



Northern Area Planning Committee

Date: Tuesday, 16 July 2024
Time: 10.00 am
Venue: Stour Hall - The Exchange, Old Market Hill, Sturminster Newton, DT10 1FH

Members (Quorum: 6)

Richard Crabb (Chair), David Taylor (Vice-Chair), Barrie Cooper, Les Fry, Jack Jeanes, Sherry Jespersen, Carole Jones, Rory Major, Val Potheary, Belinda Ridout, James Vitali and Carl Woode

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

For more information about this agenda please contact Democratic Services Meeting Contact 01305 224709 - 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.

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Agenda

Item	Pages
1. APOLOGIES	
To receive any apologies for absence.	
2. DECLARATIONS OF INTEREST	
To disclose any pecuniary, other registerable or non-registerable interests as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.	
If required, further advice should be sought from the Monitoring Officer in advance of the meeting.	

3. **MINUTES** 5 - 10
- To confirm the minutes of the meeting held on Tuesday 4th June 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 is Friday 12th July 2024.
5. **PLANNING APPLICATIONS**
- To consider the applications listed below for planning permission.
6. **P/RES/2022/03733 - LAND NORTH EAST OF LOWER BRYANSTON FARM, FAIR MILE ROAD, BRYANSTON, DORSET** 11 - 30
- Erect 75 No. dwellings, form new vehicular access from New Road, open space, landscaping, ecological mitigation, drainage works and other ancillary works. (Reserved Matters application to determine appearance, landscaping, layout and scale, following the grant of Outline Planning Permission No. 2/2017/1919/OUT).
7. **P/FUL/2021/02623 - FOUR PADDOCKS LAND SOUTH OF ST GEORGES ROAD, DORCHESTER** 31 - 80
- Erection of 107 No. dwellings & associated works, including the formation of access, landscape & ecological enhancements.
8. **P/FUL/2022/02416 - MUSHROOM FARM, COW LANE, POYNTINGTON, SHERBORNE, DT9 4LF** 81 - 98
- Erect 2 No. dwellings (Class C3), new vehicular accesses and associated works. Demolish existing agricultural buildings and polytunnels.
9. **P/FUL/2024/00218 - 5 MILL LAKE, FACTORY HILL, BOURTON, DORSET, SP8 5FS** 99 - 108
- Retain change of use from Residential (Class C3) to Mixed Use (Residential Class C3 and Office Class E).
10. **P/HOU/2024/02580 - 2 VALE COTTAGES, RING STREET, STALBRIDGE, DORSET, DT10 2LZ** 109 - 116
- Erect single storey rear extension.

11. 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.

12. 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.

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NORTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 4 JUNE 2024

Present: Cllrs Richard Crabb (Chair), David Taylor (Vice-Chair), Les Fry, Jack Jeanes, Sherry Jespersen, Carole Jones, Rory Major, Val Potheary, Belinda Ridout, James Vitali and Carl Woode

Apologies: Cllr Barrie Cooper

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

Jamie Francis (Planning Officer), Joshua Kennedy (Democratic Services Officer), Hannah Massey (Lawyer - Regulatory), Kathryn Melhuish (Conservation and Design Team Leader), Steve Savage (Transport Development Liaison Manager), Hannah Smith (Development Management Area Manager (North)), Megan Rochester (Democratic Services Officer), Kirsten Williams (Lead Project Officer) and Cass Worman (Planning Officer).

1. **Declarations of Interest**

Cllr Richard Crabb declared an interest to agenda item 6, in that he had debated and voted on this matter when it was considered by Sherborne Town Council's planning committee. It was agreed that he would not take part in the debate or discussion and would leave the room when the item was considered.

Cllr Val Potheary made a statement in respect of agenda item 7 in that she had chaired the Gillingham Town Council planning meeting that considered this matter. However, she did not participate in the debate and did not vote on the item. She had not pre-disposition or pre-determination in respect of the matter. It was agreed that she would take part in the debate and discussion.

2. **Minutes**

The minutes of the meeting held on Tuesday 9th April 2024 were confirmed and signed.

3. **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.

4. **Planning Applications**

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

5. **P/FUL/2024/00846 - Sherborne House, Newland Sherborne, Dorset, DT9 3JG**

Cllr Richard Crabb left the room and Vice-Chair Cllr David Taylor led agenda item 6.

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 proposed elevations and layout were shown. In addition to this, the Case Officer identified different viewpoints from within and outside of the proposed site. Members were informed that the proposal was a multi-use space which had a restored café and bar area which would have generated an income for the proposal and Sherborne. Officers had worked closely with architects to create a well-designed site to ensure it was in keeping with the local area. Comments made by Natural England were highlighted, however, The Case Officer informed members that the proposal was a sufficient distance from nearby listed buildings and was the most viable option. The presentation provided details of what had been a successful renovation project which had created more enjoyment of the site and a community asset which was free for public use and had significant community and educational benefits which outweighed any harm. Therefore, the officer's recommendation was to grant subject to conditions set out in the officer's report.

Public Participation

Mr Pitman addressed the committee and discussed what had been a monumental refurbishment which was in keeping with the area and was free to the public for their enjoyment. The agent noted comments made by Historic England and was pleased that they had not objected to the proposal before members. In addition to this, Mr Pitman felt as though the location of the proposal unit was well chosen and highlighted that the storage was key to the success and viability of Sherborne. He explained that the completion works were scheduled to finish next month and was pleased with the positive feedback which had been received. He hoped that members would support the officer's recommendation.

Members questions and comments

- Members felt that there was a need for the storage facility and felt as though it had been placed strategically. They also praised the existing development and the progress of it as well as noting the materials used.
- Concerns regarding whether the mural would have been painted directly onto the storage unit and the maintenance of this.
- Comments regarding the proposal not being visually intrusive and was in keeping with the area.

- Overall, members were pleased with the proposal and praised the work which had been completed as it had kept the best interests of the town at the centre of their work.

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** permission as recommended, was proposed by Cllr Les Fry, and seconded by Cllr Sherry Jespersen.

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

6. **P/RES/2022/07898 - West of Shaftesbury Road (Land on Ham Farm), Land South of Gillingham, Shaftesbury Road, Gillingham**

The Case Officer provided members with the following update:

- Typo corrections had been made to pages 3, 20 and 26 of the officer's report.

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 highlighting that the application which was before members was a reserved matter application which followed the grant of an outline application which allowed for a local centre for community uses. Details of the previous approved plans were discussed. Photographs of the layout scheme, street scene elevations, illustrative loop roads and masterplans were shown. Members were shown the strategic allocation plan as well as the approved site plan for a 34 dwelling proposal which was located adjacent to the site. Details of affordable housing, building heights, parking strategies and refuse collection were provided.

The Case Officer also referred to the Materials Plan, Character Area Details, and the Landscape Masterplan. In addition to this, members were also informed of the biodiversity and compensation measures which included the establishment of hedgerows, biodiversity corridors and the installation of bat and bird boxes. The presentation showed images as to where these would be allocated across the site. Consideration had been undertaken regarding the lighting proposal in relation to bats, residential immunity space and footpath networks. Additional improvements such as additional parking and street planting had also been made. The development would not have led to any material harm to residential amenity. It was acceptable in terms of scale, layout, appearance, and landscaping. There were no material considerations which would warrant refusal; therefore, the officer's recommendation was to grant subject to conditions set out in the officer's report.

Public Participation

Mr Moore addressed the committee and informed members that he owned a contracting business which backed onto the development. He had no objections to the proposal, however, was concerned regarding the noise of a working yard to future residents. Mr Moore felt as though the inclusion of acoustic fencing or strategic planting would mitigate noise impacts to avoid future problems between residents and workers.

The agent addressed the committee and highlighted that the proposal was for residential use and had complied with the Section 106 agreement. He discussed the location of the units and the financial incentives which had been offered by the applicant. Praising their delivery of affordable housing on the proposed site and others. Mr Ruddock also responded to comments made by Environmental Health Officers and also discussed separation distances, the urban design and vegetation. The agent thanked the officers for their work and hoped members would support the recommendation to support the proposal.

Members questions and comments

- Questions regarding the inclusion of energy efficient resources such as solar panels and electric car charging points. Members felt that this was a missed opportunity and hoped future developers would consider this when making further applications.
- Cllr Jespersen referred to paragraph 16.5 of The Case Officer's report and noted the comments made by the Housing Enabling Team regarding the large number of flats and 2-bedroom provision. She felt it would be useful to note that the acceptability of this had been explained by officers previously and it was only relevant to the proposed site as it was part of a much larger scheme.
- Confirmation regarding the implementation of hedging and fencing.
- Questions regarding affordable unit accessibility and clarification regarding the acoustic design statement.
- Members were pleased with the inclusion of affordable housing and praised the well-designed proposal which included landscaping and open design.
- Clarification regarding flood risk management.

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 Belinda Rideout, and seconded by Cllr Val Pothecry.

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

7. **P/FUL/2024/00958 - The Tree House, Duck Lane, Stalbridge, DT10 2LP**

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 existing land which featured mature trees and shrubs, proposed site access and images of neighbouring properties which featured perimeter fencing were shown. Members were informed that the application had been submitted by Dorset Council and that the proposal was outside the settlement boundary but was within the conservation area. The development was not considered to be harmful to the conservation area and the location of the proposal was considered sustainable. The Case Officer highlighted that The Tree House was a grade 2 listed building however, the proposed site would not impact the building, nor would it have been harmful to the setting or heritage assets. Images of surrounding agricultural land to the north and northwest of the site were provided. Members were informed that the proposal would have provided better educational facilities, therefore, the recommendation was to grant subject to conditions set out in the officer's report.

Public Participation

No public speakers registered.

Members questions and comments

- The Local Ward Member felt that it was a sensible proposal within a sustainable location which had responded to the increase in housing stock in Stalbridge. Cllr Vitali noted that an expansion was needed for the school to ensure future proofing. Strong support had been received from both the council and local residents.
- Clarification regarding parameter fencing.

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 James Vitali, and seconded by Cllr Sherry Jespersen.

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

8. **Urgent items**

There were no urgent items.

9. **Exempt Business**

There was no exempt business.

Decision Sheet

Duration of meeting: 10.00 - 11.38 am

Chairman

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Agenda Item 6

Application Number:	P/RES/2022/03733		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Land North East of Lower Bryanston Farm Fair Mile Road Bryanston Dorset		
Proposal:	Erect 75 No. dwellings, form new vehicular access from New Road, open space, landscaping, ecological mitigation, drainage works and other ancillary works. (Reserved Matters application to determine appearance, landscaping, layout and scale, following the grant of Outline Planning Permission No. 2/2017/1919/OUT).		
Applicant name:	Taylor Wimpey Southern Counties		
Case Officer:	Robert Lennis		
Ward Member(s):	Cllr Jespersen		
Publicity expiry date:	25 June 2024	Officer site visit date:	09 September 2022
Decision due date:	12 April 2024	Ext(s) of time:	12 April 2024

1.0 Reason for committee decision:

Bryanston Parish Council, has raised concerns about the proposed design and discharge of conditions relating to the approved outline application.

2.0 Summary of recommendation:

Grant planning permission subject to conditions set out below.

3.0 Reason for the recommendation:

- The principle of development has been established for this site by grant of outline planning permission.
- The applicant has addressed the concerns of Officers and consultees. Particularly in relation to drainage, landscaping, design, and highway matters.
- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- There is not considered to be any significant harm to neighbouring residential amenity.

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

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development is established by approval of outline planning application (2/2017/1919/OUT)
Scale, appearance, impact on character and appearance	The proposed dwellings would all be two-storey. The design and proposed materials would be of a high standard and appropriate to the character of the area.
Impact on the living conditions of the occupants and neighbouring properties	There would be no detrimental impact on neighbouring properties.
Impact on landscape	The proposed landscaping of the site would provide a good amount of mitigation.
Flood risk and drainage	The proposed drainage system is considered to be acceptable by the Lead Local Flood Authority.
Economic benefits	Benefits were secured at outline stage.
Highway impacts, safety, access and parking	No objections or concerns have been raised by the Highway Authority.
House size mix	Taking account of the redevelopment of the Hall and Woodhouse brewery site, the mix of house sizes for this site can be considered acceptable.
Biodiversity	The biodiversity mitigation plan was established at the outline stage.

5.0 Description of Site

The proposed development site has an area of 2.93 hectares. It is within Bryanston parish immediately west of Fair Mile Road and south of New Road. It comprises an agricultural field used for equestrian purposes.

