</b>	<b>No response</b>

**Dorset Council NET Ecology**

<b>Initial design</b>	<b>No response</b>
<b>Revised design</b>	<b>Comments</b> <ul style="list-style-type: none"> <li>- LEMP required updating in line with approved BMEP</li> <li>- Condition regarding construction environmental management plan required</li> <li>- Condition regarding lighting required</li> </ul> <i>[officer note – update LEMP submitted and agreed in October 2022. Conditions imposed]</i>

**Dorset Council NET Open Space**

<b>Initial design</b>	<b>Comments</b> <ul style="list-style-type: none"> <li>- Amendments required to open space (see full comments)</li> <li>- Diversion of PRow needs attention</li> </ul>
<b>Revised design</b>	<b>Comments</b> <ul style="list-style-type: none"> <li>- Amendments required to open space (see full comments)</li> </ul> <i>[officer note: amended plans submitted in August 2022 in response to changes requested and set out under the ‘open space’ section of the report]</i>

**Dorset Council Conservation**

<b>Initial design</b>	<b>No Objection</b> <ul style="list-style-type: none"> <li>- The proposals will result in <b>no harm</b> to the significance of designated heritage assets and so neither paragraph 201 nor 202 is considered to be engaged.</li> </ul>
<b>Revised design</b>	<b>No Objection</b> <ul style="list-style-type: none"> <li>- No further comment</li> </ul>

**Historic England**

<b>Initial design</b>	<b>No Objection</b>
<b>Revised design</b>	<b>No further comments</b>

**Dorset Council LFA**

<b>Initial design</b>	<b>Holding Objection</b> <ul style="list-style-type: none"> <li>- In the absence of sufficient supporting information, we (FRM) suggest that a precautionary approach be adopted and that a (Holding) Objection be imposed, pending the submission &amp; approval of adequate documentation.</li> </ul>
<b>Revised design</b>	<b>No Objection</b> <ul style="list-style-type: none"> <li>- As relevant LLFA and statutory consultee for surface water management, we (FRM) have no technical grounds on which to recommend / maintain an objection in respect of the revised conceptual drainage strategy that has been outlined, subject to the subsequent submission &amp; approval of a fully substantiated, detailed design &amp; maintenance schedule in respect of relevant planning conditions.</li> </ul>

**Environment Agency**

<b>Initial design</b>	<b>Comments</b> <ul style="list-style-type: none"> <li>- Flood risk modelling updated where the proposed development is now within flood zone 2.</li> <li>- Finished floor levels of all proposed buildings and other flood sensitive areas of development are set whichever</li> </ul>
-----------------------	---

	<p>is the higher of: (i) at least 300mm above the existing surrounding ground level or (ii) 600mm above the 1 in 100 year flood level including the required climate change consideration.</p> <ul style="list-style-type: none"> <li>- Clarification regarding proposed levels required.</li> </ul>
<b>Revised design</b>	<ul style="list-style-type: none"> <li>- No objection to proposed levels</li> </ul>

**Wessex Water**

<b>Initial design</b>	<p><b>Comments</b></p> <ul style="list-style-type: none"> <li>- Disagree with fly assessment provided</li> <li>- Foul drainage connection can be agreed</li> <li>- No surface water run-off will be accepted in foul sewer</li> </ul>
<b>Revised design</b>	<p><b>Comments</b></p> <ul style="list-style-type: none"> <li>- Still disagree with fly assessment provided</li> </ul> <p><i>[officer note matters regarding flies and odour are considered under the 'future occupier amenity' section of this report]</i></p>

**Dorset Council Environmental Health**

<b>Initial design</b>	<p><b>Comments</b></p> <ul style="list-style-type: none"> <li>- Noise - The covering letter dated July 2021 states a new Noise Impact Assessment has been submitted as part of the application. Please could this be forwarded to the team for review as this is not evident online (Ref: Noise Impact Assessment Prepared by 24 Acoustics- Dated July 2021)</li> <li>- Odour / Flies- Environmental Protection's previous comments relating to the likelihood of annoyance occurring from Flies emanating from the sewage treatment works. Should complaints be received the Council would have a duty to investigate, however it is likely that Best Practicable Means will continue to be evidenced at the works. If this is the case, then there would be no further action available for the council to take.</li> <li>- Lighting- Its assumed that the previous suggested condition will still be applicable</li> </ul>
-----------------------	---

	<ul style="list-style-type: none"> <li>- CEMP - This is still a requirement</li> <li>- Contamination - Please ensure that the council's Contaminated Land consultant has reviewed this application.</li> </ul> <p><i>[officer note: the above matters are dealt with under the earlier hybrid/Outline application as set out in this report]</i></p>
<b>Revised design</b>	<p><b>Comments</b></p> <ul style="list-style-type: none"> <li>- Reviewed fly assessment comments provided by Wessex Water.</li> <li>- Some impact on amenity but unlikely to create a statutory nuisance.</li> </ul> <p><i>[officer note matters regarding flies and odour are considered under the 'future occupier amenity' section of this report]</i></p>

### Dorset Council Urban Design

<b>Initial design</b>	<p><b>Objection</b></p> <ul style="list-style-type: none"> <li>- Proposed design unacceptable</li> <li>- Redesign required as discussed at meetings</li> </ul> <p><i>[officer note: revised design submitted June 2022]</i></p>
<b>Revised design</b>	<p><b>Comments</b></p> <ul style="list-style-type: none"> <li>- The proposals now incorporate a much improved layout with considered perimeter blocks and a reduction in the number of cul de sacs; the incorporation of a central green route helps to link the eastern and western POS and gives a stronger sense of legibility and pedestrian permeability to the scheme.</li> <li>- There is a clear distinction between the fronts and backs of properties and there is a variation in garden sizes offering larger plots for detached houses; all apartment buildings also have amenity space associated with them.</li> <li>- Parking arrangement results in a consistent building line that provides a more coherent street scene with units 1-7 having a more organic layout which helps to soften the edge of the development.</li> <li>- Footpath that links unit 1 with phase 1 shared drive is a benefit.</li> <li>- Balance of materials and boundary treatments look fine.</li> </ul>

	<i>[officer note: comments made regarding layout are addressed in the 'layout' section of this report]</i>
--	--

