



Eastern Area Planning Committee

Date: Wednesday, 7 February 2024
Time: 10.00 am
Venue: The Allendale Centre, Hanham Road, Wimborne, Dorset, BH21 1AS

Members (Quorum: 6)

Toni Coombs (Chairman), Shane Bartlett (Vice-Chairman), Mike Barron, 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

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
1.	APOLOGIES	
	To receive any apologies for absence	
2.	DECLARATIONS OF INTEREST	
	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.	
3.	MINUTES	3 - 10

To confirm the minutes of the meeting held on Wednesday 10th January 2024.

4. REGISTRATION FOR PUBLIC SPEAKING AND STATEMENTS

Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting. Please refer to the Guide to Public Speaking at Planning Committee. [Guide to Public Speaking at Planning Committee](#)

The deadline for notifying a request to speak is 8.30am on Monday 5th February 2024.

5. PLANNING APPLICATIONS

To consider the applications listed below for planning permission.

6. TPO/2023/0089 - 2 BRUNE WAY, WEST PARLEY, FERNDOWN, DORSET, BH22 8QG 11 - 24

To protect trees within the designated Area.

7. P/MPO/2023/06436 - LAND AT RINGWOOD ROAD ALDERHOLT 25 - 38

Application to modify S106 dated 1 October 2017 (variation 10 July 2023) to planning approval 3/16/1446/OUT AND 3/19/2077/RM - To agree tenure of affordable homes as first homes tenure.

8. 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.

9. 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.

There are no exempt items scheduled for this meeting.

This page is intentionally left blank



EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 10 JANUARY 2024

Present: Cllrs Toni Coombs (Chairman), Shane Bartlett (Vice-Chairman), Mike Barron, Alex Brenton, Robin Cook, Mike Dyer, Barry Goringe, David Morgan, David Tooke and John Worth

Apologies: Cllrs Julie Robinson and Bill Trite

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

Elizabeth Adams (Development Management Team Leader), James Brightman (Senior Planning Officer), Philip Crowther (Legal Business Partner - Regulatory), Ursula Fay (Lead Project Officer), Joshua Kennedy (Apprentice Democratic Services Officer), Anna Lee (Service Manager for Development Management and Enforcement), Helen Lilley and Steve Savage (Transport Development Liaison Manager)

48. Declarations of Interest

Cllrs Shane Bartlett, Alex Brenton, David Tooke, Robin Cook, David Morgan, Barry Goringe and John Worth, declared an interest in agenda item 6 as members of the National Trust. It was agreed that they would take part in the debate and decision.

49. Minutes

The minutes of the meeting held on Wednesday 6th December were confirmed and signed.

50. Registration for public speaking and statements

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.

51. Planning Applications

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

52. P/FUL/2022/06840 - Knoll House Hotel, Ferry Road, Studland, Swanage, BH19 3AH

The Case Officer provided members with the following updates:

- **Floorspace-** As stated in the committee report, the Gross External Area (GEA) for the proposed development (supplied by the applicant) was 15,813sqm. The Gross Internal Area (GIA) for the proposed development (as calculated by the Council's CIL Team) was 14,836sqm.
- **Parking-** The extent of existing parking at the site identified in 2018 was 79 spaces. The applicant carried out a further study for this application and identified an additional 7 spaces, increasing this to 86 spaces.
- **Economic benefits-** Page 55 - £65mil spend on construction + £9.4mil in wages.
- **Policy E8 Dorset Heathlands of the Emerging Purbeck Local Plan-** Policy E8 of the emerging Local Plan is relevant to the application but should not be given any significant weight in the decision-making process. This policy continues the approach taken in Policy DH of the Purbeck Local Plan and in the Dorset Heathlands SPD to require that '*residential development involving a net increase in dwellings or other uses such as tourist accommodation*' ... '*will not be permitted within 400 metres of heathland*'.
- **Response from the Natural Environment Team:**
 - *Confirm applicant has not followed Biodiversity Protocol and Biodiversity Plan has not been submitted for the current application.*
 - *Effects on nightjar are not known.*
 - *Concerns around accuracy of baseline habitat assessment, particularly classification of grassland to the south of the hotel as dry acid grassland*
 - *Stated 38.5% increase in habitat units reported within the Environmental Statement should be viewed with caution and should not be given substantial weight in decision making.*
 - *Potential effects on lowland dry acid grassland are unknown.*
 - *Mitigation is not described in the level of detail sufficient to provide confidence that it is appropriate and achievable.*
- **Further information from applicant-**
 - Agreeable to an amendment / restriction use to Use Class C1 (hotels)
 - Willing to accept condition or obligation restricting cats and dogs.
 - Would remove dog facilities but still deliver the woodland walk.
 - Would continue to deliver mire restoration.
 - **Officer response:** These amendments have not been formalised e.g., through an amended application form or consulted on. This would be required.
- It is unknown whether these amendments would be sufficient to satisfy Natural England or an Appropriate Assessment
- The amendments would not have resolved landscape concerns and the recommendation for refusal due to impacts on the Dorset Areas of Outstanding Natural Beauty (AONB) and Heritage Coast would remain.
- The National Trust can confirm that the amended proposals do satisfy requests to redirect surface water from discharging to the north of the application site into the Piplely Swamp. When available we would have needed to see the complete updated Drainage Strategy which would

presume to include volume flows and impact assessment on the Studland and Godlingston Heath SSSI through which the discharge would flow nearer the final discharge into the sea.

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members as well as discussing the location plan, site access and landscape strategy plan. Photographs and photomontages of the site from eastern and southern views as well as photographs from within the site were shown. Images of the site from public rights of ways and illustrative elevation plans of the hotel, apartment blocks and spa facilities were provided. Members were informed that the site was within the Dorset AONB and Heritage Coast as well as heritage assets, habitat sites, protected trees and public access also being a topic of consideration.

The Case Officer also highlighted the history of the site which noted the previous site plan proposal which had come to committee in 2022, alongside this, comparisons of the existing proposal and current proposal were shown. Block plans of the hotel, apartment, parking, restaurant, roofing, and spa facilities were also included, with the number of apartments, villas and hotel bedrooms also being highlighted. Included in the officer's presentation were elevation designs setting out measures to reduce light spill and the proposed materials which included cladding and Purbeck stone. Members were also informed of the drainage proposals, woodland management plan, habitat measurements and the proposed ecological enhancements. The Case Officer also discussed the impacts and informed members that the proposal was considered to have significant economic benefits to the area, however, they did not outweigh the impacts on the AONB. Therefore, on balance, the officer's recommendation was refusal, the reasons were set out in the officer's report.