The existing built-up area of Blandford St Mary adjoins the site to the north-east and east, with a complex of farm buildings forming Lower Bryanston Farm located immediately to the south. North of the site, the landscape is dominated by higher land containing a wooded area known as The Cliff ridgeline leading to Bryanston School. To the west/south-west lies open agricultural land used for grazing purposes.

The site is within the eastern edge of the Dorset National Landscape which stretches to the west of Blandford Forum and includes. It sits within a localised hollow in the landform, with higher land to the north, east and south.

On the other side of New Road, the boundary wall of the School is a curtilage listed structure in association with the School's listed building status. The site also shares a boundary with The Blandford Forum Conservation Area, and The Blandford St. Mary and Bryanston Conservation Area.

A public right of way crosses the site from New Road providing access to the countryside to the west.

6.0 Description of Development

The description of the proposed development as stated on the application form is:

“Reserved matters (appearance, landscaping, layout and scale) for the development of 75 homes and associated infrastructure pursuant to outline planning permission granted under application ref 2/2017/1919/OUT”

This application provides details of layout, scale, appearance, and landscape. The details of access into the site were approved at outline stage along with the principle of development.

The proposed layout shows a total of 75 new homes as required by condition at the outline stage. The housing mix follows the requirement within the s106 agreement: 30% affordable and 70% market housing. The affordable housing would be split as: 70% affordable rent and 30% shared ownership or similar.

The scale of the dwellings is two-storeys across the site; approximately 9.0m from ground to ridge.

The appearance of the dwellings

The landscaping proposed

The proposed layout for the development also incorporates the following elements as required by the outline planning permission:

- On-site informal outdoor space for public use of 3,187 sqm adjacent to the northern boundary to retain openness and a soft transition to the rural edge of the scheme; this is more than the minimum of 2,800sqm required in the s106 agreement.
- A landscaped corridor through the central low-lying part of the site alongside the proposed access road – this will contain SuDS features, draining eastwards to an infiltration basin on the south east boundary with Fair Mile Road.
- A public footpath linking the diverted PRow (E5/3) with Fair Mile Road to provide safe and efficient access to community facilities and services in Blandford St Mary / Blandford.

- All the new homes will be below the 46-47 m contour (i.e. under the conditional requirement of 55m AOD contour) in accordance with parameters agreed with the Council's landscape and conservation officers at the outline application stage.
- Strengthening of the landscaping on the western boundary though a 10m deep green buffer and dark zone, with lower density development adjoining, to address the interface with the AONB.
- The retention and enhancement of the existing boundary hedgerows

7.0 Relevant Planning History

2/2017/1919/OUT - Decision: GRA - Decision Date: 10/03/2022

Develop land by the erection of up to 80 No. dwellings, form new vehicular access from New Road, open space, landscaping, ecological mitigation, drainage works and other ancillary works. (Outline application to determine access).

8.0 List of Constraints

Application is within a conservation area - Distance: 0

Blandford St Mary and Bryanston Conservation Area - Distance: 0

Blandford Forum and Approaches Conservation Area - Distance: 0

Right of Way: Footpath E5/3; - Distance: 0

Medium pressure gas pipeline 25m or less from Medium Pressure Pipelines (75mbar - 2 bar); - Distance: 7.01

Wessex Water: High Risk of Foul Sewer Inundation - Distance: 0

Risk of Surface Water Flooding Extent 1 in 1000 - Distance: 0

Areas Susceptible to Groundwater Flooding; Clearwater; Distance: 0

Area of Outstanding Natural Beauty (AONB): Dorset; - Distance: 0

Site of Special Scientific Interest (SSSI) impact risk zone; - Distance: 0

9.0 Consultations

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

Consultees

1. Dorset AONB Team; no objections.
2. Wessex Water; no objections.

3. Natural England; no comment.
4. Blandford Forum TC; no objection.
 - a. BFTC has noted the visually sensitive nature of this location within the site of an AONB and the Blandford St. Mary and Bryanston Conservation areas and within close proximity to the Blandford Conservation area. Although just outside all three, the Town Council has noted design policies should be adhered to. They have also acknowledged the concerns of Bryanston Parish Council's.
5. Bryanston has raised concerns and objections relating to the following:
 - a. design, should better reflect the heritage and character of the village including the Portman Estate, and comply with relevant policy particularly with regard to the B+NP and Design Guidance and Code.
 - b. time of conditions which relate to the outline planning permission.
6. DC - Conservation Officers, no objection subject to conditions.
7. DC - Natural Environment Team; no objections subject to clarification of southern boundary and width of the proposed hedgerow which should be 3m.
8. DC – Rights of Way Officer; no objection.
9. DC - Housing Enabling Team; no objections.
10. DC – Trees; no objections.
11. DC – Landscape Officer; had raised concerns which have been addressed in this final set of amended plans. These are considered below in the Planning Assessment.
12. DC – Urban Design Officer, had raised concerns which have been addressed in this final set of amended plans. These are considered below in the Planning Assessment.
13. DC - Flood Risk Management has no objections subject to conditions.
14. DC – Highways has no objections.
15. Ramblers Association; no objection.
 - a. They have noted the public right of way which runs diagonally across the site (footpath E5/3) will be diverted on to estate roads and so lost as a separate pedestrian facility. There appears to be no scope for diverting it on to greenspace. They have noted the additional

pedestrian access point to Fair Mile Road and would ask for that link to be dedicated as a public right of way to ensure its availability to the public in perpetuity.

Representations received

Summary of planning matters raised in representation (concerns and objections),

- Overlooking and privacy,
- Relationship to neighbouring properties, particularly the annex of no. 52 New Road
- Impact of pedestrian access to Fair Mile,
- Lack of pavement and pedestrian safety generally,
- Highway safety,
- Design lacking local character,
- Surface water, drainage,
- Ecology,
- Landscape impact,

10.0 Duties

Planning and Compulsory Purchase Act (2004) section 38(6) requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

Planning (Listed Buildings and Conservation Areas) Act (1990) section 66 requires that in considering whether to grant planning permission, special regard is to be had to the desirability of preserving the setting or any features of special architectural or historic interest which it possesses.

Countryside and Rights of Way Act (2000) clause 85 requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (AONB).

11.0 Relevant Policies

Development Plan

The *Development Plan* for this site and proposed development consists of:

Blandford + Neighbourhood Plan 2011-2033 –

The original version of the Blandford + Neighbourhood Plan was made (adopted) on 22 June 2021. The plan has been reviewed and the Modified Blandford + Neighbourhood Plan was made (adopted) by Dorset Council on 3 October 2023. The modified plan replaces the original version of the plan.

Whilst not a policy *per se*, the vision for the B+NP is comprised of various objectives; one of which is 'meeting housing needs'. In relation to this site it states:

- k. the development of land to the west of Blandford St Mary (at Lower Bryanston Farm and Dorchester Hill), which should only commence once

a mitigation package has been agreed and implemented to the satisfaction of Natural England and the community.

Policy B10 – Blandford+ Design Code, character area CA8. Bryanston Rural Area

North Dorset Local Plan Part 1 (January 2016)

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 2 – Core Spatial Strategy
- Policy 3 – Climate Change
- Policy 4 – The Natural Environment
- Policy 5 – The Historic Environment
- Policy 6 - Housing Distribution
- Policy 7 - Delivering Homes
- Policy 8 - Affordable Housing
- Policy 13 - Grey Infrastructure
- Policy 14 – Social Infrastructure
- Policy 15 – Green Infrastructure
- Policy 16 - Blandford
- Policy 23 - Parking
- Policy 24 - Design
- Policy 25 - Amenity

Material considerations

National Planning Policy Framework

Paragraph 11. Plans and decisions should apply a presumption in favour of sustainable development. For decision-making this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date(fn8), granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Other relevant NPPF sections include:

- 11. Making effective use of land
- 12. Achieving well-designed and beautiful places
- 15. Conserving and enhancing the natural environment

The Dorset Council Local Plan

The Dorset Council Local Plan Options Consultation took place between January and March 2021. It is hoped that this will be adopted in the second quarter of 2027. Hence, it is considered to be at a very early stage of preparation. As such, the relevant policies in the Draft Dorset Council Local Plan should only be accorded very limited weight in decision making.

National Design Guide

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. In this case the Council has had regard to the design of surfaces and dwellings and will continue to assess the situation through the discharge of conditions.

The development is planned to have level access throughout with footpaths of a sufficient width. There are no known impacts on specific groups or persons with protected characteristics.

14.0 Financial benefits

In addition to securing 30% (22no. dwellings) at the outline stage as affordable homes, the following planning contributions, were secured by a Section 106 legal agreement, alongside the outline planning permission.

Applications for major housing development such as this one are also expected to maintain and enhance the level of grey, green & social infrastructure as set out in Policies 13, 14 and 15 of the LPP1.

The following sums were secured on the outline consent and are a per dwelling contribution except for the rights of way contributions:

Destination play facilities (NEAP, MUGA, etc)	£ 967.52
Maintenance of destination play	£ 359.36
Allotments	£ 308.16
Formal outdoor sports	£ 1,318.80
Maintenance of formal outdoor sports	£ 128.73
Off-site informal outdoor space	£ 2,307.36
Maintenance of informal outdoor space	£ 1,278.80
Community, Leisure & Indoor sport facilities	£ 2,006.97
Rights of way enhancement	£ 3,159.00
Education	
Primary and secondary	£ 6,094.32
NHS Primary care services	£ 6,400.00

15.0 Environmental Implications

The proposed location of development accords with the sustainable objectives of your adopted development plan, and the proposed details presented with this application are considered to be of a high quality. As such, the environmental impact of the proposed development have been adequately minimised or mitigated.

The applicant has also informed us of the following items that would contribute towards their sustainability strategy and objectives, some of which go beyond the requirements of our development plan policies and building regulations:

- Fabric first approach to energy efficiency concentrating on high quality/highly insulated roofs, walls and windows (high levels of insulation and thermal mass).
- Electric vehicle charging points on every new residential dwelling (with an associated car parking space).
- Photovoltaic systems will be provided on each home.

- Energy efficient fixtures and fittings including 100% low energy light fittings and LED recessed downlights.
- A-rated energy efficient appliances will be installed within each home.
- Homes will meet the new Building Regulations Parts L and F requirements.
- All new homes within the development will have water meters fitted and, where appropriate, incorporate low flow taps and showers and dual flush toilets.
- All our homes include integrated recycling bins that are part of the specification for kitchens in our new standard house types to help customers recycle.
- Our homes will have multiple thermostats, which means customers can control individual room temperatures depending on which areas of the home they use most.
- Our houses will have wastewater heat recovery.
- Homes tested for air tightness and use of mechanical ventilation to maintain good air quality and comfort.
- Significant off-site ecological enhancements are proposed. We will be planting c. 1.5km of speciesrich hedgerow and the enhancement of 3.5km of existing hedgerow outside the site.
- We have planted 160m of new species-rich hedgerow (approximately 160m) along the southern boundary of the Site, linking the existing hedgerows to the east and west of the Site. The remaining hedgerows on-site (c. 493m) will be retained and enhanced by planting hedgerow trees, supplementary planting of gaps with a species-rich mix of locally sourced shrubs.
- Provision of bat brick/tiles, bird boxes for house martins. At least one log pile or artificial shelters such as Buglife Farmland Bee Box. Small gaps under gates and fences will be provided to permit access for hedgehogs and slowworms.
- All homes within this development are M4(2) building regulation compliant (accessible and adaptable). This goes beyond the Council's Local Plan policy requirements.
- All our homes come with an Energy Performance Certificate (EPC) containing information about the property's predicted energy use and typical energy costs.
- A scheme that prioritises pedestrians and cyclists. A public footpath runs through the site.
- Access to community facilities, such as shops, schools and workplaces in Blandford.

16.0 Planning Assessment

The main issues of this proposal are considered to relate to the details of design:

- layout and scale (including matters of highway safety and drainage),
- appearance,
- landscaping, and
- housing mix.

The policy context has changed since the submission of this application with the 'Modified Blandford+ Neighbourhood Plan' being made (adopted) by Dorset Council on 3rd October 2023. Policy B10 – Blandford + Design Code states development will be supported provided it has full regard to the Blandford+ Design Guidance Code (BDGC). Therefore, this application has been considered and assessed in the light of this Guidance.