### Dorset Council Landscape

<b>Initial design</b>	<p><b>Objection</b></p> <ul style="list-style-type: none"> <li>- Propose design unacceptable</li> <li>- Redesign required as discussed at meetings</li> </ul> <p><i>[officer note: revised design submitted June 2022]</i></p>
<b>Revised design</b>	<p><b>Comments</b></p> <ul style="list-style-type: none"> <li>- Satisfied with the planting selection and layout with the exception of the close proximity of street trees in front of plot 22. I suggest the removal of the more southern Malus tree in front of plot 22 to allow light into the property.</li> <li>- Permeable paving is not used anywhere onsite to reduce run off as recommended within previous comments.</li> <li>- Tree planting in parking bays- Kerb details should enable surface water to runoff into tree pit. No tree pit in paving detail submitted</li> <li>- Self-compacting gravel and the sinuous line of the path in the central pedestrian streets appear unrelated and out of context to anywhere else on the plan. Even the POS. In addition to this I consider that the gravel material would wear and appear to lower the quality of the area after a short period of time. Similarly, the curved path would lead to worn grass areas where cyclist and pedestrians have cut a straight line through. A more robust hard wearing paving material and straight route that links to the rest of the proposal with strong tree planting should be considered.</li> </ul> <p><i>[officer note: comments made regarding landscaping are addressed in the 'landscaping' section of this report]</i></p>

### Dorset Waste Services

<b>Initial design</b>	<b>No response</b>
<b>Revised design</b>	<p><b>No objection</b></p> <ul style="list-style-type: none"> <li>- Proposed waste collection strategy acceptable</li> </ul>

No response was received from the following consultees:

- DC Minerals and Waste
- Airport Safe Guarding
- Crime Prevention Officer

## 10.0 POLICY AND OTHER CONSIDERATIONS

### Development Plan:

#### Christchurch and East Dorset Core Strategy 2014

#### East Dorset Local Plan 2002 (saved policies)

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Christchurch and East Dorset Local Plan and saved policies of the East Dorset Local Plan (2002).

10.2 The following policies are of particular relevance in this case:

The Christchurch and East Dorset Core Strategy (2014) ("the Core Strategy")

KS1 - Presumption in favour of sustainable development

KS2- Settlement hierarchy

KS3 - Green Belt

KS11 - Transport and Development

KS12- Parking Provision

LN1- Size and Types of New Dwellings

LN2- Design, Layout and Density of New Housing Development

HE1- Valuing and Conserving our Historic Environment

HE2 - Design of new development

HE3 - Landscape Quality

ME1- Safeguarding biodiversity and geodiversity

ME2- Dorset Heathlands

ME6- Flood Management, Mitigation and Defence

WMC98 – South of Leigh Road New Neighbourhood and Sports Village, Wimborne

*'About 75 hectares of land is allocated for a New Neighbourhood to the south of Leigh Road, east of Wimborne Minster. This will include the following:*

*1. 350 new homes.*

*2. A Sports Village with a new home for Wimborne Minster Football and Rugby Clubs, 8 hectares of other active sports pitches, with changing facilities and an area for teenage activity.*

3. *New allotments.*
4. *A local centre providing for day to day needs.*
5. *Land for a First School.*
6. *About 37 hectares as a country park to the north and south of the A31...*

### 10.3 Other Material Considerations

#### **Neighbourhood Plans**

Wimborne Minster Neighbourhood Plan- In preparation – limited weight applied to decision making

#### Supplementary Planning Documents/Guidance:

Dorset Heathlands Planning Framework 2020 - 2025 SPD (DHPF)

#### National Policy

The National Planning Policy Framework (NPPF) July 2021 and National Planning Practice Guidance (NPPG)

Paragraph 11d of the NPPF 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.

Most relevant NPPF sections include:

- Section 5 Delivering a sufficient supply of homes
- Section 12 Achieving well-designed places
- Section 14 Meeting the challenge of climate change, flooding and coastal change

### 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 proposal would result in 174 dwellings being provided in a sustainable urban location which will be required to meet Part M regulations. No disadvantage to persons with protected characteristics is anticipated.

## 13.0 Financial benefits

What	Amount / value
Material Considerations	
None	N/A
Non Material Considerations	
Community Infrastructure Levy (CIL)	Zero rated as allocated site
Estimated annual council tax benefit	TBC
Estimated annual New Homes Bonus per residential unit (for first 4 years)	TBC

## 14.0 Climate Implications

- 14.1 The proposed will result in the redevelopment of a brownfield site within a sustainable urban location. While the development will be new build, given the relatively low number of dwellings, the proposal is not considered to have a significant impact on climate change. Renewable energy source and water efficiency requirements have been conditioned.

## 15.0 Planning Assessment

- 15.01 This is a Reserved Matters application in respect of appearance, layout scale and landscaping. The application follows the outline approval (under reference 3/18/3305/FUL) for residential development of 174 dwellings with associated roads, parking, turning and amenity areas: provision of public open space and landscaped areas.

The principle of residential development on this site has been established. The main planning considerations are:

- A. Scale and Site Layout:-
  - Building Scale
  - Character of the Area and Layout
  - Residential Tenure and Mix
  - Highways and Vehicular Parking
  - Servicing
  
- B. Appearance and Landscaping:-
  - Building Materials
  - Boundary Treatments
  - Landscaping and Trees
  - Open Space
  
- C. Other Material Considerations
  - Impact on Residential Amenity
  - Biodiversity
  - Heritage Assets
  - South East Dorset Green Belt
  - Drainage
  
- D. Other Matters

These and other considerations are set out below.

### **A. Scale and Site Layout**

#### Building Scale

- 15.02 The proposed residential development ranges in scale between single-storey garages, 2-2.5 storey dwellings and 3 storey apartment blocks. The predominant scale of development is 2 storey houses with approx. ridge and eaves heights of 7-8m and 5m respectively. Houses with 2.5 storeys are generally located within the development and have ridge and eaves height of approx. 10-10.5 and 6m respectively. Apartment blocks with 3 storeys are located to the south of the development, fronting the A31. Ridge and eaves heights are 11m and 8m respectively.
- 15.03 Essentially, it is considered that the height of the proposed residential dwellings is suitable for the wider Leigh Road Allocation Site. The massing of the proposed residential dwellings are considered to be acceptable with no disproportionately large dwellings for the associated number of bedrooms that could potentially comprise an incongruous presence on the wider street scene. The proposed building scale is comparable and compatible with both existing residential dwellings adjacent to the Allocation Site and new dwellings

within other development parcels in the Allocation Site. While the proposed apartment are three storeys, they are only 1m higher to the ridge than 2.5 storey dwellings. Their location at the periphery of the site and adjacent to the A31 is considered acceptable and advantageous, where they provide some visual screening from the development to the A31.