Public Participation

The agent spoke in support of the proposal. He explained how the applicant had spent the last 6 years investing and had worked hard to address any concerns that had previously been raised. Mr Read informed members that the site had been landscape led and was more energy efficient. He also highlighted the main benefits of the proposal, in particular, the inclusion of sustainable travel through the use of a staff bus which could have also been used by hotel residents. In addition to this, he also commented on how the proposal would have increased employment and career opportunities. The agent's representation also included details of controlled drainage systems, a range of biodiversity measures and heathland protection. Members were informed that the applicant had followed recommendations from Natural England and were informed that a recommendation for deferral would be supported to address any further concerns raised.

The Local Ward member thanked the committee for enabling her the opportunity to speak. Cllr Brooks felt as though the proposal was an improvement and was a good solution as the existing site was deteriorating. Members were informed that 3

portfolio holders stated their responsibility and the benefits of development if approved. She praised the applicant for persevering with the site and informed members that it was their responsibility to determine whether the benefits outweighed the harm. Based on various assessments which had been carried out, the current recommendation was for refusal. However, the Local Ward member understood the consequences of granting and felt as though it would have resulted in a series of improvements. Therefore, she urged the committee to grant permission, or if they still had reservations, to defer the proposal. Cllr Brooks thanked the committee for their time.

Members questions and comments

- Clarification of C3. Dwellinghouses and future residential use.
- Members agreed that the site needed change.
- The use of solar panels was noted; however, concerns were raised regarding a lack of natural shading for each dwelling.
- Questions regarding water supplies and fire breaks.
- Change of use class from C3. Dwellinghouses to C1.
- Impacts on Habitats Sites.
- Clarification of height of trees.
- Clarification on requests for deferral.
- Questions regarding incomplete biodiversity appraisal, landscaping strategy and foul water.
- Clarification regarding shuttle bus for staff and residents.
- Residential impacts on the heathlands and the ability to control these.
- Members felt development of the site would benefit the economy of Dorset but they did not like the proposal before them and were disappointed that the issues had not been resolved.

Members were advised that they could defer determination of the application and that they would need to have reasons for doing so which would allow the opportunity for all of their concerns to be overcome.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, a motion to approve the officer's recommendation to **refuse** planning permission as recommended, was proposed by Cllr Robin Cook, and seconded by Cllr John Worth.

Decision: To grant the officer's recommendation for refusal.

53. **P/FUL/2023/04037 - Smugglers Hyde, 47 Brook Lane, Corfe Mullen, BH21 3RD.**

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members. Photographs of the sites approved and proposed elevations, as well as illustrative street scenes were presented. Members were also informed of the sites planning history and the proposed materials. Details of the proposed floor plans and positioning of windows were also highlighted. The Case Officer discussed impacts on neighbouring amenities, the site was considered to have appropriate separation distances and informed members that there would be 2 parking spaces and a turning area for residents. There had been no objections from highways in relation to parking or road safety. The officer's recommendation was to grant.

Public Participation

There was no public participation.

Members questions and comments

- The Local ward member had received no objections from residents.
- Members noted that the site had been neglected and the proposal was an improvement.
- Clarification on biodiversity enhancements.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, a motion to **approve** the officer's recommendation to **grant** planning permission as recommended, was proposed by Cllr Mike Barron, and seconded by Cllr David Morgan.

Decision: To grant the officer's recommendation for approval.

54. **P/FUL/2023/04067 - Smugglers Hyde 47 Brook Lane Corfe Mullen BH21 3RD**

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members. Members were shown the proposed site plans, elevations, first floor and roof plans. The officer also highlighted the impact on road safety, the character of the area and neighbouring dwellings, in which no adverse impact had been identified. The officer's recommendation was to grant subject to conditions set out in the officer's report.

Public Participation

There was no public participation.

Members questions and comments

- Clarification on site boundaries.
- Confirmation on length of site access and whether the distance can be accommodated and accessible for emergency services.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, a motion to **approve** the officer's recommendation to **grant** planning permission as recommended, was proposed by Cllr Shane Bartlett, and seconded by Cllr Robin Cook.

Decision: To grant the officer's recommendation for approval.

55. **P/FUL/2023/04227 - Smugglers Hyde 47 Brook Lane Corfe Mullen BH21
3RD**

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members. Included in the officer's presentation were the proposed site plans and street scenes. Impacts on the character of the area and on neighbouring amenities were also discussed. The officer's recommendation was to grant.

Public Participation

There was no public participation.

Members questions and comments

- Members felt as though the proposal was an improvement.
- Confirmation that any covenants affecting the site were not a material planning consideration.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, a motion to **approve** the officer's recommendation to **grant** planning permission as recommended, was proposed by Cllr Alex Brenton, and seconded by Cllr David Morgan.

Decision: To grant the officer's recommendation for approval.

56. **Urgent items**

There were no urgent items.

57. **Exempt Business**

There was no exempt business.

Appendix - Decision Sheet

Duration of meeting: 10.00 am - 12.49 pm

Chairman

.....

This page is intentionally left blank

Reference No: TPO TPO/2023/0089
Proposal: To protect trees within the designated Area
Address: 2 Brune Way, West Parley, Ferndown, Dorset BH22 8QG
Recommendation: to confirm Tree Preservation Order with modifications to schedule and site plan
Case Officer: Andrew Douglas
Ward Members: Cllr Andrew Parry

Publicity expiry date:	13.12.2023	Officer site visit date:	Photos available
Decision due date:	15.05.2024		

MAIN REPORT

1.0 REASON FOR REFERRAL TO COMMITTEE

The application has been referred to committee by the service manager, given the number of third-party representations received (7) in response to the Tree Preservation Order (TPO).

2.0 DESCRIPTION OF SITE AND SURROUNDINGS

2 Brune Way is a corner plot with Glenmoor Road and is located adjacent to the Dudsbury Road Special Character Area. The area holds a significant number of mature trees both coniferous and deciduous, the majority of which are protected by Tree Preservation Orders. The site itself holds a number of mature trees including Pine, Cedar and Birch as well as overgrown Leylandii.