The development site sits within the character area "CA8 Bryanston Rural Area". The character area codes applicable to the CA8 are codes 1, 4, 6, 7, 8, 10, 11, 12 and 20. DC's Urban Designer has considered the proposal in light of these codes and found that the proposed scheme would be acceptable subject to two points being addressed which the applicant has duly undertaken in their final set of amendments. These points related to: overlooking from the orientation of buildings (Code 1 (namely plots 15 and 18, and to some extent plot 44)), and the parking layout for plots 13-16 (Code 6).

Layout and Scale

Design Code 1. Pattern of Development has six points to consider. The first one of which relates to density and scale.

In terms of density, the outline application for this development it was agreed by the Council that the principle of developing up to 75no. dwellings on this site would be acceptable. Therefore, it is considered that a reduction in this number is not something the Council can insist upon even with the change in policy. It is at the discretion of the applicant to reduce the numbers if they are unable to find a design solution to the policies objectives. It has taken a bit of time and effort, but it is considered the applicant has adequately addressed all of the concerns that have been raised to accommodate 75no. dwellings.

The design of the entrance to the site has been significantly enhanced by the revised plans, with increased planting to break up hard surfacing which would be instrumental in the creation of a positive sense of arrival. Following on from the revised approach to the design of part of the entrance, a street scene plan has been submitted incorporating the area west of the access street. This street scene clearly demonstrates a positive sense of arrival into the scheme.

The second point of this Code aims to respect the historic, landscape and other key features of the area. The applicant has improved the appearance of the individual dwellings with architectural detail which provides some visual interest, such as brick banding, chimneys, and the use of flint. They have also enhanced the landscaping throughout the site and subject to tree pit design being conditioned the Landscape Officer as well as the Dorset National Landscape would be supportive of the proposal.

Points four and five of Code 1 relate to 'linear development patterns' and transitioning from urban to countryside and share the objectives of Code 12 – Establish a Consistent Property Boundary. It is considered that the sloping topography of the site and the requirements of the outline application would make a strict adherence to points four and five impractical if not impossible. That said, the applicant has been able to improve the linear building lines in parts of the layout and avoid a hard edge particularly on the western boundary with the countryside with a 10m wide dark zone and requisite landscaping. Buildings front onto street, natural boundary treatments are utilised on the periphery, and natural surveillance is generally good of the play area and streets. The dwelling on plot 57 could benefit natural surveillance of the open space area if it had windows on the rear elevation either at ground or first floor level. This should be the matter of a condition if permission is granted.

Design Code 4. Active Travel is centred on how schemes should incentivise sustainable travel. The first point of this Code relates to location of development relative to local services. The allocation of this site for development had regard to local services within the conurbation of Blandford Forum and Blandford St Mary. The second point seeks to ensure pedestrian and cycle routes are incorporated into new designs. In this case pedestrians and cyclist would have the benefit of an additional access point onto Fair Mile road. Local residents have raised concerns about this access. However, your Transport Liaison Manager consider this access point and raised not particular safety concerns.

Design Code 10. Define Front and Back Gardens aims to provide a minimum depth of 10m and area of 50sqm for useable amenity space, plus a greater depth for north facing back gardens. The amended plans are able to achieve 50sqm on all plots. Plots 46 and 47 which are north facing were only able to achieve a 10m depth.

Code 11 is concerned with massing, roofscape and height. In terms of roofscape, the streetscene incorporating plots 65-68 (formerly plots 66-69) has been significantly improved with the revision of the housetypes proposed to reside at this part of the site. The proposed dwellings would provide a stepping up, using the topography of the site to create an attractive rhythm of built form via the roofline pattern.

In terms of mass and height (i.e. scale), all dwellings would be two-storeys across the site and the site layout of individual dwellings is respectful of the 55m contour as required by condition on the outline application. This will maintain a positive aspect to the local landscape thereby addressing the objectives of Codes 1 and 11.

Considering the proposed layout in terms of highway safety, the Highway Authority has confirmed that the proposed estate road layout meets with the requirements of the Council's "Adopted Highways" policy and would be considered for adoption should an offer to dedicate estate roads as highway maintainable at the public expense be made by the landowner.

Suitable provision has been made for the necessary highway infrastructure providing a layout that would keep vehicle speeds to 20mph or lower.

A suitable level of parking has been provided, that accords with the Highway Authority's guidance, and swept path analysis proves that refuse vehicles and fire tenders can access and manoeuvre within the proposed site.

With reference to Code 8 – Street Lighting and Dark Skies, a prescient condition was placed out of outline permission. As such, details of street lighting are not provided with this application. Officers will have regard to this Code when discharging this condition.

Considering the proposed layout in terms of flood risk, the Lead Local Flood Authority has no objection with the drainage design following the submission of storm network data.

Appearance

With regard to appearance, this issue relates primarily if not exclusively to the appearance of the dwellings. As can be seen on the amended elevation plans the applicant has taken onboard the concern raised and improved the appearance of the feature buildings and many others. On this matter Officers are satisfied that through the use of materials such as flint and brick, introduction of chimneys, and the architectural detail of banding and quoins the historical character of the Portman Estate, and character of the area more generally, has been adequately addressed. Additionally, detailing has been added to the side elevations of Plots 1, 10-12, 18, 21, 27, 43, 71, 75 with bricking banding and/or tax windows.

In the context of this site, the selection of brick types specified on the materials plan are considered to be satisfactory and would not require a bespoke condition.

These amendments also assist in bolstering the scheme's tenure neutral credentials in line with NDG guidance on tenure neutral housing; *"Housing where no group of residents is disadvantaged as a result of the tenure of their homes. There is no segregation or difference in quality between tenures by siting, accessibility, environmental conditions, external facade or materials"*.

Landscape

The landscaping scheme has been significantly amended to address the Landscape, AONB, DNET and Tree Officer comments. Significant hedge planting and new specimen trees (such as Beech, Oak and Field Maple) are proposed on the boundaries of the site to mitigate visual impacts. These are long lived specimen trees and will grow to form a dense perimeter.

With regard to landscaping in the street scene, the revised submission has addressed the issue of street planting in relation to car parking. This has been achieved by increasing tree planting at the entrance to the development, and by providing a 3m setback to most houses as sought by Code 6 - Car Parking Solutions.

House types have been changed for plots 16 and 17 which allowed space for additional landscaping and a revised parking layout for plots 15 and 18. Additionally, and maybe most importantly the number of street trees has increased and adequately addresses the concerns raised by Officers. The applicant has agreed to a condition regarding tree pit details for trees (T5, T6, and T10) lacking adequate soil volume. This detail will help with the longevity of some trees.

With regard to Code 7 – Inclusion of Strategic Green Infrastructure and Landscaping, the outline application required a significant portion of the site to be open space (the sloping ground in the north-east corner of the site) and the sloping ground of the site necessitates the lower central portion of the site to be used for sustainable drainage.

The boundaries of the on three side will have extensive hedge planting and immersing trees. This leaves landscaping matters to be addressed in the streetscene and private gardens. As stated above, the amount of street trees is now considered to be acceptable while the plant in private gardens is a matter generally left to future homeowners' taste.

Design Code 20. Wildlife Friendly Features seeks protect and enhance biodiversity and woodlands where possible. These matters were considered as part of the outline application and are presented in the Biodiversity Mitigation Plan and conditioned accordingly. DC's Ecologist has considered the details of the application with particular reference to the submitted 'Soft Landscape Management and Maintenance Plan' to ensure the BMP is carried out accordingly and has raised no objections.

Concern had also been raised with encroachment of the 10m dark zone along the western boundary. Members may recall that the illustrative masterplan considered at the outline planning stage showed a ring road immediately adjacent to the western boundary. This would have resulted in properties driving past the western boundary. The proposed scheme now shows a narrower private drive, which only serves 4 properties. The layout was the basis upon which Natural England and DNET considered the Greater Horseshoe Mitigation Plan and Ecological and Habitat Management Plan, for the discharge of Conditions 14 and 15 in October 2023.

Housing mix and affordable housing distribution

The total number of dwellings being proposed is 75no. of which 23no. (30%) will be affordable dwellings. In line with policy seven of the affordable dwellings will be shared ownership and sixteen will be affordable rented.

With regard to distribution of affordable housing, the proposed layout cannot be considered to be "pepper potted" owing to the clustering in the SE corner. The proposed distribution however has been deemed to be acceptable by our Urban Design Officer. In part this is due to the street scene of plots 15-18. There the two units of plots 16 & 17 were switched with the affordable unit that are slightly smaller thereby creating more space for landscaping and parking but that adds to the clustering of AH in the SE corner. That said, the appearance of these units are high quality and thereby tenure blind. It is an imperfect situation but as a single issue it should only attract very limited weight.

A note on the mix of open market housing being proposed. The aim of Policy 7 Delivering Homes is to create mix and balanced communities. To achieve this Policy 7 states “...the Council will support the delivery of about 40% of market housing in North Dorset as one or two bedroom properties and about 60% of market housing as three or more bedroom properties.” It also states that these proportions will be the starting point for negotiations and a different mix may be permitted if it can be soundly justified by local circumstances.

This scheme is offering 15no. (or 29%) two bedroom properties, and 37no. (or 71%) three and four bedroom properties. This would normally be unacceptable. However, local circumstances in relation to the re-development of the Brewery site make a compelling case to allow for a different open market mix. The current application at the Brewery site (P/FUL/2024/00233 – Lot 2, Blandford Brewery) is still pending but it proposes 41no. (23no. 1 or 2 bedroom units, and 18no. 3 or 4 bedroom units). If both were approved, then combined the two schemes would provide the 40/60 open market split that Policy 7 aims to achieve. It is noted that Policy 7 requires about a 40/60 split of smaller and larger units. With the amendments that have been secured to the mix, with the removal of four bed units, it is considered that the scheme would accord with the aims of this policy.

Other matters

With regard to neighbour amenities, it was considered on site that the proposed development would not have a seriously detrimental impact on any of the neighbour residents in terms of privacy and overlooking.

Matters relating to the submission and subsequent discharge of conditions imposed on the outline planning permission (2/2017/1919/OUT) are not part of the considerations for this application but matters for planning enforcement if and when issues arise. Officer's have looked into concerns raised by the parish Council finding no action needed to be taken.

17.0 Conclusion

The proposal would comply with the development plan, taken as a whole. It is considered that the applicant has adequately addressed the concerns raised over the course of this application. The proposed layout has a good amount of street trees and landscape mitigation across the entire site. The two-storey scale of dwelling is appropriate in this context. The appearance of individual dwellings is of a high quality. When assessed in light of the Blandford + Design Guidance and Codes the amended scheme fairs very well.

No objections have been raised by the Lead Local Flood Authority nor the Highway Authority.

18.0 Recommendation

Approve subject to the following conditions:

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

Location Plan	21-1058-001-1st
Development Layout Plan	21-1058-DWC-SP05-01-DR-A-0010 Rev H
Access Roads and Footpath Plan	21-1058-DWC-SP10-01-DR-A-0010 Rev G
Material Details Plan	21-1058-DWC-SP12-01-DR-A-0010 Rev I
Finished Floor Levels	21-1058-DWC-SP13-01-DR-A-0010-D
Walls and Fence Details	21-1058-DWC-SP26-01-DR-A-0010 1st
Affordable Housing Location Plan & Tenure Plan	21-1058-DWC-SP11-01-DR-A-0010 Rev J
Plot 1 Floor Plans and Elevations (HT EMT41) A-0020 Rev C	21-1058-DWC-MT41-01-DR-A-0020 Rev C
Plot 4 Floor Plans and Elevations (HT EMA34) A-0022 Rev B	21-1058-DWC-MA34-01-DR-A-0022 Rev B
Plot 5 Floor Plans and Elevations (HT EMT31) A-0023 Rev B	21-1058-DWC-MT31-01-DR-A-0023 Rev B
Plot 25 Floor Plans and Elevations (HT EMT31) 02-DR-0031C	21-1058-DWC-MT31-02-DR-0031C
Plot 26 Floor Plans and Elevations (HT EMT41) 02-DR-A-0032 Rev C	21-1058-DWC-MT41-02-DR-A-0032 Rev C
Plot 29 Floor Plans and Elevations (HT EMA34) A-0036C	21-1058-DWC-MA34-02-DR-A-0036C
Plot 30 Floor Plans and Elevations (HT EMA44) A-0072-1st	21-1058-DWC-MA44-01-DR-A-0072-1st
Plot 34 Floor Plans and Elevations (HT EMT32) 01-DR-A-0074 Rev A	21-1058-DWC-MT32-01-DR-A-0074 Rev A
Plot 35 Floor Plans and Elevations (HT EMA32) A-0034 Rev C	21-1058-DWC-MA32-01-DR-A-0034 Rev C
Plot 36 Floor Plans and Elevations (HT EMT41) 03-DR-A-0040 Rev C	21-1058-DWC-MT31-03-DR-A-0040 Rev C
Plot 37 Floor Plans and Elevations (HT EMT31) 03-DR-A-0041 Rev C	21-1058-DWC-MT31-03-DR-A-0041 Rev C