15.04 The scale of proposed buildings is considered satisfactory and therefore the proposal accords with Local Plan Policy HE2.

#### Character of the Area and Layout

15.05 The development to the north is subdivided into five 'character areas'. Given the size of this proposed development and the need for connectivity to the existing development to the north, the design development in revised plans submitted has focused on creating a new east-west green corridor as well as a north-south green route. The detailed issues of building materials and landscaping across the site are considered later in the report.

15.06 Initial plans submitted raised strong concerns from an urban design perspective. As previously noted a revised design was submitted in June 2022.

15.07 The Council's Urban Design Officer is now of the view the proposals incorporate a much improved layout with considered perimeter blocks and a reduction in the number of cul de sacs; the incorporation of a central green route helps to link the eastern and western public open space and gives a stronger sense of legibility and pedestrian permeability to the scheme.

15.08 There is also a clear distinction between the fronts and backs of properties and there is a variation in garden sizes offering larger plots for detached houses; all apartment buildings also have amenity space associated with them. Parking arrangements result in a consistent building line that provides a more coherent street scene with units 1-7 having a more organic layout which helps to soften the edge of the development. Most dwellings have easy access to their back gardens enabling the convenient storage of refuse bins and mitigating against the issue of numerous bins cluttering public spaces and streets on a permanent basis.

15.09 Some additional requests as follows were requested by the Urban Design Officer:

<b>UD Officer Request</b>	<b>Applicant Response</b>	<b>Officer Assessment</b>
Cycle store at western development to be omitted due to vulnerable location	Relocated adjacent to bin store to front of apartment block	Acceptable – no longer in a vulnerable location
Expect unit 40 will be more likely to park in area near to front door, rather than their	No changes made	Acceptable - Designated parking for unit 40 has been provided, parking

designated parking space– will this impact on turning space for units 58-59		outside of designated areas is a management issue
Affordable housing is very centred on apartments – does this meet the identified need?	No changes made	Acceptable – The housing officer has raised no objection to apartments as part of the provision for affordable housing (see ‘tenure’ section below).

15.10 Based on the above, the proposed character of the area and layout comprise a suitable structural basis for the design of the housing area. Therefore, the proposed accords with the Design Codes approved under Condition 8, Local Plan policies HE2, DES11 and NPPF Paragraph 56.

Residential Tenure and Mix

15.11 The Section 106 Agreement attached to the Outline planning application (3/18/3305/FUL) requires a total of 49 Affordable Housing. It states: *‘Affordable Dwellings’ means 49 Dwellings (or in the event that the total number of Dwellings with the Development is less than 174 such number as equates to 28% of such lesser total to be provided as Affordable Housing including any associated parking space(s) and residential curtilage to be located in positions to be agreed and approved in writing with the Council .... 69% of the Affordable Dwellings shall be Affordable Rented Dwellings and 31% of the Affordable Dwellings shall be Intermediate Dwellings.’*

The affordable housing mix in the Section 106 Agreement is set out as:

Unit Type	Social, Affordable or Intermediate Rent	Affordable Home Ownership	Total <i>(based on provision of 49 Affordable Dwellings – to be adjusted if Dwellings numbers are less than anticipated)</i>
1 bed house	4	0	4
1 bed flat	16	0	16
2 bed house	0	7	7
2 bed flat	10	8	18
3 bed house	4	0	4
<b>Total</b>	<b>34</b>	<b>15</b>	<b>49</b>

15.12 174 dwellings in total will be provided and the proposal is to provide the following affordable housing contribution:

Unit Type	Social, Affordable or	Affordable Home Ownership	Total

	Intermediate Rent		
1 bed house	0	0	0
1 bed flat	20	0	20
2 bed house	0	7	7
2 bed flat	10	8	18
3 bed house	4	0	4
<b>TOTAL</b>	<b>34</b>	<b>15</b>	<b>49</b>

- 15.13 As can be seen from the above table the proposed is broadly in line with the requirements of the 106 agreement. The DC Housing Officer has commented on the number of 1 bed apartments in the initially submitted scheme, raising concerns that the housing need is for families. However the 106 agreement notes 20 x 1 bed dwellings are to be provided, which would not meet the need for families regardless. It also advises the proposed mix shall be set out as per the table above '*unless otherwise agreed in writing between the Owners and the Council*'. Given only four 1 bed dwellings were required and the overall number of 1 bed dwellings required has been met, this would not substantiate a reason for refusal based on the Housing Officers comments.
- 15.14 The distribution of affordable dwellings within the site is across the north and south of the site with a mix of houses and apartments. Essentially, it is considered that the proposal has an adequate distribution of affordable housing across the site. Proposed floor areas of affordable dwellings meet the requirements as set out in the Affordable Housing SPD. The design of affordable houses and apartments are considered to be tenure neutral where they are similar in design and the same materials used to open market houses and apartments.
- 15.15 With regards to open market housing, the provision required as set out in the Section 106 Agreement attached to the Outline planning application is:

Unit Type	Number of Dwellings
1 bed house	1
2 bed house	31
2 bed flat	21
3 bed house/ bungalow	56
4+ bed house	16
<u>Total</u>	125

15.16 The proposal is to provide the following open market dwellings:

<b>Unit Type</b>	<b>Number of Dwellings</b>
1 bed house	0
2 bed house	21
2 bed flat	24
3 bed house	59
4+ bed house	21
<b>TOTAL</b>	<b>125</b>

15.17 As can be seen from the above table the proposed has some deviations with the 106 agreement. However the 106 agreement notes the mix is subject to the Reserved Matters approval and up to date 'Strategic Housing Market Assessment'.