3.0 PROPOSAL

The proposal is to confirm the TPO with modification to site plan and schedule. The existing TPO has an 'Area' designation which includes all trees of whatever species. The proposal is to modify the Order to include only those individual and groups which merit protection due to their amenity value.

As part of the TPO making procedure, the trees were assessed using the nationally recognised Tree Evaluation Method for Preservation Orders assessment (TEMPO). This assessment has been developed to provide a transparent and objective means of evaluating and considering the merits of trees and whether their amenity value is such that it warrants protection. It is split into different aspects of the amenity value and identifies a scoring system. A minimum of 12 points is required.

The trees on the property were assessed individually and scores were given based on condition, retention span, public visibility, and expediency. They scored between 15 and 19, putting them in the category “definitely merits TPO” or “TPO defensible” (see appendix A).

The appended site plan and schedule (see appendix B) identifies the species and location of those trees to be covered by the amended TPO. Those being x1 Birch (T1), x1 Cedar (T2) and x4 Pine (T3 and G1).

4.0 POLICY CONTEXT

The purpose of a TPO is to preserve the trees and their amenity value.

The Procedure for making a tree preservation order is set out in the Town and Country Planning (Tree Preservation) (England) Regulations 2012

Local Planning Authorities can make a Tree Preservation Order (TPO) if it appears to them to be *'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'*. In this respect, *'expediency'* means that there is a risk of trees being felled or pruned severely so as to spoil the amenity of the trees or be detrimental to the health of the trees. An Order prohibits the cutting down, topping, lopping, uprooting or wilful destruction of trees without the Local Planning Authority's written consent.

An Order comes into effect on the day that it is made, and once made, interested parties have a minimum of 28 days to make representations either supporting or objecting to the Order. A Local Planning Authority has six months in which to confirm the Order or to decide not to confirm it. An Order cannot be confirmed unless the LPA has considered duly made representations made in response to the Order.

5.0 LOCAL REPRESENTATIONS

On serving the Tree Preservation Order (TPO), the landowner and immediate neighbours were notified and allowed 28 days to comment.

Representations objecting to making the Tree Preservation Order have been received. The main reasons for the objections include:

- The trees have caused damage to property.
- The trees have not been managed.
- High density and height of the trees block light to properties.
- The trees are not of special interest.
- A tree survey of the site was undertaken prior to the TPO being made.
- The trees could cause problems with drainage.
- The trees obstruct the pavement and are unsightly.
- The new owner of the property will be responsible managers.
- Highways instructed previous owners to maintain trees and shrubs obstructing footpaths and highways.
- The LPA have singled out the property.
- Removal of trees would not have any impact on the local environment.
- No other properties in Brune Way been served with a TPO.
- There are no current planning applications at the property so the trees are not deemed to be at risk.

6.0 CONSULTATIONS

West Parley Parish Council – no response

7.0 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.

TPOs, protect selected trees and woodlands if their destruction or removal would have a significant negative impact on the local environment and its enjoyment by the public. The retention of these amenity trees will bring a reasonable degree of public benefit in the present or future.

This recommendation is based on adopted good practice and does not prejudice the Human Rights of the applicant or any third party.

8.0 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 confirmation of a Tree Preservation Order will result in no actual works being undertaken as a result of the designation. It is therefore not considered that this will result in any disadvantage to people with a protected characteristic.

9.0 Financial benefits

There are no financial implications for the Council at this stage.

10.0 Climate Implications

The benefits provided by trees are significant. Their role in helping to regulate the climate is well documented and the value trees provide is recognised within the ‘England Trees Action Plan 2021-2024’.

Mature trees such as these trees at 2 Brune Way, play a key role in helping to tackle the climate emergency. They directly remove carbon dioxide from the atmosphere and convert this to stored carbon. Additionally, they are important for biodiversity both in their own right

and as a habitat for other species. Therefore, the protection of these trees will contribute towards the council's objectives of reducing the effects of global warming and carbon emissions.

The climate crisis remains a significant, long-term challenge in the coming years and decades, and there is a growing ecological crisis too. One way towards achieving the council's climate and ecological emergency strategy (2023- 25) is to safeguard trees that are identified as worthy of protection.

11.0 APPRAISAL

Third party concerns consider that the property has been singled out as no other properties in Brune Way have been served with a TPO.

An Area TPO was served in December 2023 in reaction to the property being placed on the market and subsequently sold. It has not been served to prevent development, rather to ensure the retention of the better-quality trees including Birch, Pine and Blue Atlas Cedar which contribute to character of the area. As aforementioned, a Tree Evaluation Method for Preservation Orders (TEMPO) has been carried out to evaluate the trees suitability for a TPO. Each tree has been individually assessed with the better-quality trees to be included in the TPO scoring between 15 and 19 against TEMPO criteria (Appendix A).

The Birch, Pine and Blue Atlas Cedar trees to be included in the order are prominent in the street scene and visible in the wider area (Glenmoor Road, Brune Way and New Road).

The existing TPO has an area designation which includes all trees of whatever species. Whilst the points raised by third parties are noted, it is not, and has never been the intention of the Council to protect everything within the site hence the proposed modified TPO identifying only those higher quality specimens (see plan and schedule appended to this report).

Government guidance suggests that Area TPOs should not, where practicable, be confirmed. Rather a modified TPO should be produced for confirmation as in this case.

The officer recommendation to modify the TPO is consistent with this guidance.

12.0 OTHER CONSIDERATIONS

The officer assessment has taken account of third-party concerns in particular.

- *The trees have not been managed, they obstruct the pavement and are unsightly, they may cause drainage issues, the trees are not of special interest, A tree survey of the site was undertaken prior to the TPO being made, removal of trees would not have any impact on the local environment.*

The trees to be protected have been individually assessed and are considered to be of reasonable health and normal vitality making them worthy of protection. They are mature trees which add to the biodiversity of the area and are visible from the public domain giving them high visual public amenity value.

- *The new owner of the property will be responsible managers, highways instructed previous owners to maintain trees and shrubs obstructing footpaths and highways.*

The TPO will not stop any future maintenance to the trees by the landowner.