Plot 38 Floor Plans and Elevations (HT EMT31) 04-DR-A-0042 Rev C	21-1058-DWC-MA31-
Plot 39 Floor Plans and Elevations (HT EMA44) A-0075 1st	21-1058-DWC-MA44-02-DR-
Plot 40 Floor Plans and Elevations (HT EMA44) A-0076 1st	21-1058-DWC-MA44-03-DR-
Plot 43 Floor Plans and Elevations (HT EMT41) 04-DR-A-0046 Rev D	21-1058-DWC-MT41-
Plot 44 Floor Plans and Elevations (HT EMT41) 05-DR-A-0047 Rev D	21-1058-DWC-MT41-
Plot 45 Floor Plans and Elevations (HT EMT42) 01-DR-A-0048 Rev C	21-1058-DWC-MT42-
Plot 48 Floor Plans and Elevations (HT EMA34) A-0079 Rev A	21-1058-DWC-MA34-03-DR-
Plot 53 Floor Plans and Elevations (HT EMA44) A-0080 1st	21-1058-DWC-MA44-04-DR-
Plot 54 Floor Plans and Elevations (HT EMT41) 06-DR-A-0054 Rev C	21-1058-DWC-MA41-
Plot 55 Floor Plans and Elevations (HT EMA44) A-0081 1st	21-1058-DWC-MT44-05-DR-
Plot 56 Floor Plans and Elevations (HT EMA44) A-0082 1st	21-1058-DWC-MA44-06-DR-
Plot 57 Floor Plans and Elevations (HT EMT41) 07-DR-A-0057 Rev D	21-1058-DWC-MT41-
Plot 64 Floor Plans and Elevations (HT EMA34) A-0084 1st	21-1058-DWC-MA34-04-DR-
Plot 65 Floor Plans and Elevations (HT EMA44) A-0085 1st	21-1058-DWC-MA44-07-DR-
Plot 66 Floor Plans and Elevations (HT EMA44) A-0086 1st	21-1058-DWC-MA44-08-DR-
Plot 67 Floor Plans and Elevations (HT EMA44) A-0087 1st	21-1058-DWC-MA34-09-DR-
Plot 68 Floor Plans and Elevations (HT EMA34) A-0088 1st	21-1058-DWC-MA34-05-DR-
Plot 69 Floor Plans and Elevations (HT EMA34) A-0089 1st	21-1058-DWC-MA34-06-DR-

Plot 70 Floor Plans and Elevations (HT EMT41) 08-DR-A-0067 Rev C	21-1058-DWC-MT41-
Plot 71 Floor Plans and Elevations (HT EMT41) 09-DR-A-0068 Rev D	21-1058-DWC-MT41-
Plot 74 Floor Plans and Elevations (HT EMA44) A-0091 1st	21-1058-DWC-MA44-10-DR-
Plot 75 Floor Plans and Elevations (HT EMT41) 10-DR-A-0092 Rev A	21-1058-DWC-MT41-
Plots 2 & 3 Floor Plans and Elevations (HT EMA32 & EMA22) BL01-01-DR-A-0021 Rev C	21-1058-DWC-
Plots 6 - 9 Floor Plans and Elev (HT EMAP41, EMAP32 & EMAP22) DWC-BL02-01-DR-A-0024 Rev C	21-1058-
Plots 10 - 12 Floor Plans and Elevations (HT EMAP32 & EMAP22) BL03-01-DR-A-0025 Rev D	21-1058-DWC-
Plots 13 - 15 Floor Plans and Elevations (HT EMAP32 & EMAP22) BL03-02-DR-A-0026 Rev C	21-1058-DWC-
Plots 16 & 17 Floor Plans and Elevations (HT EMAP22) DWC-AP22-03-DR-A-0073 1st	21-1058-
Plots 18 - 20 Floor Plans and Elevations (HT EMA22) MA22-01-DR-A-0028 Rev D	21-1058-DWC-
Plots 21 & 22 Floor Plans and Elevations (HT EMA32 & EMA22) BL04-01-DR-A-0029 Rev D	21-1058-DWC-
Plots 23 & 24 Floor Plans and Elevations (HT EMA22) 02-DR-A-0093 Rev 1st	21-1058-DWC-MA22-
Plots 27 & 28 Floor Plans and Elevations (HT EMAP22) AP22-02-DR-A-0094-1st	21-1058-DWC-
Plots 31 – 33 Floor Plans and Elevations (HT EMA22) 030-DR-A-0073 1st	21-1058-DWC-MA22-
Plots 41 & 42 Floor Plans and Elevations (HT EMA22) 04-DR---77 1st	21-1058-DWC-MA22-
Plots 46 & 47 Floor Plans and Elevations (HT EMA22) 05-DR-A-0078 1st	21-1058-DWC-MA22-
Plots 49 & 50 Floor Plans and Elevations (HT EMAP22 and EMAP32) DWC-BL05-01-DR-A-0051 Rev C	21-1058-
Plots 51 & 52 Floor Plans and Elevations (HT EMAP22) AP22-03-DR-A-0052 Rev C	21-1058-DWC-

Plots 58 & 59 Floor Plans and Elevations (HT EMA32) 02-DR-A-0083 1st	21-1058-DWC-MA32-
Plots 60 & 61 Floor Plans and Elevations (HT EMAP32) AP32-010DR-A-0059 Rev D	21-1058-DWC-
Plots 62 & 63 Floor Plans and Elevations (HT EMAP22 & EMAP32) BL06-01-DR-A-0060 Rev C	21-1058-DWC-
Plots 72 and 73 Floor Plans and Elevations (HT EMA22) 06-DR-A-0090 1 st	21-1058-DWC-MA22-
Garages, Garden Shed and Sub Station Rev A	21-1058-DWC-SP25-01-DR-A-0010
Fire Appliance Tracking Plan	19004-STMA-5-SK005 Rev F
SUDS Maintenance Regime	B4-JW-19004
SW Drainage Calculations	
Hydraulic Assessment Report	Jan 2024
Hydrology Report	Jan 2024
Swale Interface Technical Note and Dwg	Jan 2024
Land Drainage Consent Details	19004-STMA-5-540 Rev C Sheets 1 - 5
Landscape Masterplan	TWSC23789 10M
LAP Drawing	TWSC23789 21 E LAP
Landscape Management Plan	TWSC23789 Rev C
Landscape Specification Plan	TWSC23789 Rev A
Hard Landscaping Sheet 1 of 4	TWSC23789 12 Sheet 1 Rev N
Hard Landscaping Sheet 2 of 4	TWSC23789 12 Sheet 2 Rev N
Hard Landscaping Sheet 3 of 4	TWSC23789 12 Sheet 3 Rev N
Hard Landscaping Sheet 4 of 4	TWSC23789 12 Sheet 4 Rev N
Soft Landscaping Sheet 1 of 4	TWSC23789 11 Sheet 1 Rev Q
Soft Landscaping Sheet 2 of 4	TWSC23789 11 Sheet 2 Rev Q
Soft Landscaping Sheet 3 of 4	TWSC23789 11 Sheet 3 Rev Q
Soft Landscaping Sheet 4 of 4	TWSC23789 11 Sheet 4 RevQ

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

2. If within a period of ten years from the date of the planting of any tree, that tree or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted within the next available planning season at the same place, unless the local planning authority gives its written consent to any variation.

Reason: To preserve the visual amenity of the site and character of the Dorset National Landscape.

3. Prior to occupation of any dwelling hereby permitted, details of tree pits for trees (T5, T6 and T10) shall be submitted to and agreed in writing by the Local planning authority. The development shall be completed in accordance with the approved details.

Reason: To ensure that the tree planting is established.

4. Prior to occupation of the dwelling on Plot 57, details of the rear elevation showing no less than two windows shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: To preserve the visual amenity of the site and character of the Dorset National Landscape.

Application Number:	P/FUL/2021/02623		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Four Paddocks Land South of St Georges Road Dorchester		
Proposal:	Erection of 107 No. dwellings & associated works, including the formation of access, landscape & ecological enhancements		
Applicant name:	Secretary of the Duchy of Cornwall		
Case Officer:	Alex Skidmore		
Ward Member(s):	Cllr Stella Jones and Cllr Rory Major		
Publicity expiry date:	6 April 2022	Officer site visit date:	11 June 2024 (latest date)
Decision due date:	8 April 2022	Ext(s) of time:	19 July 2024

1.0 Report for Scheme of Delegation:

1.1 Referred to Planning Committee by the Service Manager for Development Management in view of concerns raised by consultees, in particular a holding objection maintained by Network Rail in relation to the potential impact of the proposal on the Syward Footpath Level Crossing, and a holding objection maintained by National Highways in relation to noise and tree protection mitigation, with the requirement of the Council to consult with the Secretary of State for Transport should the LPA be minded to approve the application.

2.0 Summary of recommendation:

2.1 Grant conditional planning permission subject to consultation with the Secretary of State for Transport and to the completion of a Section 106 legal agreement signed within six months of a Committee resolution to grant. If the S106 is not signed within that time period, then the application shall be refused unless otherwise agreed in writing by the Head of Planning.

3.0 Reason for the recommendation: as set out in Sections 16 to 17

- The site is allocated for development and considered acceptable in its design and general visual impact.
- There is not considered to be any significant harm to the amenity of neighbours and future occupiers.
- The identified harm to Heritage Assets is considered to be outweighed by the public benefits of the proposal.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The site is located within a very sustainable location and is allocated for development in the local plan. As such, the principle of development is acceptable.
Affordable Housing	To be provided in line with Council policy (minimum 35% of total dwellings).
Impact on character and surrounding heritage assets	The identified harm to Heritage Assets is considered to be outweighed by the public benefits of the proposal. This is set out in detail in the main body of the report.
Impact on landscape and trees	No adverse impacts on surrounding mature trees, subject to tree protection condition. The new landscaping would more than offset the tree loss and is considered appropriate having regard to the site allocations.
Impact on amenity	No adverse impacts on surrounding neighbours. Future occupiers would be provided with sufficient living conditions and protection from adverse noise impacts.
Impact on highway capacity and safety	Given the quantum of development, the expected trip generation and the multiple access points, the proposal does not present a material harm to the transport network or to highway safety.
Flood risk and drainage	Dwellings will be outside of flood zone. Proposed conditions require submission of surface water management scheme and details of its management and maintenance.
Ecology and biodiversity	1.95ha land parcel northeast of St Georges Road to provide biodiversity net gain and landscape planting, retained and managed subject of s106 agreement.
Impact on infrastructure	The Network Rail request to distinguish or improve the Syward pedestrian level crossing is not considered to meet the CIL Regulation 122 tests. Contributions towards signage of the existing alternative footpath route can be secured by s106 agreement.
Other matters	All consultee responses are considered and addressed in detail below. Financial contribution towards new footpath signs between Max Gate and Stinsford church to be secured by S106 legal agreement.