15.18 A similar mix was agreed for the development to the north as follows where it was considered to be suitably in line with requirements of the Strategic Housing Market Assessment which sets out a particular need for 2 and 3 three bedroom dwellings. As per PA 3/19/2426/RM, in this application the clear majority of market dwellings meet this identified need.

<b>Unit Type</b>	<b>Proposed Number of Dwellings</b>	<b>Proposed Mix %</b>	<b>Approved PA 3/19/2426/RM Number of Dwellings</b>	<b>Approved PA 3/19/2426/RM Proposed Mix %</b>
1 bed house	0	0	0	0
2 bed house	21	36	71	31
2 bed flat	24		0	
3 bed house	59	47	102	46
4 bed house	21	17	47	21
<b>TOTAL</b>	<b>125</b>	<b>100</b>	<b>125</b>	<b>100</b>

15.19 Also as per 3/19/2426/RM, taking the affordable housing provided and the suitable proportion of smaller/medium market houses into account, the provision of 21 larger (4 bed) houses is considered acceptable. Viability information has been provided by the applicant which advises there will be a deficit to be taken from the developers profit despite the increase in 4 bed houses.

15.20 Based on the above, the proposed Affordable Housing is considered to accord with Local Plan Policies HE2, LN1 and LN3 and the planning obligation for the consented outline application.

Highways and Parking

15.21 In general the Highways Team has advised as proposed, the development meets the requirements of the council's 'Adopted Highways' Policy and, therefore, would be considered for adoption subject to some comments raised.

15.22 In response to Highways comments, revised plans were submitted to address the majority of comments. Outstanding comments are as follows:

<b>Highways Officer Request</b>	<b>Applicant Response</b>	<b>Officer Assessment</b>
Road should be tapered to reduce the width rather than the current layout with priority signs at plots 127-132 and 157-162.  If not the build outs should be removed as not required.	Build outs have been removed	Acceptable
Single trees in front of apartments to be moved to southern side to ensure continuity of pedestrian route	Trees cannot be moved due to easement on southern side. Also this is private courtyard areas located between the apartment blocks and not within any proposed footway.	Acceptable – this area is a shared surface area where the only access is required by vehicles parking at the apartment block. DC Highways have confirmed no highway safety concerns.
Block paving is acceptable but we will need to see carriageway construction detail to ensure it is appropriate regardless of it being private. Please provide the requested detail	Not required for the RM planning submission. If the Council require certainty over this matter, we are content for this to be conditioned.	Acceptable – where the condition has been imposed
Highways are concerned that the 6m includes the pedestrian route at plot 21. Although it is a shared	Footpath and shared surface amended in line with comments.	Acceptable – where plans are amended and condition has been imposed

<p>surface their preference is to have 6m reversing distance plus a 2m area for pedestrians to continue to use and a bull nose kerb is required.</p> <p>The proposed footpath and shared surface should be amended at the junction in the interest of highways safety.</p>		
--	--	--

- 15.21 Private parking, where appropriate, is provided within the curtilage, both to the front and side of dwellings, in order to minimise the visual impact of the car and to de-congest the road network. As noted previously, parking arrangements result in a consistent building line that provides a more coherent street scene. Visitor parking is provided throughout the layout in locations adjacent to the highway.
- 15.22 The proposed development is providing a total of 319 spaces which breaks down into 18 visitor parking spaces and 301 allocated and unallocated spaces. There is also the provision of 23 garages which meet the DC requirements of parking spaces with minimum internal dimensions of 6x3m. Taking account of garages the parking figure increases to 342. The DC parking guidance requires a total of 253 spaces, including 96 unallocated and 27 visitor spaces. The proposal provides a significant over provision with 319 spaces excluding garages. The total of unallocated and visitor parking is slightly underprovided with 108 spaces but with a provision of 2 spaces per dwelling, and some with additional garages, this is considered acceptable.
- 15.23 It is considered appropriate in this instance for a suitable condition for the retention in perpetuity of parking spaces and garages, where proposed, for the express use of vehicular parking.
- 15.24 The proposed vehicular parking would be located either within the plot or on the street. There is no residential parking proposed in remote locations with poor surveillance. As such, the proposed design of the parking is considered suitable in terms of seeking to deter anti-social behaviour.
- 15.25 The proposed residential parking spaces have suitable dimensions in line with the requirements of the Dorset Parking Standards. The proposed residential parking spaces can also be accessed and egressed without undue impact on neighbouring properties.
- 15.26 As such, subject to suitable conditions, the proposed vehicular parking accords with Local Plan Policies HE2, KS12 and the detailed design advice

set out in the national Planning Practice Guidance.

### Servicing

- 15.27 The Bin Storage Plan sets out that the proposal has been designed to ensure that there is appropriate provision for refuse storage and recycling for each dwelling. Refuse bins and containers are stored on-plot within rear gardens. All the dwellings have a gated access from the garden to the highway so that bins can be left out for collection. A number of waste collection points are set out adjacent to the highway. With regard to flats, communal enclosed refuse storage is provided in accessible areas. Cycle storage is provided in garages and/or rear garden sheds. Cycle storage is also provided for apartments in the form of secure storage units adjacent to bin storage.
- 15.28 Each dwelling would have scope to store bins in a location which would not have a deleterious impact on the local street scene. Cycles would be stored in the sheds the applicant will provide in each house or flatted plot.
- 15.29 Dorset Waste Services has been consulted on the proposed refuse collection strategy, and while pulling distances for 3 dwellings is slightly more than 30m as stated under the guidance, they have advised they agree with the proposed waste collection strategy.
- 15.30 As such, the proposed servicing accords with Local Plan Policies HE2 and KS12, and the detailed design advice set out in the national Planning Practice Guidance (PPG).

### Layout Summary

- 15.31 The site layout sets out a new housing estate with a suitable street hierarchy, logically designed character and well-designed green routes. Buildings are appropriately orientated and spaced to provide suitable surveillance and enclosure. Residential blocks are appropriately scaled and provide secure fronts and backs. The built density is appropriate for an edge of-settlement residential-led Allocation Site. Affordable Housing is concentrated in several specific areas but nonetheless sufficiently distributed to avoid adverse impacts on social cohesion. The layout functions acceptably with regard to servicing.
- 15.32 As such, overall the proposed site layout is considered to be satisfactory and therefore the proposal accords with Local Plan Policies HE2, HE3, LN2, LN3, KS12, NPPF Paragraph 56 and the detailed design guidance in the PPG.