- *The trees have caused damage to property.*

No evidence has been submitted to indicate that the trees to be protected under this order have caused any damage to property.

13.0 CONCLUSION

The TPO with modification is considered to be compliant with government good practice and seeks to safeguard the longer-term retention of amenity trees within the site.

14.0 RECOMMENDATION

That the TPO is confirmed with modification as set out in Appendix B

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 15.01.2024	Surveyor: AD
------------------	--------------

Tree details	
TPO Ref (if applicable): 23/0089	Tree/Group No: T1 Species: Birch
Owner (if known):	Location: 2 Brune Way, West Parley

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

Score & Notes
3

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Notes
1

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes
3

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes
5

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes
3

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:
Page 18

Decision:
TPO

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 15.01.2024	Surveyor: AD
------------------	--------------

Tree details TPO Ref (if applicable): 23/0089 Owner (if known):	Tree/Group No: T2 Location: 2 Brune Way, West Parley	Species: Cedar
--	--	----------------

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- | | |
|--------------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair/satisfactory | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable |

* Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes 3

b) Retention span (in years) & suitability for TPO

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes 4

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes 4

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- | |
|--|
| 5) Principal components of formal arboricultural features, or veteran trees |
| 4) Tree groups, or principal members of groups important for their cohesion |
| 3) Trees with identifiable historic, commemorative or habitat importance |
| 2) Trees of particularly good form, especially if rare or unusual |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) |
| -1) Trees with poor form or which are generally unsuitable for their location |

Score & Notes 5

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- | |
|---|
| 5) Immediate threat to tree inc. s.211 Notice |
| 3) Foreseeable threat to tree |
| 2) Perceived threat to tree |
| 1) Precautionary only |

Score & Notes 3

Part 3: Decision guide

- | | |
|-------|--------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-11 | Does not merit TPO |
| 12-15 | TPO defensible |
| 16+ | Definitely merits |

Add Scores for Total: 19 Page 19
--

Decision: TPO

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 15.01.2024	Surveyor: AD
------------------	--------------

Tree details TPO Ref (if applicable): 23/0089 Owner (if known):	Tree/Group No: T3 Location: 2 Brune Way, West Parley	Species: Pine
--	--	---------------

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- | | |
|--------------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair/satisfactory | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable |

* Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes

3

b) Retention span (in years) & suitability for TPO

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes

2

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes

5

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- | | |
|--|--------------------|
| 5) Principal components of formal arboricultural features, or veteran trees | Score & Notes
5 |
| 4) Tree groups, or principal members of groups important for their cohesion | |
| 3) Trees with identifiable historic, commemorative or habitat importance | |
| 2) Trees of particularly good form, especially if rare or unusual | |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) | |
- 1) Trees with poor form or which are generally unsuitable for their location

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- | | |
|---|--------------------|
| 5) Immediate threat to tree inc. s.211 Notice | Score & Notes
3 |
| 3) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only | |

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-11 | Does not merit TPO |
| 12-15 | TPO defensible |
| 16+ | Definitely merits TPO |

Add Scores for Total:

18

Page 20

Decision:

TPO

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 15.01.2024	Surveyor: AD
------------------	--------------

Tree details TPO Ref (if applicable): 23/0089 Owner (if known):	Tree/Group No: G1 Location: 2 Brune Way, West Parley	Species: x3 Pine
--	--	------------------

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

* Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes 5

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes 2

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes 4

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes 5

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes 3

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total: 19 Page 21
--

Decision: TPO

Modified Schedule

Specification of trees

Trees specified individually.
(Encircled in black on the map)

Reference on map and description	Situation
T1 – Birch T2 – Blue Atlas Cedar T3 – Pine	Land of 2 Brune Way, West Parley, Ferndown, BH22 8QG. As shown on plan.

Trees specified by reference to an area
(Within a dotted black line on the map)

Reference on map and description	Situation
None	

Groups of trees

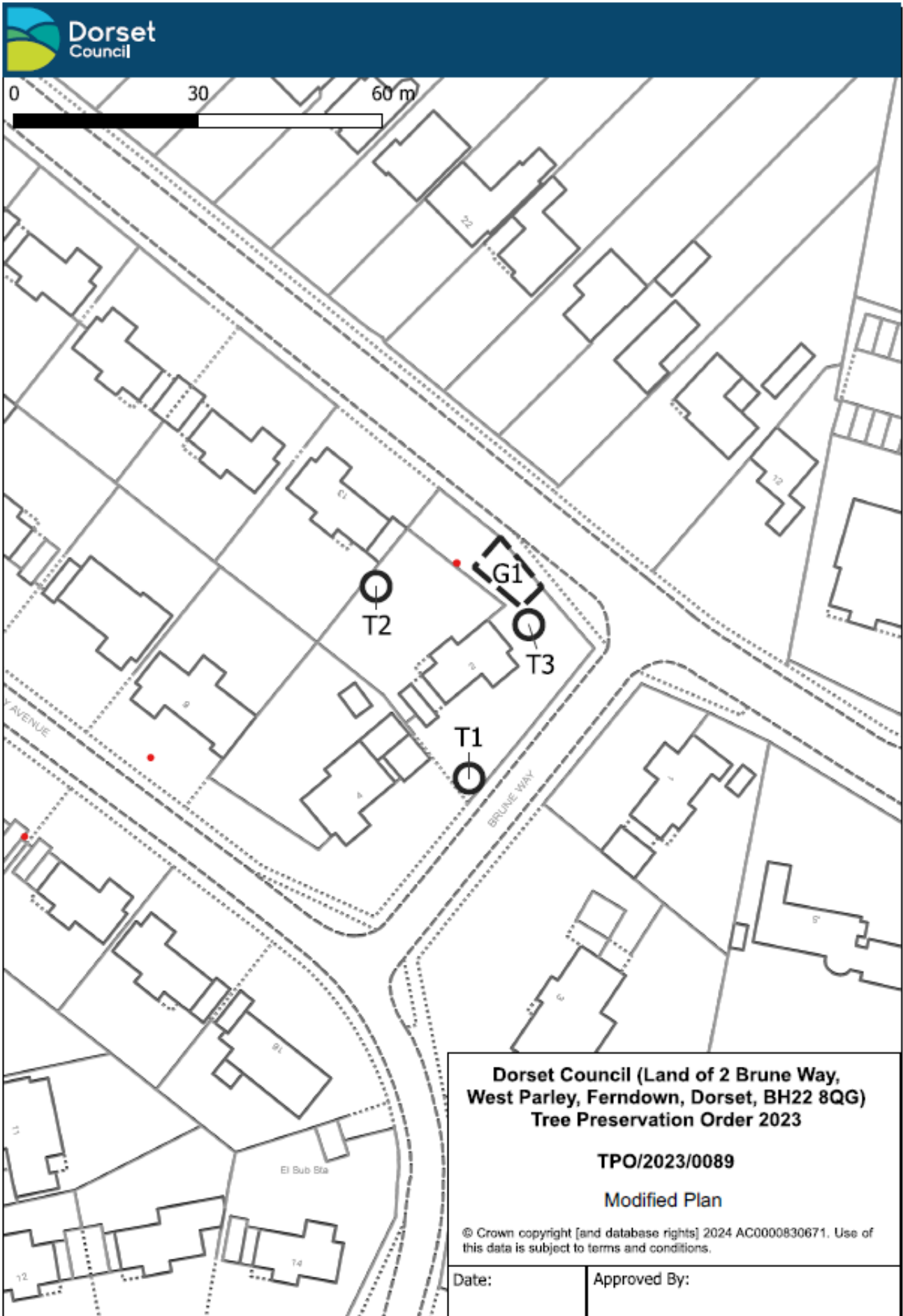
(Within a broken black line on the map)