EIA	Not required.
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5.0 Description of Site

- 5.1 The 3ha greenfield residential application site is divided into four parcels by the A35 Dorchester bypass running north-south, along with the London-Weymouth rail line running east-west.
- 5.2 “Site A”, forming the northwest and largest section, is bounded by St Georges Road along the north and the Public Footpath (S2/27) of Smokey Hole Lane along the west. Site B to the northeast forms the smallest developable section and is also bounded by St Georges Road along the north, and by another Public Footpath (S2/26) along the east. A Tree Preservation Order protects trees along the eastern boundary of Site B. Both Sites A and B are part-visually contained by boundary tree planting, although their rising topography southwards affords some partial views from the north.
- 5.3 On the southern side of the railway line, Site C to the southeast is bounded by Syward Road to the east and the boundary with the Grade I Listed Building of Max Gate to the south. The railway line is beyond the site immediately to the north and the western boundary of the site backs onto the A35. Site D to the southwest (on the other side of the A35) is bounded by the cul-de sacs of Louds Piece to the south and Friars Close to the west. Site C inclines to the west towards the A35 embankment, and also southwards towards Max Gate. Site D also inclines westwards and southwards towards the neighbouring residential development.
- 5.4 The 1.95 ha “offsite parcel” also forming the application site comprises greenfield land to the north of St Georges Road, northeast of the proposed residential parcels and opposite St Georges Close and Fenway Close. The River Frome encloses this land to the north, with the Grade II Listed building of Louds mill to its east (forming part of a commercial premises that sells and services agricultural equipment).
- 5.5 The application site as a whole contains archaeological features and Sites C and D would also be near Flagstones Neolithic enclosure which was part-excavated by the A35, with the rest under the Max Gate site.
- 5.6 The Dorset AONB lies approx. 850m to the south at its closest point, although no views are identified within the submitted Landscape and Visual Impact Assessment. Whilst the site does exhibit some of the characteristics of the wider landscape context, it is strongly influenced by the surrounding urban development of Dorchester. Both the bypass and the railway are lined by trees providing a mature screen to these transport corridors. The Grade I Listed Max Gate forms the remaining landscape setting south of Site C and reflects the rural character historically associated with the house.
- 5.7 The site is located within a well-established residential area with comprehensive footway provision and links to local public rights of way. St George’s Road to the north and the B3144 Alington Avenue provide access west into Dorchester town centre. Convenience shopping and play/sports facilities are accessible by foot

approx. 10 minutes' walk away. Dorchester Town Centre and Dorchester South railway station are also accessible on foot by an approx. 20 minutes' walk. Existing bus stops are located less than 5 minutes' walk from the site on Syward Road, St George's Road and Alington Avenue.

- 5.8 Public Footpath S2/26 connects Syward Rd and Close towards the town centre. It also provides a pedestrian level crossing over the rail line at the top of Syward Road, linking Max Gate to St Georges Road and Stinsford, which has strong association with Thomas Hardy. Alternative access across the railway is available via Smokey Hole Lane footbridge and is reached by footpath (S2/27) that links the railway crossing bridge approx. 200m away to the west. Smokey Hole Lane runs from St Georges Road to the north towards Alington Avenue to the south. This footpath also forms part of the Hardy Way, a long-distance footpath providing a route throughout Hardy's Dorset.
- 5.9 The density and design of the surrounding residential development varies. Site A is adjacent post-war terraced dwellings along Edison Avenue to the west, with the recent "Red Cow Farm" development to the north (completed approx. 2017) comprising similar density development, with more traditional and varied materials. This development surrounds the Grade II Listed dwelling of 79 St Georges Road (early 19C cottage), with the cottage of 77 St Georges Road immediately to its west. A barn-style commercial building has also been recently constructed further east adjacent the A35 flyover.
- 5.10 Development east of Site B along St Georges Road and St Georges Close is lower-density, comprising post-war bungalows/chalets and a pair of older two storey dwellings adjacent St Georges Road. A wider employment site, Dorchester Town Council Depot, Louds Mill sewage treatment works and Dorchester Recycling Centre are further east at the end of St Georges Road.
- 5.11 Site C on the other side of the railway lies opposite Syward Road, comprising mainly post-war detached dwellings of varying external materials and heights ranging from single storey to two-storey, along with a couple of older two storey cottages near the railway line crossing.
- 5.12 Site D lies off the Friars Close cul-de-sac, comprising of ten detached dwellings of 1960s origin, ranging from single storey to two-storey in height. The cul-de-sac of Louds Piece lies to its south, comprising eight detached dwellings constructed in approx. 2012.

6.0 Description of Development

- 6.1 Full planning permission is sought for the erection of 107 No. dwellings and associated works, including the formation of access, landscape & ecological enhancements.
- 6.2 Site A is the largest of the four parcels of land included within the application and accordingly, the largest number of units are proposed here (39 dwellings and 3 flats). These dwellings comprise mainly two storey terraced dwellings, three of which being three storey at the end of the highway route. Four detached dwellings are also

proposed mainly near the site entrance, along with two flat-over-garage units near the A35. Vehicular access is from St Georges Road, along with a proposed pedestrian route westwards on to Public Footpath S2/27 (Smokey Hole Lane).

- 6.3 Site B is the smallest of the four sites and therefore takes on the lowest proportion of dwellings (17). The dwellings here comprise more of a mixture between two storey terraced and semi-detached dwellings, with one double-fronted detached dwelling near the site entrance. Vehicular access is from St Georges Road to the north, with the eastern tree belt along Public Footpath S2/26 retained.
- 6.4 Site C is proposed to house 24 dwellings (16 dwellings and 8 flats), including development proposed to front out towards Syward Road. The dwellings here comprise mainly of two storey terraces, along with two 2-storey buildings containing six maisonettes, two flat-over-garage units, a pair of semi-detached dwellings and a detached lodge-style bungalow nearest Max Gate.
- 6.5 Site D would also contain 24 dwellings and would connect to a new vehicular access point proposed off the Friars Close cul-de-sac, which would also link with PROW S2/27. The proposed dwellings here comprise mainly two storey terraces, along with one pair of semi-detached dwellings and four detached dwellings.
- 6.6 The fifth parcel (totalling 1.95ha), located to the northeast (north of St Georges Road), is to be committed to ecological mitigation and landscape planting. This area would consist of a series of shallows ponds and extensive landscaping planting to facilitate biodiversity net gain.
- 6.7 Most dwellings are proposed to be allocated two parking spaces - predominantly off-plot parking courtyards.
- 6.8 The proposal was amended to remove one dwelling near Max Gate, along with other layout amendments:
 - Reduction of height of the plot nearest Max Gate to single storey
 - Provision of informal play space near Max Gate arising from the removal of one dwelling here
 - Provision of two other informal play areas in Sectors A and C
 - Increased rear garden sizes to Plots 69 and 70 in Sector C, and
 - An explicit pedestrian link location from Sector A to Smokey Hole Lane.

7.0 Relevant Planning History

- 7.1 The landowner undertook pre-application advice and subsequent discussions with West Dorset District Council (ref: WD/D/16/001063) between 2016 and 2019.

8.0 List of Constraints

Minerals and Waste Safeguarding Area
Groundwater Source Protection Area

Poole Harbour Nutrient Catchment Area

Tree Preservation Orders

Surface Water Flood Risk: Low

SSSI impact risk zone

EA - Poole Harbour Catchment Area

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

Adjacent to Rights of Way

9.0 Consultations

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

Consultees

9.1 **Historic England:** Comments – would result in less than substantial harm to the setting of Max Gate, see Section 15 below (Impact on character and surrounding heritage assets)

9.2 **National Highways:** Comments –

Highway safety/capacity

- Predicted traffic impact on A35/A358 Max Gate junction unlikely to be of scale that would maintain an objection in safety or capacity terms.
- However, operational impacts are identified in relation to drainage and landscaping (which could be addressed through planning conditions), tree protection/soft estate impacts and acoustic mitigation.

Drainage

- Surface water drainage layout and supporting information appears satisfactory. Recommend planning condition to ensure the highway and any associated drainage assets are protected.
- Also note installation of new foul sewer from Parcels A to B at the northern extent of the development, which crosses under the A35 highway verge and carriageway and which will require appropriate third party agreements and the necessary licences to be obtained.

Landscaping

- National Highways (NH) soft estate must not be relied upon to contribute any mitigation to the development, as its management may from time to time affect any real or perceived benefits. Our soft estate management includes cyclical maintenance and periodic renewal, either of which could involve significant reduction in screening provision until new planting is established.
- Certain tree species must not be planted where at maturity they would be within falling distance of the carriageway or any significant NH asset.

Tree protection

- Revised Tree Protection Plan - Site B shows the canopy overhang to be within the 'Construction Exclusion Zone', yet there is access road, parking and housing proposed along this western boundary within the zone. Highly likely the western edge of the access road will become used for additional parking

and in time, NH will receive complaint from residents relating to the trees and be asked to take significant action.

- The additional information suggests “*Longer term management options could also include selectively coppicing stems closest to the fence line, although this option would require the relevant permissions from the owner of the trees (Highways England).*” Clearly NH is being expected to either take interim and cyclic action, or permanently remove troublesome trees because of this development. Whilst pruning can be carried out under common law, the layout of the development brings construction too close to our operational estate and will inevitably require removal of significant trees in the not-too-distant future.
- Revised Tree Protection Plan - Site A shows the ‘Tree Protective Fence’ set outside the site, within the Construction Exclusion Zone. Building footprint of property A20 remains unacceptably close to our operational estate.

Acoustic mitigation

- Outdoor private amenity space must achieve 50dB LAeq to accord with WHO guidance, which states the majority of residents would be moderately annoyed in the daytime by noise levels above this threshold.
- Most properties would experience noise levels that places the residents into the category cited as being ‘seriously annoyed’.
- As the location is not within a higher noise area, such as a city centre or an existing urban area adjoining the strategic transport system (not yet at least), the desirable level of 50dB LAeq should be met.
- Accept it is a matter for the planning authority to ultimately determine whether satisfactory noise mitigation is being provided within the development site.
- Information provided to date has not resulted in material changes that would satisfactorily address the concerns - the above previous comments still stand.
- Should the LPA not propose to determine the application in accordance with this recommendation, they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, and may not determine the application until the consultation process is complete.

9.3 **National Trust:** Comments – see Section 16 below (Impact on character and surrounding heritage assets).

9.4 **Natural England** – A re-consultation exercise has been undertaken following receipt of a new nutrient budget calculation. Their comments once received will be provided either as a written or verbal update to Committee.

9.5 **Network Rail:** Holding objection - see Section 16 below (Impact on infrastructure)

9.6 **Wessex Water:** Comments –

- Easements and access to utility connections must be provided.
- Will accommodate domestic type foul flows in the public foul sewer with connections made on a size for size basis.
- No surface water runoff or land drainage will be accepted into the foul sewers either directly or indirectly.
- Will provide point of connection for new water mains to be laid into the site, either through a Section 41 agreement or a self-lay arrangement.

- Risk of odour impact from the adjacent Dorchester Sewage Treatment Works must be properly considered.
- 9.7 **Dorset Council (DC) – Archaeology:** No objection - see Section 16 below (impact on character and surrounding Heritage Assets)
- 9.8 **DC – Conservation:** Objection – see Section 16 below (impact on character and surrounding Heritage Assets)
- 9.9 **DC – Environmental Health:** Comments – see Section 16 below (impact on amenity)
- 9.10 **DC - Flood Risk Management Team:** No objection, subject to conditions
- 9.11 **DC – Highway Authority:** No objection, subject to conditions
- 9.12 **DC – Housing Enabling Team:** Comments – see Section 16 below (Affordable Housing and infrastructure)
- 9.13 **DC – Landscape:** Objection – see Section 16 below (Impact on landscape and trees)
- 9.14 **DC - Minerals & Waste Policy:** No objection, subject to conditions
- 9.15 **DC - Natural Environment Team:** No objection, subject to conditions
- 9.16 **DC – Planning Policy:** Comments – see Section 16 below (Principle of development)
- 9.17 **DC - Rights of Way Officer:** Comments –
- Works are proposed works in the vicinity of Public Right of Way (PROW).
 - No objection to proposed development. However, throughout the duration of the development the full width of the public footpath must remain open and available to the public, with no materials or vehicles stored on the route.
 - If the proposals mean a temporary closure of the route, it is important this is discussed with the Senior Ranger before any works commence. It is for the applicants to assure themselves that any other necessary consents have also been obtained.
 - Use of this footpath by vehicular traffic without lawful authority is an offence contrary to the Road Traffic Act 1988. Any damage to the surface of the path attributable to the development must be repaired to Dorset Council's specification, in accordance with Section 59 of the Highways Act 1980
 - The free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights, then a Temporary Path Closure Order must be obtained.
- 9.18 **DC – Street Lighting Team:** Comments –
- Any of the new estate being proposed for adoptable as public highway must be lit, as per Dorset Council Street Lighting Policy POLS900, for areas where most roads are already lit.

9.19 **DC – Trees:** Objection – see Section 15 below (Impact on landscape and trees)

9.20 **DC - Urban Design:** Objection – see Section 15 below (Impact on character and surrounding heritage assets)

9.21 **Dorchester Town Council:** Comments –

- In general welcome the application, in particular the provision of affordable housing.
 - Highlighted need for existing boundary to be retained and a suitable tree planting plan to include trees of maturity that would mitigate neighbouring bypass noise. All new and existing trees and roots should be protected by root protection zones.
 - Sympathetic to nearby residents and concerned about impact of construction of the development to them. Request a robust Construction Management Plan be implemented, to include particular consideration to the hours of operation and the logistics of traffic arrangements to the site to minimise disruption to neighbouring properties.
 - Strongly requested a pedestrian / cycle access point be included in the SW corner of block A, leading into Smokey Hole Lane, in line with Dorset Council's Safer Routes to School Scheme.
 - Regrettable it has not been possible to incorporate more green energy provisions. Would like the development to be futureproof in regards to the installation of appropriate infrastructure for the retrospective fitting of green energy provisions, such as electrical vehicle charging points and ground source heat pumps.
 - Welcome the ecological and biodiversity initiatives.
- Comments on amended scheme*
- No objection.
 - Requested assurance that the bedrooms in the proposed social plots met the criteria of the registered social landlord.