## **B. Appearance and Landscaping**

- 15.33 The material plan submitted sets out a detailed explanation and summary of both the proposed building materials and boundary treatments.

### Vernacular and Building Materials

15.34 The proposed materials plan sets out the following palette of materials similar to those approved to the north :

- Brick Types – Surrey Yellow Multi and Surrey Red Multi;
- Cream coloured render
- Roof/Hanging Tile Materials – Slate effect tile and Redland Duo Concrete Tile (rustic brown).

15.35 Whilst the elevational and roof materials palette is limited in scope, the housing site does have a high degree of visual coherence and is in keeping with the previously approved development to the north. The proposed vernacular is broadly traditional but there is considered to be sufficient variation in building orientation, materials and form to avoid an oppressive townscape.

15.36 The proposed fenestration is ubiquitous ‘white frame’ which is as agreed to the north. There is suitable variation in the form of the fenestration with the use of dormers, bay windows and feature gables.

15.37 Both the market and affordable dwellings have a broadly similar traditional vernacular approach which would not be easily distinguishable, which itself will assist with social cohesion on the site. As such, subject to suitable conditions, the proposed materials and vernacular are considered suitable and accord with Local Plan policies HE2 and LN2.

#### Boundary Treatments

15.38 Boundary treatments within the housing site include:

- Brick walls and piers
- 1.8m timber fencing

15.39 Brick boundaries are proposed generally in public facing areas and timber fencing between residential units. Proposed brick is considered acceptable for publicly visible boundaries. The proposed timber fencing is considered suitable for a residential site and compatible with domestic vernacular.

15.40 Natural England has requested provisions are made for hedgehogs in boundary fencing, which has been added to the proposed boundary drawing.

15.41 As such, subject to suitable conditions, the proposed boundary treatments are considered to be acceptable and therefore accord with Local Plan policy HE2.

#### Landscaping and Trees

15.42 Submitted plans set out that the proposed design incorporates a sequence of landscaped areas through the site, including the main green route north/south, the route east/west and the public open space. Open space is covered separately later in this report. As noted under ‘layout’, it is

considered that the structure of landscaped areas is suitable and will assist residents and visitors in navigating the site. The proposed landscaping can be secured through suitable conditions.

- 15.43 Tree planting and hard surface details have been submitted. The proposed hard surface materials include asphalt, block paving (dark grey, red and buff), buff coloured asphalt and self-binding gravel paths. The DC landscape officer has confirmed the proposed planting and landscaping is acceptable subject to tree pit details. Some additional comments on landscaping include:

<b>Landscape Officer Request</b>	<b>Applicant Response</b>	<b>Officer Assessment</b>
Permeable paving is not used anywhere onsite to reduce run off as recommended within previous comments.	The ground conditions are not suited to the use of infiltration techniques which is why permeable paving has been omitted here.	Acceptable – would not substantiate a reason for refusal
Tree planting in parking bays- Kerb details should enable surface water to runoff into tree pit. No tree pit in paving detail submitted	Will accept condition	Acceptable – condition imposed
Self-compacting gravel and the sinuous line of the path in the central pedestrian streets appear unrelated and out of context to anywhere else on the plan. Even the POS. In addition to this I consider that the gravel material would wear and appear to lower the quality of the area after a short period of time. Similarly, the curved path would lead to worn grass areas where cyclist and pedestrians have cut a straight line through. A more robust hard wearing paving material and straight route that links to the rest of the proposal with strong tree planting	Curved route retained where no Urban Design objection. Buff coloured asphalt now proposed.	Acceptable – curved route would not substantiate a reason for refusal.

should be considered. – can you please provide a different material.		
--	--	--

15.44 Few trees exist on the site within the proposed residential area. Existing trees to be retained and their protection are secured by condition on the Outline application. Based on the above, subject to suitable conditions, the proposed hard and soft landscaping is considered to be acceptable and therefore the proposal accords with Local Plan policies HE2, HE3 and DES6.

#### Open Space

15.45 Public open space (POS) is provided to the south west of the proposed development. POS comprises the re-routed public right of way and sustainable urban drainage system (SUDS).

15.46 The Dorset NET team have been consulted and asked for a number of changes including the provision of bollards, grass-crete for access to the pumping station, earth mounds to be removed and shallower SUDS to allow for better integration. The revised plans submitted are in line with these comments and is considered acceptable in relation to open space provision and the details of the SUDS are covered by drainage conditions from the Outline application, which are yet to be discharged.

### **C. Other Material Considerations**

#### Impact on Residential Amenity

15.47 Local Plan Policy HE2 (Design of New Development) sets out that within Christchurch and East Dorset development will be permitted if it is compatible with or improves its surroundings in terms of, inter alia, amenity.

15.48 Separation distances between dwellings are considered to be suitable. This has been achieved in part through suitably scaled residential blocks with rear gardens that back onto each other. The site is generally flat and as such there are no significant changes in levels which give rise to any significant concerns.

15.49 Wessex Water have noted to protect residents amenity it is necessary to maintain an appropriate buffer zone around the sewage treatment works and detailed application for residential property on this site should ensure that properties are not sited closer than the outline phasing master plan indicated. Officers can confirm that none of the proposed houses encroach into the 145m buffer zone with regard to the Wessex Water sewage treatment works located south-west of the Application site.

15.50 The application has a Sewage Fly Nuisance Assessment (SFNA) included in the supporting documentation. Wessex Water (WW) have raised concerns regarding fly issues as a result of the nearby water treatment works and have questioned the report detailing this matter. The same concern was raised by

WW when Outline permission was granted. The Environmental Health Officer (EHO) has been consulted and advised that whilst flies originating from the Wimborne Sewage Treatment Works (WSTW) are likely to have some impact on amenity, given the separation distance it is unlikely to be a statutory nuisance. At Outline permission the officer noted the proximity of potential fly swarms originating from the WSTW to is at least 145m from the WSTW site boundary and approximately 180m from the filter beds within the WSTW. It was considered that the detailed landscaping for the western open space has potential for new planting which could assist in mitigating the impact of flies. Landscaping plans have been submitted that show significant planting to the western boundary as anticipated at Outline permission.