Reference on map and description	Situation
G1 – Pine x3	Land of 2 Brune Way, West Parley, Ferndown, BH22 8QG. As shown on plan.

Woodlands

(Within a continuous black line on the map)

Reference on map and description	Situation
None	



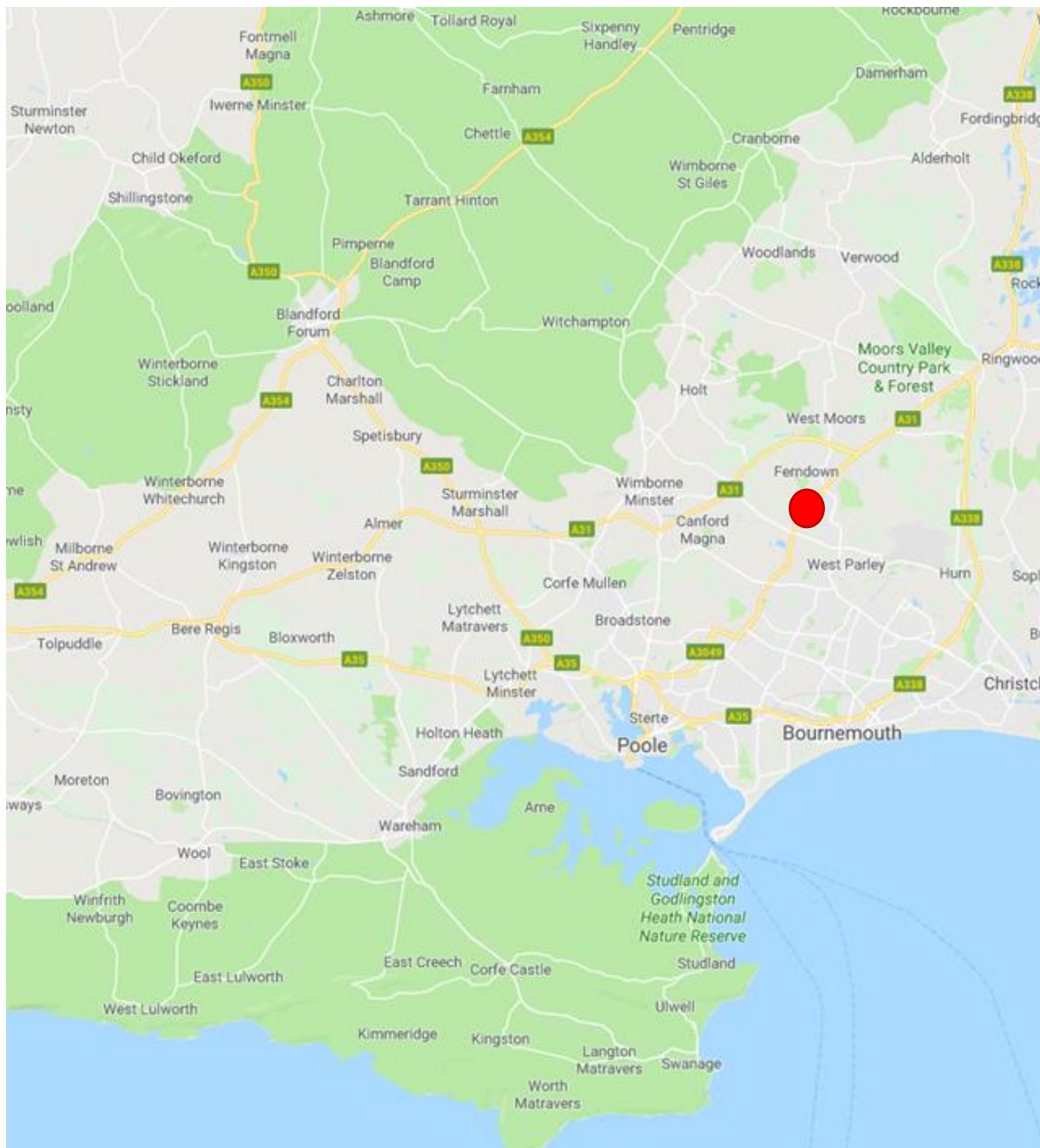
This page is intentionally left blank

● Approximate Site Location

Application reference: **TPO/2023/0089**

Description of development: **to confirm Tree Preservation Order with modifications to schedule and site plan**

Site address: **2 Brune Way, Ferndown, Dorset BH22 8QG**



This page is intentionally left blank

Agenda Item 7

Eastern Planning Committee 7 February 2024

Application Number:	P/MPO/2023/06436
Webpage:	Planning application: P/MPO/2022/02469 - dorsetforyou.com (dorsetcouncil.gov.uk)
Site address:	Land at Ringwood Road Alderholt
Proposal:	Application to modify S106 dated 1 October 2017 (variation 10 July 2023) to planning approval 3/16/1446/OUT AND 3/19/2077/RM - To agree tenure of affordable homes as first homes tenure
Applicant name:	Pennyfarthing Construction Ltd
Case Officer:	Naomi Shinkins
Ward Member(s):	Cllr Tooke

1.0 The application is being considered by the Planning Committee as it results in the reduction of a community benefit as required by paragraph 151 of the Dorset Council Constitution.