10.0 **Representations received**

10.1 Objections and comments from 11 residences have been received, raising the following concerns:

- Density and style of housing not in keeping with detached properties on Syward Road, Friars Close and other neighbouring developments south of railway line
- Bungalow at southern corner of Sector C could be moved further into site to match building line fronting Syward Road. Would help reduce visual impact whilst still maintaining the integrity of Max Gate
- Would not improve amenity of Friars Close cul-de-sac

- Loss of privacy and security
- There is not and never has been access or a Right of Way to Smokey Hole Lane from Friars Close
- Would increase Friars Close from 10 to 34 properties – a 240% size increase
- Impact on peaceful nature of the cul-de-sac
- Impact on third party mature tree with extensive root system
- Loss of green space
- Increase in traffic
- Current junction with Long Bridge Way and St Georges Rd too narrow and two vehicles cannot pass. Already a busy corner. Suggest closing the road at the corner, therefore turning Long Bridge into a cul-de-sac and effectively turning the Site A into an end point for St Georges Rd
- Syward Road not very wide with parked vehicles and vehicles travel fast
- Congested junction from relief road roundabout
- Cycling signage needs to be clearer
- Increase of existing parking pressures, including from Max Gate visitors
- Proposed properties not set back from the road, which presents significant dangers to pedestrians from increased traffic
- Dangers to public footpath users by vehicles travelling into the new properties
- Friars Close is narrow with surfacing in poor condition – unsuitable for residential and construction traffic
- Road at top of Friars Close is narrow and used by cars from neighbouring Louds View, overspill parking from the Trumpet Major pub and parking for town access. Then joins a roundabout junction with Allington Avenue which is busy and congested at peak times
- Safe navigation of construction traffic using Friars Close is impossible
- On street parking not feasible and if there are vehicles parked on the Close, emergency vehicles would not be able to easily attend emergencies
- Noise impacts from bypass
- Plans provide no clarity about where residents could put their refuse bins
- Potential for increased surface water flooding
- Impact on wildlife habitat
- Loss of garden at end of the close cultivated and managed by residents of Friars close for decades. This land is not registered and therefore will have a true owner; given the fact that this land does not belong to the applicant by what right does the applicant seek to legally appropriate this land?
- Plans viewed at the community consultation evening are significantly different from those currently being proposed
- Permission for a development of this size should be decided by committee not delegated, to ensure open and transparent scrutiny.

10.2 An objection has also been received from the Thomas Hardy Society, raising the following concerns:

- Most concerned with the effect of development in sector C on land to rear of Max Gate. Fully endorse National Trust's judgement that this development 'would further increase the sense of Max Gate being surrounded by – and closed in upon by – built development.'

- The building – originally in open countryside – would be surrounded by other prominent buildings on three sides
- The Trust also draws attention to the archaeological significance of the Max Gate site and surrounding area, and there is a significant danger that this could be damaged by the development. Hardy was himself particularly interested in the archaeological artifacts he found on his property. Any development must take into account this important feature of this part of Dorchester
- Hardy was also deeply concerned with and careful of the world of nature and it would be hoped that the flora and fauna of this area would be carefully protected
- Whilst not against the provision of housing for those in need, and particularly the provision of affordable housing, from the perspective of those who wish to retain and enhance the 'Hardian' heritage of Dorchester would suggest that the development be very carefully considered and steps taken to avoid damaging that heritage.

10.3 The following comments have also been received from Dorset Ramblers:

- Agree with Dorset Council Senior Ranger comments about need to keep full width of the public footpath open and available to the public.
- Houses in such close proximity to a public right of way will inevitably lead to much greater use of that path, which crosses the main Waterloo to Weymouth railway line.
- This is an important public right of way, providing a useful link between, in particular, Syward Road and Syward Close and St. George's Road and the allotments and countryside to the north of the site, as well as from Allington Avenue and the estates beyond.
- Most regrettable if the grant of planning permission necessitated closure of this level crossing, but fully appreciate the safety implications.
- If this planning application is to proceed, extensive mitigation measures will need to be negotiated to offset the considerable impact on the public rights of way network and the setting of the development.

10.4 The following comments were made by former Cllr Molly Rennie (at the time of making these comments she was the Ward Member): Support –

- Welcome this housing, expected for many years on this site including much-needed affordable homes.
- Traffic movements within the site area as a whole and the surrounding neighbourhood need to be managed carefully and sympathetically to lessen any impact on local residents.
- New guidelines are coming into place regards electric car charging points for new homes that will be good news for the residents.
- Agree with all of the points raised by Town Council.

Total – Objections	Total - No Objections	Total - Comments
11	1	1

Petitions Objecting	Petitions Supporting
0	0

11.0 Development Plan - Relevant Policies

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

INT1 – Presumption in favour of sustainable development
 ENV1 – Landscape, seascape and sites of geological interest
 ENV2 – Wildlife and Habitats
 ENV4 – Heritage Assets
 ENV5 – Flood risk
 ENV9 – Pollution and contaminated land
 ENV10 – The landscape and townscape setting
 ENV11 – The pattern of streets and spaces
 ENV12 – The design and positioning of buildings
 ENV13 – Achieving high levels of environmental performance
 ENV15 – Efficient and appropriate use of land
 ENV16 – Amenity
 SUS2 – Distribution of development
 SUS3 – Adaption and re-use of buildings outside defined settlement boundaries
 SUS4 – The replacement of buildings outside defined development boundaries
 ECON1 – Provision of employment
 HOUS1 – Affordable Housing
 HOUS3 – Open market housing mix
 COM1 – Making sure new development makes suitable provision for community infrastructure
 COM7 – Creating a safe and efficient transport network
 COM9 – Parking standards in new development
 DOR8 – Land South of St Georges Road
 DOR9 – Land off Alington Avenue

Material Considerations

National Planning Policy Framework (December 2023)

Chapter 2. Achieving sustainable development
 Chapter 4. Decision-making
 Chapter 5. Delivering a sufficient supply of homes
 Chapter 6. Building a strong, competitive economy
 Chapter 8. Promoting healthy and safe communities
 Chapter 9. Promoting sustainable transport
 Chapter 11. Making effective use of land
 Chapter 12. Achieving well designed and beautiful places.
 Chapter 14. Meeting the challenge of climate change, flooding and coastal change

Chapter 15. Conserving and enhancing the natural environment

Chapter 16. Conserving and enhancing the historic environment

Other material considerations

- Nitrogen Reduction in Poole Harbour SPD Adopted 2017
- 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
- West Dorset Planning Obligations SPD 2010
- West Dorset Design and Sustainable Development Planning Guidelines 2009
- Bournemouth, Poole and Dorset Residential Car Parking Study Residential Car Parking Provision, Local Guidance for Dorset 2011
- Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.
- Dorset Council Local Plan Options Consultation document - published on 18 January 2021 (with the public consultation concluding on 15 March 2021). This plan is therefore still at an early stage of preparation and as such, minimal weight is afforded to it as a material consideration.

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

13.1 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- 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.

13.2 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.

13.3 The site is located in a sustainable location, in line with the spatial strategy contained in the local plan. The site is within walking distance of educational facilities, healthcare, and leisure facilities.

- 13.4 The Draft S106 agreement requires 17 of the proposed Affordable Housing units to be constructed as accessible and adaptable dwellings in accordance with category M4(2) of Schedule 1 to the Building Regulations 2010 (save for any requirement to provide level access – due to the existing site slopes).
- 13.5 The concerns raised by Network Rail regarding use of the Syward Road level crossing by persons with protected characteristics are noted. However, this is an existing situation and it is not considered that the proposed development would make this situation significantly different. This route forms part of the local public footpath network and Policy DOR8 requires that public rights of way linking to the wider network be retained. Some nearby residents have expressed a desire for this crossing to remain open and some have requested that it be shut. Other consultee comments (notably Historic England) have requested that improvements be made to this route in terms of directing visitors from Hardy's Max Gate (south of the application site) to Stinsford further north.
- 13.6 As set out below, the LPA considers that the overall harms/risks have been reduced as much as possible and that the overall public benefits have been maximised as much as possible, whilst also having regard to the PSED.

14.0 Financial benefits

What	Amount / value
Material Considerations	
Affordable housing and infrastructure	To be provided in line with Council policy (35% of total dwellings). Financial contribution towards new footpath signs between Max Gate and Stinsford church to be secured by S106 legal agreement.
Quantum of greenspace	Provision of three informal play areas within parcels A, C and D and 1.95ha landscape/biodiversity land north of St Georges Road.
Employment created during construction phase	The proposal will support local jobs in the construction sector and will bring about 'added value' in the local area through associated spending and economic activity.
Spending in local economy by residents of proposed dwellings	The proposal will support the local economy, providing housing required to support the long-term economic growth in the area with new residents spending on goods and services as they move in.
Non Material Considerations	
Contributions to Council Tax Revenue	According to the appropriate charging bands

15.0 Environmental Implications

- 15.1 In May 2019, Dorset Council declared a Climate Emergency and there is a heightened expectation that the planning process will secure carbon footprint reductions in new developments.
- 15.2 The Design and Access Statement outlines a fabric first approach to minimise heat loss and ensure low energy use. Using construction techniques that maximise on thermal insulation, minimise thermal bridging, air tightness and efficient ventilation will all contribute to this. Where possible the dwellings have been designed so as to maximise passive solar gain through their orientation and fenestration detailing and the installation of efficient heating systems and low energy lighting will further aid energy efficiency. The installation of low flow taps, showers and dual flush W.C's will encourage reduced water consumption.
- 15.3 The development would result in change to the nature of the site with increased vehicle movement, domestic noise and general activity. However it is surrounded by existing built development and is intersected by a busy A road and railway line, the proposal will not lead to any significant air quality or noise impacts.
- 15.4 The site is located in a highly sustainable location with easy access to public transport and within walking distance of the town centre and most key day to day services and facilities. The scheme will be subject to a Travel Plan which along with proposed Condition 12, which sets out a requirement for cycle parking, will encourage future occupiers to consider sustainable forms of travel whenever possible. EV charging facilities to facilitate low carbon emissions will be provided through building regulations.

16.0 Planning Assessment

16.1 The main issues for consideration are:

- Principle of development
- Affordable Housing
- Impact on character and surrounding heritage assets
- Impact on landscape and trees
- Impact on amenity
- Impact on highway capacity and safety
- Flood risk and drainage
- Ecology and biodiversity
- Impact on infrastructure, and
- Other matters

Principle of development

16.2 The application site is allocated for development within the current West Dorset, Weymouth and Portland Local Plan (WDWPLP) and the Draft Dorset Local Plan. It is located inside the Defined Development Boundary for Dorchester, and under Policy SUS2 of the WDWPLP residential development will normally be permitted. SUS2 also identifies Dorchester as a main town, and therefore is a "highest priority location" for new development.

- 16.3 Policy DOR8 allocates “land south of St George's Road” for either residential development, employment development, or a mixture of the two. Any development should not have a significant impact on the amenity of nearby residential properties. A landscape strategy will be required to ensure that there is no significant adverse impact on wider landscape views. The supporting text to Policy DOR8 comments that the housing allocation is subject to suitable noise and odour mitigation from the bypass and nearby sewage treatment works, and that the public rights of way run along the site boundaries linking to the wider network are retained. This allocation covers the current application sites A and B to the north of the railway line.
- 16.4 Policy DOR9 allocates “land off Alington Avenue” for housing development. A landscape strategy will be required to ensure that there is no significant adverse impact on wider landscape views. The supporting text advises that suitable noise mitigation would also be required. This allocation covers application sites C and D to the south of the railway line.
- 16.5 The proposed quantum of 107 dwellings is marginally higher than the total of 100 dwellings, as indicated within the adopted plan at Table 3.7 – Housing Allocation Sites with approximate phasing and estimated supply. However, Paragraph 3.3.23 of the adopted plan indicates a level of flexibility in terms of housing numbers on allocated sites.
- 16.6 The Council’s **Planning Policy Team (PPT)** has therefore commented that 108 dwellings [now reduced to 107] could be acceptable in principle, subject to assessment of amenity and landscape issues, along with assessment against other relevant policies within the adopted local plan.
- 16.7 The case officer also notes that the above Table 3.7 indicates 50 dwellings for both the DO8 allocation north of the railway line and DO9 south of it. Whilst the current proposal comprises 59 dwellings across DO8, 48 are allocated across DO9 - which is two fewer than the indicated target and considered to reflect the lower densities in the vicinity. Although the DO8 indicated target is exceeded (particularly within Site A), this amount is considered to reflect the higher densities in its vicinity.
- 16.8 The emerging Dorset Council Local Plan is still in the early stages of production. The consultation included a new combined allocation for the application site - DOR8 - Land South of St George’s Road and Land off Alington Avenue - for development of around 115 homes. However, this plan is therefore still at an early stage of preparation and as such, only minimal weight can be given to it as a material consideration.