The Environmental Health Officer also advised that they are not aware of complaints to date from other newly developed areas in the immediate area of the WSTW. Should complaints be received the council would have a duty to investigate. Further to this para 188 of the NPPF notes:

*The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.*

The control of flies from an existing off site, existing water treatment works relies on separate legislation. An informative note is recommended to draw this potential issue to the applicants attention.

- 15.51 In terms of future occupiers, a noise impact assessment (NIA) has been submitted given the proximity to the A31. The EH Officer has been consulted and agrees with the findings of the submitted NIA. The EH Officer has requested the provisions for acoustically rated glazing to bedrooms and specialist passive acoustically rated wall vents set out in table 2 of section 5.4 of the report is secured by conditioned. This was secured condition on the Outline application however given the changes to plot numbers and the revised report the condition is also imposed on this application.
- 15.52 Therefore, the residential development raises no significant concerns with regard to the impact on the amenity of either future occupiers within the site, future occupiers of adjacent consented residential developments or existing neighbouring residents and is considered to comply with Policy HE2.

### Biodiversity

- 15.53 Local Plan Policy ME1 (Safeguarding Biodiversity and Geodiversity) sets out that the Core Strategy aims to protect, maintain and enhance the condition of all types of nature conservation sites, habitats and species within their ecological networks including designated sites (as set out). Where

development is considered likely to impact upon particular sites, habitats or species as set out in the Dorset Biodiversity Protocol, it will need to be demonstrated that the development will not result in adverse impacts.

15.54 The Dorset NET team have been consulted and have advised that some amendments are required in line with the approved Biodiversity Mitigation Enhancement Plan (BMEP). A revised LEMP has been received in line with the BMEP.

15.55 The revised LEMP sets out mitigation for protected species in line with the BMEP as follows:

- 40 swift boxes added to houses
- 40 bat boxes/tubes added to houses
- 6 bat boxes added to trees
- hedgehog highways provided throughout residential gardens
- retained hedgerows to the south
- wildflower grass included in public open space
- lighting strategy to include dark corridors

A pre-occupation condition will be imposed to secure the above measures. The NET team also requested a CEMP and lighting condition which have also been imposed.

15.56 Therefore, subject to suitable conditions, the proposal accords with Local Plan Policy ME1.

### Heritage Assets

15.57 Local Plan policy HE1 (Valuing and Conserving our Historic Environment) sets out that heritage assets are an irreplaceable resource and will be conserved and where appropriate enhanced for their historic significance and importance locally to the wider social, cultural and economic environment.

15.58 HE advised that the new development on the allocated site as a whole will have a degree of harmful impact on the setting and significance of the nearby scheduled Roman Road but considers that this can be mitigated and offset by measures for protecting and maintaining the historic line of the Roman Road as an open feature in the development and by improving public awareness and appreciation of its presence.

15.59 Condition 11 was imposed on the previously approved RM application to the north: *'No residential dwelling hereby permitted shall be occupied until the details of the content, design and location of two public interpretation display boards should be submitted to the local authority for its approval. Reason: To secure public benefits in connection with the new development that will sustain, enhance and better reveal the significance of the Leigh Road heritage asset and thereby make a positive contribution to local character and*

*distinctiveness, having regard to the relevant policies in the NPPF paragraphs 192 and 200).*'

15.60 This condition has been discharged and HE has commented to note they have no objection to this RM application and the DC Archaeologist should be consulted. The DC Archaeologist has been consulted and advised required archaeology works were carried out in 2018 and there is no objection to the proposed.

15.61 Therefore, subject to suitable conditions, the proposal accords with Local Plan Policy HE1 and NPPF Paragraphs 192 and 200.

#### Green Belt

15.62 The proposal is in line with the outline consent and does not include any built development within the South East Dorset Green Belt.

#### Drainage

15.63 The application site is now within a revised flood zone 2 area, as revised by the Environment Agency (EA) in 2021. Planning permission has been granted for residential development under the approved Outline application in 2020, therefore a sequential test is not required. However the EA require the following in terms of floor levels:

*whichever is the higher of: (i) at least 300mm above the existing surrounding ground level or (ii) 600mm above the 1 in 100 year flood level including the required climate change consideration.*

15.64 The EA have been consulted on the proposed levels strategy and raised some queries initially. Additional information has been submitted and the EA have advised they have no objection to the proposed levels in principle.

15.65 The DC Lead Flood Authority have been consulted and have raised no objection to the proposed development. It is noted drainage details are secured by condition under the approved Outline application and are yet to be discharged.

### **D. Other Matters**

#### Public Right of Way

15.66 A Public Right of Way (PRoW) condition has been applied to RM applications to the north – *'No residential dwelling hereby permitted shall be first occupied until the existing Public Right of Way is diverted and suitably resurfaced and has been approved in writing by the Local Planning Authority. Reason: To ensure public right of access is maintained.'*

15.67 The Dorset Council Ranger for the area has advised the following:

*An agreed long-term temporary diversion and then the final (new) footpath route through the developed site is required to be in place before commencement of works. The temporary diversion should allow access to continue along the southern boundary of the site throughout the construction of the development. This diversion must be maintained to an agreed standard with the Rights of Way Team prior to the diversion start date. The footpath must be constructed at the increased overall raised level of the developed site and not at the current level (which would leave the footpath susceptible to flooding) prior to the rest of the site being raised (a separate 14 day closure will be required for this work to commence). The works to construct the footpath should also include the removal from site of the concrete posts currently bordering the route.*

- 15.68 The condition has been applied to this application but it is considered necessary for it to be a pre-commencement condition given the PRow runs through the application site and will be affected by construction. This application does not allow the diversion of any footpaths and an informative has been added as such.

#### Additional Environmental Health Comments

- 15.69 The EH Officer responded to the initial design submitted and made comments in relation lighting, construction management and contaminated land. These matters are all dealt with by condition under the original Outline planning application, which have yet to be discharged. This application is for the approval of reserved matters in relation to appearance, layout, scale and landscaping only and does not discharge these conditions.