2.0 Summary of recommendation:

To grant the change of tenure from affordable to rent homes to first homes.

3.0 Reason for the recommendation:

- It has been demonstrated that it has not been possible to secure a registered housing provider to undertake the approved affordable housing units.
- As a result of the above, it is considered acceptable in this specific instance to amend the tenure to first homes, where first homes are a form of affordable housing.
- Recovering the difference in viability calculations is already secured under the viability review clause in the existing legal agreement.

4.0 Key planning issues

Issue	Conclusion
Loss of affordable to rent homes	It has been demonstrated that no registered provider is willing to take on the approved affordable to rent homes. First homes defined by the government as an affordable housing tenure and are considered a suitable alternative in this specific instance.

Impact on viability of the development	Recovering the difference in viability calculations is already secured under the viability review clause in the existing legal agreement.
--	---

5.0 Description of Site and Site History

- 5.1 The site is a 3.2ha, irregular-shaped area of land located to the south of Alderholt. The site mainly comprises open land, some of which was formerly in use as a horticultural nursery.
- 5.2 The site's north-western boundaries lie adjacent to residential properties located off Ringwood Road, Broomfield Drive, and Fern Close. The north-eastern boundary adjoins land forming part of the Alderholt Recreation Ground. The south-eastern boundary lies adjacent to Alderholt Nursery, whilst the south-western boundary runs alongside Ringwood Road. Residential properties are located on the opposite side of Ringwood Road.
- 5.3 The site is located beyond the development limits of Alderholt and is located within 5km of protected heathland.
- 5.4 Outline permission was granted at appeal in 2018 for the following development:
- Outline planning permission for the demolition of The Hawthorns former horticultural nursery and bungalow and erection of up to 45 dwellings (net 44) (including up to 50% affordable housing), introduction of structural planting and landscaping, informal public open space, surface water flood mitigation and attenuation, primary vehicular access off Ringwood Road, pedestrian access off Broomfield Drive and associated ancillary works. All matters to be reserved, with the exception of the site access points.*
- 5.5 A reserved matters application was submitted in 2019 and was approved in 2023 once concerns regarding heathland mitigation and nutrient neutrality were addressed.
- 5.6 As a result of heathland mitigation concerns, application 3/20/1732/FUL as follows has been submitted and secured by legal agreement. The application was approved in January 2023:
- Use of High Wood as a Suitable Alternative Natural Greenspace (SANG)*
- 5.7 An application to amend the affordable housing provision was approved by committee in February 2023 as follows:

Modify a Planning Obligation (dated 10 October 2017) for planning permission 3/16/1446/OUT (“Outline planning permission for the demolition of The Hawthorns former horticultural nursery and bungalow and erection of up to 60 dwellings (including up to 50% affordable housing), introduction of structural planting and landscaping, informal public open space, surface water flood mitigation and attenuation, primary vehicular access off Ringwood Road, pedestrian access off Broomfield Drive and associated ancillary works. All matters to be reserved, with the exception of the site access points”) to: reduce affordable housing provision from 50% to 15% (as 7 Affordable Rent homes); secure a Viability Review; secure a Biodiversity Compensation Payment; and secure the provision of Suitable Alternative Natural Greenspace (SANG). (Description amended 10 Feb 2023).

6.0 Description of Amendment

- 6.1 The applicant is seeking to change the affordable housing obligations in the Section 106 legal agreement attached to the accompanying planning permission to change approved affordable to rent units to ‘first homes’
- 6.2 No other changes are proposed.

7.0 Relevant Planning History

App No	Proposal	Decision	Date
3/16/1446/OUT	Outline planning permission for the demolition of The Hawthorns former horticultural nursery and bungalow and erection of up to 60 dwellings (including up to 50% affordable housing), introduction of structural planting and landscaping, informal public open space, surface water flood mitigation and attenuation, primary vehicular access off Ringwood Road, pedestrian access off Broomfield Drive and associated ancillary works. All matters to be reserved, with the exception of the site access points. [Officer note – permission granted for 45 dwellings at appeal (net 44 dwellings)]	Allowed at Appeal	6/11/2017
3/20/1732/FUL	Use of High Wood as a Suitable Alternative Natural Greenspace (SANG)	Granted	Jan 2023

P/MPO/2022/02469	<p>Modify a Planning Obligation (dated 10 October 2017) for planning permission 3/16/1446/OUT (“<i>Outline planning permission for the demolition of The Hawthorns former horticultural nursery and bungalow and erection of up to 60 dwellings (including up to 50% affordable housing), introduction of structural planting and landscaping, informal public open space, surface water flood mitigation and attenuation, primary vehicular access off Ringwood Road, pedestrian access off Broomfield Drive and associated ancillary works. All matters to be reserved, with the exception of the site access points</i>”) to: reduce affordable housing provision from 50% to 15% (as 7 Affordable Rent homes); secure a Viability Review; secure a Biodiversity Compensation Payment; and secure the provision of Suitable Alternative Natural Greenspace (SANG). (Description amended 10 Feb 2023).</p>	Granted	July 2023
3/19/2077/RM	<p>Reserved matters application pursuant to Outline Planning permission (Allowed at Appeal under application 3/16/1446/OUT) for the approval of the "appearance", "landscaping", "layout" (including internal access road, parking and turning areas) and "scale" for the development of Land North of Ringwood Road for 45 homes, landscaping and associated ancillary works</p>	Granted	July 2023

8.0 List of Constraints relevant to the application

Within Dorset Heathlands - 5km Heathland Buffer,:

Within River Avon Nutrient Catchment Area

9.0 Consultations

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

Consultees

1. Alderholt Parish Council

- No objection.
- But the Parish Council are dismayed at this outcome as it is 2 and 3 bed family homes that are required and these have been lost to Alderholt through the whole planning process on this site and others.