Affordable Housing

- 16.9 At least 35% (37 units) of the proposed development (107 dwellings) would comprise Affordable Housing. This would be secured in a S106 legal agreement, which would also secure an appropriate integrated layout to avoid unacceptable clustering. It is considered that the proposed elevations and material details would provide a tenure-blind appearance along the streetscenes. The proposed

Affordable Housing tenure would comprise at least 62.5% of the units being Affordable Rented Units, with the remainder being Shared Ownership units.

- 16.10 The Council's **Housing Enabling Team** has commented that affordable housing provision should be secured in perpetuity through an appropriate Section 106 agreement. It should be proportionate to the scale and mix of market housing, be well-integrated and designed to the same high quality resulting in a balanced community of housing that is 'tenure neutral'. Officers consider that the proposed elevational designs provide a tenure blind appearance.
- 16.11 The Council's housing register demonstrates that there is a significant need for quality affordable family housing, with a high demand for a range of dwellings sizes across Dorset. The proposal will assist in meeting that housing need and the applicant has provided a draft S106 legal agreement to secure at least a policy compliant amount of Affordable Housing, as set out above. The S106 will also require the housing mix and tenure to be prescribed in a finalised scheme to be submitted to and approved by the Local Planning Authority.

Impact on character and surrounding Heritage Assets

- 16.12 The Design and Access Statement (DAS) advises that the existing architecture of Fordington was used as precedent studies for the proposed scheme, to ensure the designs sit well in their existing context. The DAS sets out the surrounding architecture as varied - with some vestiges of traditional buildings from the 18th and 19th Centuries, ranging through inter-war housing to large scale post-war developments. The housing is generally of no more than 2-3 stories and mostly situated in garden plots, which often have the benefit of tree screening. A mix of render and stone walls, slate and tile roofs are found in the surrounding areas, with the mix adding to the character of the area and preventing a feeling of repetitiveness and uniformity.
- 16.13 The proposed buildings feature casement and sash windows, door cases and porches, bay windows and varied roof lines - often gabled, with expressed barge boards and always with chimneys, adding visual layering. Interest is created by subtle variation on principal facades, including articulated end stops which help break up excessive linearity. Occasionally, more pavilion-like structures are introduced in key locations, such as entry areas and where there is open space.
- 16.14 The DAS states that it is important not to be too tied to a particular plan form - in effect not to simply apply alternative elevations on a standard plan. This explains the number of variations on the terrace type - from long frontages to rather more narrow plan forms. The overall site layouts seeks to appear fairly ordered and the "cranking" of the building lines is kept to a minimum where it has most effect. The existing contours of the land are used to the advantage of the street elevations, creating stepped and unique scenes for each area of the development.
- 16.15 The DAS contends that the layout and character of each area of the proposals responds to the different site constraints, stating that Site A (the largest site) is most suitable for a denser layout providing 42 dwellings. Site B lends itself to a more linear arrangement of larger houses fronting the footpath, and provides 17

dwellings. Site C also has a linear arrangement (now providing 24 dwellings), creating another street elevation for Syward Close, with garage blocks creating a buffer behind. Site D has a more private access from Friars Close, with a provision of 24 dwellings which curve to form an inward facing extension of the close.

16.16 The Council's **Urban Design Officer** (UDO) has raised objection, commenting as follows in respect of each proposed development parcel.

Site A

16.17 The UDO advises that the proposed density has decreased from the plans shown at pre-application stage, which benefits the scheme by having an increase in street planting and having fewer FOGs (flats over garages) without private amenity space. Three storey development is proposed for units 24-26 at the most elevated part, which the UDO considers would exacerbate the level change and would make 24-26 appear incongruous to units 16 and 29.

16.18 The UDO recommends that development here is limited to two storey, which would still allow this terrace to be prominent and dominant and act as a focal point, without needing to be three storey. This concern has also been raised by the Council's Senior Landscape Architect, who comments that this proposed three storey section situated on most visually prominent aspect of parcel A is inappropriate and out of character with the surrounding two storey dwellings on Eddison Ave. Existing taller buildings in area are localised at the bottom of the slope along the valley floor, where they are least visually intrusive.

16.19 However, it is considered that the proposed three storey form here is appropriate, despite being on the highest ground, as it would provide a termination of the new vista to be created from the Site A entrance. There is also some other existing three storey development within the nearby Red Cow Farm development, which although lower, are nonetheless visible along the town edge. Furthermore, the proposed three storey eaves and ridge levels are not significantly higher than the adjoining two storey terrace at each side.

Site B

16.20 The DAS advises that on site B, there is a deliberate attempt to create the pairs of picturesque semi-detached cottages that occur elsewhere in Fordington. There is a certain traditional almshouse or estate feeling to these sort of buildings that were erected on many country estates, particularly the 19th and early 20th Centuries and these pairs are given subtle variation by the use of different door cases and are end-stopped by other structures at right angles, to avoid monotony. The stepping up of the land again creates interest in these pairings and with the concentration of the central vertical chimney element, will give a sense of progression and visual interest to the entirety of the street scene.

16.21 The UDO comments that units 43-45 would achieve an attractive frontage onto the site entrance to the north and unit 45 would turn the corner nicely here. The proposed configuration of units 45-48 would create a positive sense of arrival into the scheme, with good natural surveillance and framing of the entrance point.

Site C

- 16.22 Of the four sites, the UDO advises that this shows the biggest uplift in dwellings from what was put forward during pre-application stage. The pre-application layout showed plot sizes and a density that was more in keeping with existing dwellings on Syward Road, with deep gardens.
- 16.23 The UDO comments plots 69 and 70 are now shown to be oriented to front south and north respectively, which would assist in turning the corner by addressing the access street and Syward Road. However, both dwellings sit hard to the pavement and would lack defensible space. The private amenity space for units 69 and 70 would be poor, considering the size of the dwelling, with a significant disparity in amenity space for these 4-bed units in comparison to plots 60-63.
- 16.24 The applicant has amended the layout to provide larger gardens for plots 69-70, through incorporating public amenity space adjacent the road junction as previously proposed. The proposed new planting in these areas would however remain and could be protected by landscaping. Although these dwellings would remain adjacent the internal access road, the setback from Syward Road is considered sufficient to avoid a cramped appearance.
- 16.25 The UDO considers that the layout would significantly benefit from a reduction in the number of dwellings proposed here, commenting that removal of units 83-84 would facilitate several positive changes such as larger plot sizes for 64-69, unallocated parking spaces and space to increase the number of street trees to break up hard surfacing associated with parking. The applicant has instead removed a dwelling further south to address identified impacts on the Grade I Listed Max Gate. Two gardens of the abovementioned plots have also been increased, and the rationale for retaining the rest of the layout is explained further below in the amenity section.

Site D

- 16.26 The UDO comments that the northeast corner of Site D is currently exposed to the A35. The proposed approach would introduce close boarded fencing here, which is deemed unacceptable in design terms. Instead, higher standard acoustic fencing should be implemented here as identified as a requirement within the Noise and Vibration Assessment. The site plan has since been amended to confirm that acoustic fencing will be located here, and a planning condition can be imposed to confirm the final specification details of this fencing.
- 16.27 The UDO recommends that to ensure that the parking area proposed for the NE of site D would receive casual surveillance, dwellings that sit side onto this area should incorporate additional fenestration on the side elevations (living rooms). The UDO also considers it likely that the allocated courtyard spaces would not be utilised and therefore would be obsolete, allowing hard surfacing to dominate large parts of the development. However, as set out further below, these layout characteristics are necessary to assist in mitigating future occupiers from adverse noise impacts. The case officer accepts that the density would be higher than Friars Close. However, the site is allocated for development and the proposal would make efficient use of land whilst also being sufficiently contained within the surrounding landscaping.

16.28 The UDO considers that connectivity for the overall scheme could be improved with better connections to Public Rights of Way S2/26 and PROW S2/27, but acknowledges that the existing dense planting on the eastern boundary of Site B would make connection to PROW S2/26 challenging. The UDO comments that Site A should be revised to provide a pedestrian link at the west onto Smokey Hole Lane (S2/27), which is now proposed by the applicant and can be secured by condition.

Materials

16.29 The UDO is not opposed to the aspiration to have a relatively restricted palette of locally available materials. However, although rough cast render does feature within the Fordington materials palette, this is not the prevailing external finish. The UDO raises concerns regarding the extent to which rough cast render is being proposed, particularly given it is not a visually recessive material and much of sites C and D are elevated. The UDO is also unconvinced by such wide usage of pairing of rough cast render with plain tile. While this is seen in existing dwellings such as on Fordington Green and at Row Cow Farm, the combination is used sparingly and not widely.

16.30 Stone is proposed for architectural detailing, but the UDO considers this should be used more widely than is being proposed. This would align with the Fordington palette and with the Red Cow Farm development adjacent to Site A. The selection of multi brick (Wieneberger Olde Alton Yellow) appears unjustified and generally not considered a feature of Fordington.

16.31 Roof tiling is proposed to be exclusively slate tile for sites A and B and plain tile for sites C and D. The UDO questions this approach given that the plain tile is the least visually recessive for the sites (C & D) which are most elevated. As the most visually contained site, the UDO recommends a high proportion of plain tiled dwellings on site B, instead of exclusively slate tiled.

16.32 The UDO acknowledges that there is a balance to be struck between exclusively proposing one type of roof tile for a site vs pepper-potting. The Red Cow Farm development does this to good effect with large groupings of the same roof tiling to create distinct areas and contribute to character.

16.33 The Council's **Senior Landscape Officer (SLA)** also comments that to limit visual impact on longer distance views particularly in Site A, slate grey roof tiles and visually recessive materials should be used. Use of varied coloured renders across the whole application is not considered an appropriate response to the local area. Development surrounding the site is primarily brick eg. Eddison Ave and Syward Rd/Friars Cl. The proposal for all render would be in stark contrast within the local context, and would be particularly apparent in wider views on the more exposed higher areas of the sites.

16.34 The above concerns regarding the indicated materials pallet are noted. Although the DAS states that external materials would either comprise slate or plain tile for the roofs and rough cast render or brick for the walls, and also includes the abovementioned brick type, the application plans do not explicitly specify the material type. The applicant has agreed a pre-commencement planning condition

requiring details and samples of all external facing materials (including, walls, porches, chimneys, roofs, fenestration detail and man-made boundary features) to be submitted to, and approved in writing by, the Local Planning Authority. This will ensure an appropriate mix of materials throughout the development that has regard to the identified positive characteristics of the surrounding area and will also require specification details of all man-made boundary treatments.