#### CONCLUSION

- 15.70 It is considered this RM application suitably accords with relevant Local Plan Policies and National Planning Guidance as set out in this report and is considered acceptable in respect of appearance, layout scale and landscaping.
- 15.71 The proposed market and affordable housing mix is in line with the requirements of the Planning Obligation for the Outline consent. Subject to suitable conditions there would be no significant impact on biodiversity, heritage assets and local general amenity.
- 15.72 The proposed housing is considered to be appropriately designed and will assist in delivering sustainable residential development. The proposed design would be visually compatible with other consented development parcels in the Leigh Road Allocation Site and its wider setting on the eastern fringe of Wimborne Minster. The proposal would not, subject to conditions, give rise to significant amenity impacts on existing local residents or future site occupiers.

15.73 Therefore, subject to suitable conditions, the proposal accords with Local Plan Core Strategy policies WCM8, KS1, KS11, KS12, HE1, HE2, HE3, LN1, LN2, LN3 and ME1, East Dorset Local Plan (2002) policies DES6 and DES11 and so with the Local Plan as a whole.

15.74 This assessment exercise has involved considering the acceptability of the proposal in relation to the Development Plan, taken as a whole, and all other materials considerations. All of the foregoing factors have also been considered in relation to the social, economic, and environmental benefits to be provided by the proposal. It is considered the proposed is acceptable in relation to material planning considerations.

15.75 The proposal is therefore considered to be sustainable development for the purposes of NPPF paragraph 11. The recommendation is for approval of the application with conditions.

Written agreement to the pre-commencement condition(s) was received from the applicant by email on 21.10.2022.

## Applications Report for Minor Development and Others

**15.0 RECOMMENDATION** – Grant, subject to the following:

**Conditions:**

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

Site Location Plan	100 P1
Proposed Site Layout 1-500	102 P18
Proposed Materials Plan	103 P17
Proposed Boundary Treatment Plan	104 P16
Proposed Affordable Layout Plan	105 P14
Proposed Shared Driveways Plan	106 P13
Proposed Storey Height Plan	107 P13
Proposed Bin & Cycle Storage Plan	108 P13
Proposed Site Layout- Coloured Version	109 P16
Landscape Masterplan	2250-TFC-XX-00-DR-L-1001 Rev 12 2250-TFC-XX-00-DR-L-2001 Rev 07 2250-TFC-XX-00-DR-L-2002 Rev 07 2250-TFC-XX-00-DR-L-2003 Rev 09
Hard Landscape Proposals	2250-TFC-XX-00-DR-L-2004 Rev 08 2250-TFC-XX-00-DR-L-2005 Rev 07 2250-TFC-XX-00-DR-L-2006 Rev 08 2250-TFC-XX-00-DR-L-3001 Rev 07 2250-TFC-XX-00-DR-L-3002 Rev 07 2250-TFC-XX-00-DR-L-3003 Rev 10
Detailed Planting Proposals	2250-TFC-XX-00-DR-L-3004 Rev 08 2250-TFC-XX-00-DR-L-3005 Rev 07 2250-TFC-XX-00-DR-L-3006 Rev 08
Soft Landscape Specification and Schedule	2250-TFC-XX-00-DR-L-3007 Rev 08
Refuse Vehicle Tracking Analysis	BSO-E4927-2-001N
Fire Tender Tracking Analysis	BSO-E4927-2-002J
Site Layout Review	BSO-E4927-2-003J
Levels Strategy	BSO-E4927-2-005J
Exceedance Flows	BSO-E4927-2-008H
Drainage Strategy	BSO-E4927-2-010H
EA Node Location Plan	BSO-E4927-2-013H
Private Vehicle Tracking Analysis	BSO-E4927-2-014B
House type Booklet	Prepared by IDP- Dated September 2022
Noise Impact Assessment	Prepared by 24 Acoustics- Dated June 2022.
Transport Statement	Prepared by I-Transport- Dated October 2022
Landscape and Ecological Management Strategy and Management Plan	Prepared by EAD Ecology- Dated October 2022

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent re-enactment thereof, the garages and

## Applications Report for Minor Development and Others

off-road parking spaces for residential vehicular parking hereby approved shall be retained and at the dimensions shown on the approved plans and shall not be altered, including conversions to domestic living accommodation, so as to result in a loss of parking availability.

Reason: To ensure that off-street car parking is retained in the interests of highway safety and in a visually acceptable manner.

3. Prior to the commencement of development a Footpath Diversion Strategy setting out a plan for the implementation of any agreed diversion including details and duration of any planned temporary diversions or closures, shall be submitted to and approved in writing by the Local Planning Authority. The development will be carried out in accordance with the approved Strategy.

Reason: To ensure the continued availability of rights of way for use by members of the public

4. The first floor bathroom window for plot 65, shall be glazed with obscure glass and shall either be a fixed light or hung in such a way as to prevent the effect of obscure glazing being negated by reason of overlooking and this shall be retained for the lifetime of the development.

Reason: In the interests of Local General Amenity

5. Acoustically rated glazing to bedrooms and specialist passive acoustically rated wall vents must be installed in the apartment blocks fronting the A31 (plots 115-174). Residential development must therefore be strictly constructed in accordance with the submitted Noise Impact Assessment (24 Acoustics Technical Report: R9501-1 Rev 2 14<sup>th</sup> June 2022).

Reason: To safeguard the amenities of the occupiers of residential properties.

7. The development hereby permitted shall be undertaken in accordance with the submitted landscaping plans set out in condition 1. Full details of structural tree pits shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of any ground works. The development shall be carried out in accordance with the approved details.

Reason : In ensure the landscaping of the site is undertaken in accordance with the approved plans.

8. The proposed development shall be built in accordance with the information provided in the Landscape and Ecological Management Strategy [LEMS} (EAD Ecology , October 2022).

Thereafter the mitigation measures set out in the LEMS shall be permanently maintained and retained in accordance with the LEMS, unless otherwise first agreed in writing by the local planning authority.

Reason: In the interests of Protected Species.

## Applications Report for Minor Development and Others

9. All works relating to site levels and finished floor levels shall be undertaken strictly in accordance with the details as set out in drawings BSO/E4927/2/005 J.

Reason: To ensure details of the proposal having regard to the existing site levels, flood risk mitigation and those adjacent hereto.

10. Prior to the commencement of highways works a block paving detail and bullnose kerb detail at plots 85 and 86 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: in the interest of highway safety and management.