2. Dorset Council – Ward Member – Cllr Tooke

- No response.

3. Dorset Council Housing Team

- No objection.
- Due to the lack of uptake from Registered Providers on the affordable housing the enabling team have been in discussion with Pennyfarthing Homes about the tenure of the affordable units and supports this application to modify the S106 to provide first homes as the tenure for the affordable housing. Delivery of 7 of the homes at Oakwood Grove as First Homes will make an important contribution to the supply of affordable homes in the area.

Representations received

4 site notices were posted on and around the site boundary with an expiry date for consultation of 9 November 2023.

No third party representations were received.

10.0 Relevant Policies

Development Plan:

Adopted Christchurch and East Dorset Local Plan:

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

KS1 - Presumption in favour of sustainable development

LN1- Size and Types of New Dwellings

LN3 – Provision of Affordable Housing

Other Material Considerations

Neighbourhood Plans

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

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.

Supplementary Planning Document/Guidance

Supplementary Planning Documents/Guidance for East Dorset Area:

Affordable and Special Needs Housing and the Provision of Small Dwellings SPD

National Planning Policy Framework (NPPF) revised June 2021

Chapter 4: Decision-making

Chapter 5: Delivering a sufficient supply of homes

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 does not include any physical changes to the previously approved scheme where this matter is considered.

13.0 Financial benefits

- None

14.0 Climate Implications

14.1 The proposal is to change the approved tenure only. This will not have any climate implications.

15.0 Planning Assessment

Change of tenure

15.1 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.

15.2 A Section 106 Agreement attached to the Outline planning application (reference 3/16/1446/OUT) required the provision of 50% affordable housing, which equates to a total of 22 dwellings. However, in February 2023, an application to modify the affordable housing provision to 15% (7 units) (PA - P/MPO/2022/02469) was considered by the Eastern Area Planning Committee. Reasons for reducing the affordable housing contribution included increased build costs; additional costs in relation to new building regulation requirements; and additional costs in relation to

the required heathland and phosphate mitigation. The application was given a resolution to grant, subject to the completion of a S106 legal agreement and was approved in July 2023.

15.3 The 15% affordable housing provision is in the form of 2 x 2 bedroom apartments and 5 x 1 bedroom flats. The viability appraisal for planning application P/MPO/2022/02469 identified this house type and size to be financially viable.

15.4 As set out in planning application P/MPO/2022/02469, it is acknowledged 2 and 3 bed affordable houses will no longer be provided as a result of the reduced affordable housing provision. Given the small number of affordable dwellings to be delivered as part of this scheme (7) and taking into account the management requirements for affordable housing, it was considered appropriate and acceptable in this instance that the affordable housing provision be in the form of flats accommodated within one individual block. This block of flats is consistent with the original affordable housing provision proposed under the original Outline application. All flats within the block were proposed to be Affordable Rented dwellings.

15.5 Again, as set out and approved under P/MPO/2022/02469, the DC Housing Officer was consulted and advised that the proposed mix is acceptable based on management requirements for registered providers. The Housing Team also confirmed that there is a need for 1 and 2 bed Affordable Rented dwellings in the area.

15.6 Further to the approval of PA 3/19/2077/RM, the developer has sought to secure a registered provider.

15.7 8 registered providers were approached and the following responses received:

Registered Provider	Response
Vivid Homes	Outside of operating area
Abri	No further S106 homes required
Aster	Too small
East Boro Housing Trust	Feel flats would be too hard to let in this area
Legal and General	Too small
Magna	Would not be competitive in the market, as Magna has chosen to limit its rental homes to aid affordability of its customers to social rent only
Places for People	Priority is for in year (23/24) delivery
Sovereign	Too small, feel flats would be too hard to let
Stonewall	Too small

15.8 The Housing Team has been consulted on the above responses and is satisfied that all avenues to secure a registered provider have been exhausted. The applicant now proposes that affordable for rent homes now become First Homes, which can be

delivered and sold by the developer. No registered provider is required as they are discounted market sale houses.

15.9 The Government defines 'first homes' as follows ([First Homes - GOV.UK \(www.gov.uk\)](https://www.gov.uk)) - Paragraph: 001 Reference ID: 70-001-20210524 :

First Homes are a specific kind of discounted market sale housing and should be considered to meet the definition of 'affordable housing' for planning purposes. Specifically, First Homes are discounted market sale units which:

a) must be discounted by a minimum of 30% against the market value;

b) are sold to a person or persons meeting the First Homes eligibility criteria (see below);

c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,

d) after the discount has been applied, the first sale must be at a price no higher than £250,000 (or £420,000 in Greater London).

First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations.

[First Homes Eligibility Criteria - A purchaser (or, if a joint purchase, all the purchasers) of a First Home should be a first-time buyer as defined in paragraph 6 of schedule 6ZA of the Finance Act 2003 for the purposes of Stamp Duty Relief for first-time buyers. Purchasers of First Homes, whether individuals, couples or group purchasers, should have a combined annual household income not exceeding £80,000 (or £90,000 in Greater London) in the tax year immediately preceding the year of purchase. A purchaser of a First Home should have a mortgage or home purchase plan (if required to comply with Islamic law) to fund a minimum of 50% of the discounted purchase price. These national standard criteria should also apply at all future sales of a First Home.]

In relation to securing the tenure the government requires the following:

In addition, to qualify as a First Home, there should be a section 106 agreement securing the necessary restrictions on the use and sale of the property, and a legal restriction on the title of the property to ensure that these restrictions are applied to the property at each future sale, as described in [What is the legal mechanism to ensure that the discount is passed on to all future purchasers?](#). The price cap of £250,000 (or £420,000 in Greater London), however, applies only to the first sale and not to any subsequent sales of any given First Home.

Homes meeting the above minimum criteria can be sold as First Homes and should be considered to meet the definition of 'affordable housing' for planning purposes. A developer should be able to show that the homes they intend to sell as First Homes will meet the above criteria.

Paragraph: 002 Reference ID: 70-002-20210524

- 15.10 Based on the above, it has been demonstrated that it has not been possible to secure a registered housing provider to undertake the approved affordable housing units. As a result it is considered acceptable in this specific instance to amend the tenure to First Homes, where First Homes are a form of affordable housing (as defined by the Government, set out above) but would be delivered and sold by the developer with no management required by a registered provider.

Impact on viability of the development

- 15.11 While First Homes are considered to be a form of affordable housing tenure, it is acknowledged that the developer is likely to make more profit on First Homes than affordable to rent homes.
- 15.12 The reduction to 15% affordable to rent dwellings was agreed on the basis of a viability assessment, which was assessed by the District Valuer (DV). The provision of First Homes in lieu of affordable to rent homes will have an impact on viability.
- 15.13 However, a viability review clause was secured under the associated legal agreement for PA P/MPO/2022/02469 where a viability review is required on the occupation of the 40th dwelling (45 houses are being provided on site). Where a surplus arises then the developer shall pay the additional affordable housing contribution prior to the occupation of the 43rd dwelling.
- 15.14 On the basis that the viability review clause will capture any surplus as a result of the change of tenure, it is considered reasonable to deal with viability matters based on the already secured viability review requirements.

Impact on the original planning balance

- 15.15 The original permission 3/16/1446/OUT was judged to be acceptable in all respects subject to conditions by an inspector at appeal. The provision of affordable housing was to be secured in accordance with policy LN3.
- 15.16 The proposed change of tenure will not change other planning matters other than the amended affordable housing tenure. Policy LN3 remains applicable and although the policy seeks affordable housing provision it also provides for situations where developers are able to fully justify proposals for housing schemes with lower levels of affordable housing.

16.0 Conclusion

- 16.1 On the basis it has been demonstrated that it has not been possible to secure a registered housing provider to undertake the approved affordable housing units and that viability matters are secured under the existing viability review requirements, it is considered acceptable in this specific instance to amend the affordable housing tenure to first homes.
- 16.2 Officers therefore consider that permission should be granted for the change of tenure from affordable to rent to first homes in the associated Section 106 legal agreement in accordance with LN 3 of the Local Plan.

17.0 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 amend planning obligations as follows:

- replace affordable for rent units with first homes

OR

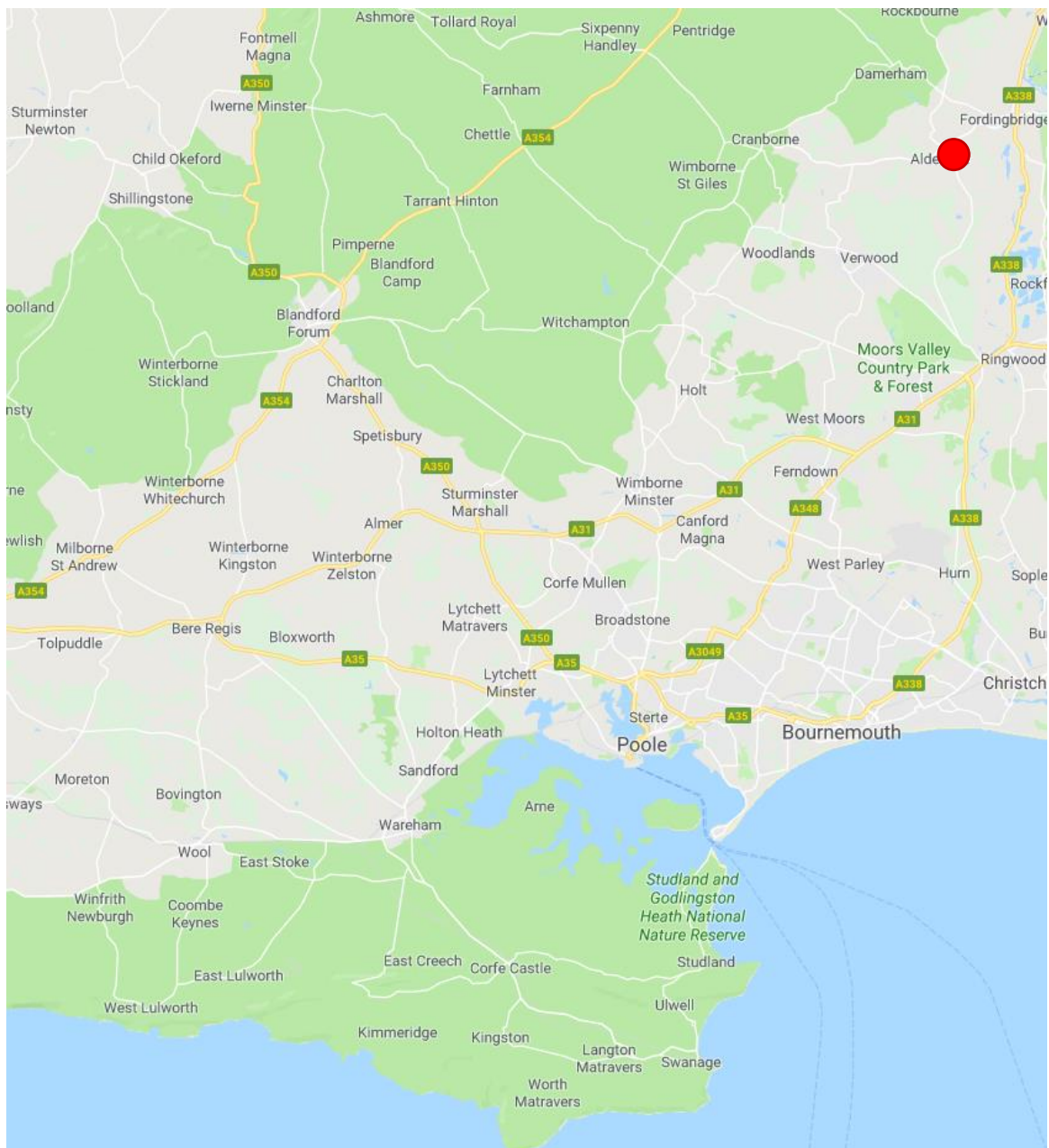
B) Refuse permission if the legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by (6 months from the date of committee) or such extended time as agreed by the Head of Planning.

Approximate Site Location 

Application reference: P/MPO/2023/06436

Site address: Land at Ringwood Road Alderholt

Proposal: Application to modify S106 dated 1 October 2017 (variation 10 July 2023) to planning approval 3/16/1446/OUT AND 3/19/2077/RM - To agree tenure of affordable homes as first homes tenure



This page is intentionally left blank