11. Prior to development above damp proof course (DPC) a review of the proposed public-realm lighting scheme will be undertaken prior to the erection or installation of any lighting and shall be submitted to and approved in writing by the Local Planning Authority.

The lighting scheme shall:

- demonstrate impacts from lighting will be minimised during pre-construction, construction and operational phases
- show how the current best practice guidance for bats (BCT/ILP 2018) has been implemented
- include details such as: dark corridors, artificial lighting associated with public realm lighting, car headlights associated with traffic movements through the development and internal and external lighting associated with the residential development.

The development will be carried out in accordance with the approved Strategy.

Reason: In the interests of Protected Species and to ensure that potential adverse effects on bats are minimised.

12. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority.

The CEMP shall include the following:

- relevant protected species mitigation measures and accord with the BS42020: 2013 Biodiversity: Code of Practice for Planning and Development –
- Risk assessment of potentially damaging construction activities.
- Identification of “biodiversity protection zones”.
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.

## **Applications Report for Minor Development and Others**

- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.

The development shall be carried out in accordance with the approved CEMP.

Reason: To mitigate for impacts on biodiversity.

### **Informatives**

1. The applicant is informed that this decision constitutes an approval of Reserved Matters under Condition 1 of planning permission granted on 22/12/2020 under Application 3/18/3305/FUL and does not, but itself, constitute a planning permission.
2. For the avoidance of doubt, the applicant is informed that this decision does not allow for the diversion of the footpath. A footpath can only be diverted through the relevant legislation and legal process.
3. The proposed development is in the proximity of the Wimborne Sewage Treatment Works and Wessex Water has raised concerns regarding fly nuisance. No residential unit can be within 145m of the boundary of the plant. Should complaints be received regarding fly nuisance the Council will have a duty to investigate.

### **Background Documents:**

Case Officer: Naomi Shinkins

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the Council's website.

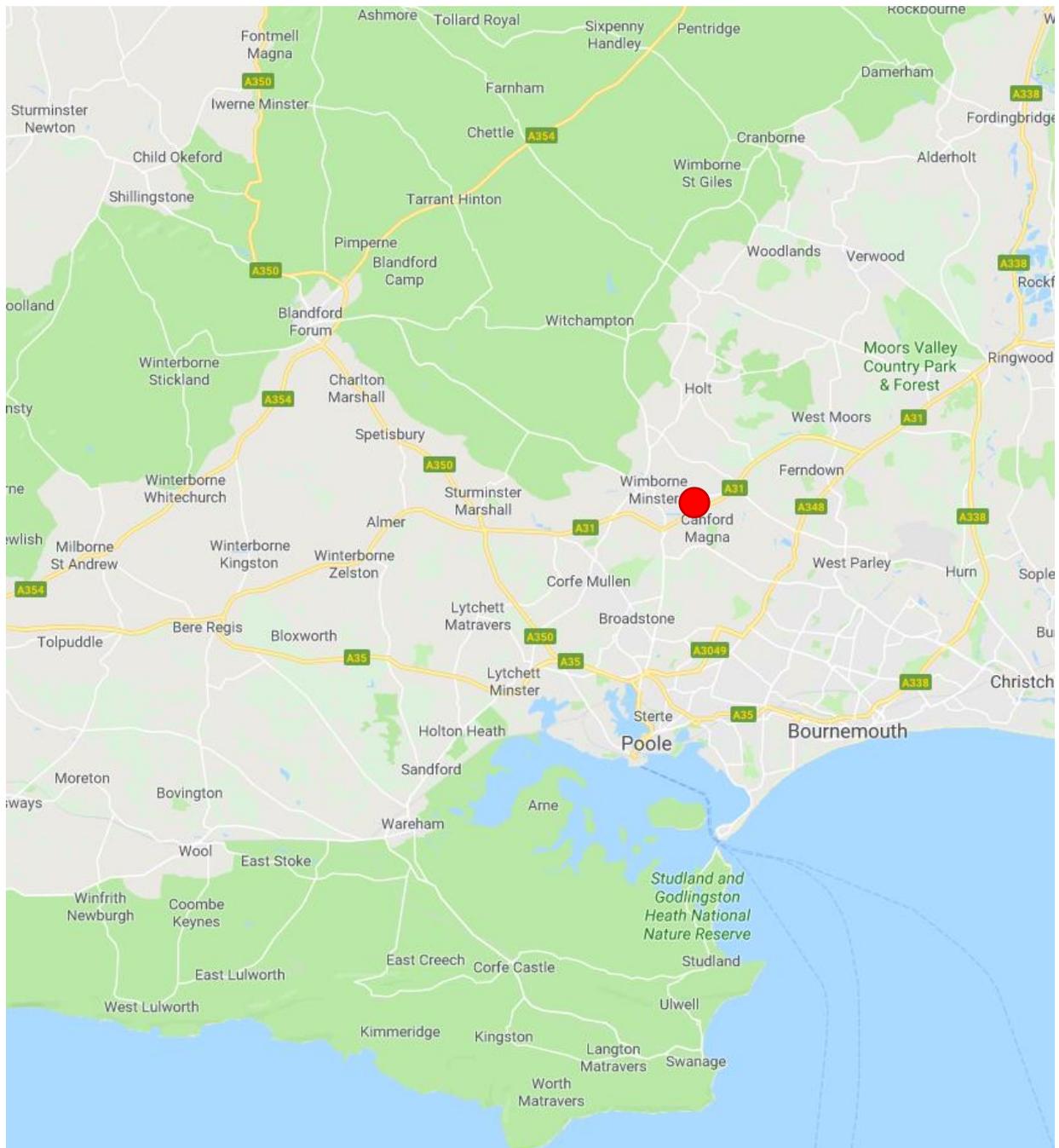
This page is intentionally left blank

Approximate Site Location 

Application reference: 3/21/1566/RM

Site address: Land south of Leigh Road Wimborne Dorset BH21 2DA

Proposal: Approval of reserved matters application in respect of appearance, layout scale and landscaping following outline planning application 3/18/3305/FUL for residential development of 174 dwellings with associated roads, parking, turning and amenity areas; provision of public open space and landscaped areas



This page is intentionally left blank