Impact on Heritage Assets

- Impact on Max Gate (Grade I Listed Building)

- 16.35 Immediately to the south of the site C is a paddock belonging to Max Gate, the Grade I listed former home of Thomas Hardy now opened to visitors by the National Trust. This paddock is better screened from the A35 by thicker planting, which continues along its north boundary with the development site, but in a more insubstantial form. In winter, that is likely to allow some intervisibility between the paddock and the site. The DAS advises that re-enforcement planting will be carried out on the southern boundary of Site C, backing onto the Max Gate land, maintaining a visual separation from the Grade I listed building and its setting.
- 16.36 Historic England (HE) has commented that Max Gate is a villa-type residence of the later nineteenth century, which is itself set in relatively well screened grounds, consisting of a mix of mature trees and dense shrub growth. This planting seems to have been the deliberate intention of Hardy - who designed the house - to provide shelter partly from the elements and partly from the intrusion of the outside world. Generous grounds and mature planting around Max Gate contribute to its setting as an important heritage asset - both by indicating a house of some status, and by creating a sense of seclusion which may have been a deliberate intention of Hardy's to facilitate his writing without external distractions.
- 16.37 Since Max Gate was built, the suburbs of Dorchester have considerably encroached on the property and the A35 has been constructed in close proximity to it. Both of these changes have impacted on its wider setting, which was originally considerably more rural. However, the enclosed nature of Max Gate's grounds, which is created by the mature planting around it, means that there is still a strong sense of privacy within its garden. The development along Syward Road and Came View Road does though impinge visually on the approach to the house, and somewhat suburbanise its wider setting.
- 16.38 HE comments that Site C in its current undeveloped state provides a positive, but relatively minor benefit to the setting of Max Gate. Views towards it are extremely limited from Max Gate house itself, and are filtered within its garden by the intervening planting. However, as green space within its wider setting, it provides something of a quiet buffer between it and the busy suburbs of Dorchester to the north-east. Nevertheless, the benefit this brings is somewhat constrained by the extension of development southwards along Syward Road. This faces onto the entire eastern boundary of Max Gate's garden and paddock, and forms part of an extensive suburb beyond it which now separates Max Gate from the countryside.

- 16.39 Given the above factors and the principle of residential development on this site, HE considers that sensitive development of this site can occur without causing serious harm to the significance of Max Gate. However, in order to avoid compounding the harm that has already occurred, that development will need very careful handling in terms of its extent, scale and design, to avoid compromising the remaining aspects of setting which contribute positively to Max Gate - namely the sense of a building of considerable status, largely set within a spacious and green context.
- 16.40 HE comments that the reduced single storey scale and massing of the proposed new home closest to Max Gate (plot 75) avoids it being seen from Hardy's garden. However, HE remain of the view that the overall proposed development of area C is dense, and that the parking courts, pavements, turning heads, and mews-style homes against the A35 run counter to the semi-rural character they had hoped might be established. However, HE acknowledge that the neo-vernacular appearance of the proposed Syward Road properties, which will be set against wide grass verge, are likely to create a pleasant frontage.
- 16.41 HE consider that improving signage to the footpaths between Max Gate and Stinsford would be positive and could enhance understanding and appreciation of the connections between Max Gate and nearby sites that featured prominently in Hardy's life and writings, such as Stinsford church. However, despite the positive amendments and signage improvements, the proposals will still cause harm to the setting of Max Gate through erosion of its connection to the rural landscape. This harm is considered by NE to be less than substantial, having regard to the NPPF.
- 16.42 **The National Trust** (NT) concurred with HE's concerns about the impacts of the intensity of proposed development on the setting of Max Gate as a Grade I Listed Building, and the need for a more sensitive scale and form of development. The NT requests that the Council considers the implications of the proposed development for the setting and significance of nationally important archaeology, and in respect of any unknown archaeological sites and features within the application site itself. The NT also requests that the conservation and enhancement of biodiversity is factored into the design and mitigation of the proposed development.
- 16.43 In respect of the amendments, the NT comment that although the changes are an improvement, they do not go far enough. Their preference would be for Sector C to remain as a field, used for public open space, or planted up as woodland; however they respect the Local Plan allocation and the need for new housing. At the very least, the overall density, layout, scale and massing in the southern part of the site needs further consideration. The NT would prefer to see a robust block of tree planting at the southern end of the site, rather than planting plus a residential dwelling and its garden, and that their visitors were not able to see any proposed dwellings from NT land. They also believe that the scheme in relation to topography, as viewed in the Syward Road streetscene, and the two-storey 'backland' development may need re-assessing. The NT reiterate that the scheme faces existing bungalows on the opposite side of Syward Road, which contribute to the prevailing built character of the area.

- 16.44 The Council's **Senior Conservation Officer** (SCO) has raised objection, commenting that there are various elements of Max Gate's setting which contribute to its significance. The visual elements, i.e. glimpsed views and views from within its curtilage (based on current vegetative cover and screening), are well dealt with in the applicant's Heritage Assessment. However, there are some additional, non-visual aspects, which reflect the wider compass of 'setting' in terms of the indicative attributes and impacts set out in Historic England's Good Practice Advice.
- 16.45 Assessing setting on this basis, it becomes clear that the vestigial open character of the asset's setting, insofar as this survives in its immediate curtilage and in the area to the N and S of the house, contributes to its significance in two particular ways: first, by reinforcing Hardy's own personal relationship to the Wessex landscape and his intended exploitation of that by the choice of site and, second, by reflecting the previously isolated character of its original surroundings which make it attractive as a location for a Victorian suburban villa. The extent of suburbanisation to this setting is acknowledged, but it does not remove the contribution of these vestigial elements to the significance of Max Gate. The argument that previously harmful development in the asset's setting is not therefore considered a valid justification for more, particularly where elements of that setting are particularly significant and remain sufficiently to illustrate their contribution.
- 16.46 The proposals, which would see development on the entire 'strip' of remaining undeveloped land rear of Max Gate to as far as St George's Road, will result in a considerable erosion of Max Gate's rural setting, essentially removing it entirely from its northern side and completing its near total loss generally. Though the perimeter of Max Gate has a notable shelter belt of trees, these were planted later by Hardy for privacy as his popularity and unwanted attention grew - and were not part of the original scheme, for which lower planting and open views to the north were intended.
- 16.47 In respect of the amendments, the SCO comments that they seem to be conceived purely with visual considerations in mind. It does not address the issue of creating a new residential area, fairly densely developed on a site whose lack of development is a contributory element to the significance of a designated heritage asset of the highest significance. Views in and out of Max Gate are not the only relevant aspect of setting to be considered. It is the undeveloped character of the application site, a remaining and contributory element to understanding and appreciating Hardy's intentional northward views towards Stinsford and Max Gate's original setting, which will be permanently and irretrievably lost. No additional evidence, e.g. through further research, has been provided to suggest that this interpretation advanced for the contribution of this part of the application site to Max Gate's significance should be revised.
- 16.48 Given all the above, the SCO remains of the opinion that the proposals will result in less than substantial harm to the significance of Max Gate through detrimental development within its setting.
- 16.49 The SCO has recommended that development be removed from Site C in order to preserve the open setting to the north of Max Gate, which was at least partly instrumental in Hardy's choice of site. Whilst the case officer agrees that less than

substantial harm would arise, Site C is allocated for residential development under Policy DOR9 of the WDWPLP. As such, this heritage harm must be weighed against the public benefits as part of the planning balance below.

- Impact on 9 St Georges Road (Grade II Listed Building)

16.50 The SCO comments that the setting of this asset is mainly related to visual experience from the existing street-scene. The proposed development would nonetheless remove the last element of the rural setting which surrounds this cottage and would for this reason, result in less than substantial harm to the significance of this asset.

- Impact on Flagstones Neolithic enclosure (Non-designated Heritage Asset)

16.51 The SCO advises that approx. half of the enclosure was excavated and destroyed with the construction of the Dorchester bypass (A35) in the 1980s. The remaining half remains underneath Max Gate and the paddock to the north of the garden. An application by the National Trust to have this remaining half scheduled was turned down by Historic England during the earlier stage of this planning application, partly owing to the inconclusive nature and survival of the asset in this area. An additional application has since been submitted and was sent out for consultation in March 2024 (Ref: 1489429). A formal decision from Historic England is still awaited.

16.52 At its closest point, the proposed development extends approx. 25m from the notional edge of the enclosure and it is therefore not thought that it will result in direct impacts on buried remains associated with this section of the enclosure. The development will result in the loss of the remaining areas of undeveloped land to the north of the monument, namely Sectors C and D. However, the contribution of this setting has been greatly diminished by the extent of modern development and infrastructure and plays only a very minor part in understanding and appreciating the asset. Notwithstanding this, the loss of this last element undeveloped landscape is considered to result in less than substantial harm to this asset's significance.

- Impact on Late Iron Age Field System and Medieval Settlement and Agriculture Remains (Non-designated Heritage Assets)

16.53 The SCO comments that the proposed development will result in the total loss of these archaeological remains and therefore, result in substantial harm to their significance. The shared nature of impacts on these archaeological heritage assets means they are considered together here for convenience.

- Other Heritage Assets

16.54 The SCO has identified no harm to the following Heritage Assets: Henge Enclosure, Conquer Barrow & Barrow Cemetery (Scheduled Monument), and; Louds Mill (Grade II Listed Building).

- Other non-designated heritage assets

16.55 The application site contains known archaeological features, including a Late Iron Age Field System (Dorset Historic Environment Record MDO18016) and Medieval Settlement and Agriculture Remains. The SCO has identified substantial harm as the proposal would result in total loss of the above remains. Sites C and D would also be near Flagstones Neolithic enclosure which was part-excavated by the A35, with the rest under the Max Gate site. The SCO has identified less than substantial harm arising from loss of the undeveloped landscape surrounding this enclosure. Following submission of a Written Scheme of Investigation (WSI) for the archaeological works recently undertaken within the application site, the **Council's Senior Archaeologist** has raised no objection and compliance with the WSI, including post-excavation work and publication of results, can be secured by condition.

Conclusion - Impact on character and surrounding Heritage Assets

16.56 Having regard to all issues outlined above, the case officer considers that subject to condition controlling external material details (including man-made boundaries), the proposed development would comply with the design and character requirements of Policies ENV10, ENV11 and ENV12 of the WDWPLP.

16.57 Policy ENV4 of the WDWPLP states that the impact of development on a designated or non-designated heritage asset and its setting must be thoroughly assessed against the significance of the asset. Development should conserve and where appropriate enhance the significance. Any harm to the significance of a designated or non-designated heritage asset must be justified and weighed against the public benefits of the proposal.

16.58 Having regard to the NPPF, Historic England, the National Trust and the Council's Senior Conservation Officer have identified "less than substantial harm" to surrounding Heritage Assets. The proposal would also lead to total loss of an archaeological non-designated heritage asset. The case officer agrees with all the above conclusions in respect of harm to Heritage Assets arising from the proposal. The above harms are subject to the heritage and planning balance as set out in detail further below. This will determine whether there is overall compliance with Policy ENV4, insofar as it reflects Chapter 16 (Conserving and enhancing the historic environment) of the NPPF.

Impact on landscape and trees

Impact on landscape

16.59 The Council's **Senior Landscape Architect (SLA)** has raised objection, commenting that the general arrangement is dominated by a hard, dense appearance with little landscape frontage to housing (Sites A and D) which conflicts with surrounding development arrangements. The layout lacks an adequate balance of public open space or play provision. The proposal has however been amended to provide informal play space near Max Gate arising from the removal of one dwelling there, and provision of two other informal play areas in Sites A and C.

- 16.60 The SLA considers that within Site C, the rear parking area is particularly 'hard' in character, dominated by parking spaces. The UDO also raised concerns regarding large areas of unrelieved parking areas. However, the parking court layouts are in response to the noise survey data i.e. they are positioned to ensure dwellings and habitable windows do not experience unacceptable noise impacts (assessed in detail further below).
- 16.61 The SLA also considers that the landscape strategy relies heavily on existing offsite highway and railway tree planting for screening of the new development. Their longevity cannot be relied upon to mitigate the development. Officers agree that the surrounding landscaping is relied upon and this concern has also been raised by National Highways in their consultation response. However, the application site is allocated in the current local plan for residential development, with 100 dwellings indicated in total (50 units at each side of the railway which forms the boundary between the DOR8 and DOR9 allocations). Although 107 dwellings are now proposed, it is not considered that removal of seven dwellings would fundamentally alter the landscaping strategy needed to deliver the above housing allocations.
- 16.62 The SLA also comments that the proposed strategic tree planting fails to adequately enhance the existing tree boundary which is particularly thin in parts of Sites C and D. The additional boundary planting is very limited in area and the existing gap within the highway tree line along the bypass in parcel D would expose the proposed fence line to users of the bypass. However, it is not considered that views of residential development from the nearby sections of the A35 would be adversely harmful, as road users are clearly afforded with views of the existing townscape.
- 16.63 It is acknowledged that the landscape masterplan does not include full planting detail, however, further detail is shown in the proposed landscaping plans for each of the parcels, including tree species and size, along with more general types of shrub and grass planting at specific locations.
- 16.64 The proposed site plans also include details of the man-made boundary types in terms of height and material (brick/stone etc). Close board fencing is proposed along the existing public footpath network that runs alongside the development parcels. The SLA raises concern here regarding the seclusion and lack of passive surveillance and suggests enhancement of appropriate planting, lighting and surfacing. However, it has been identified by the Council's Natural Environment Team that light spill along vegetative corridors would affect bat commuting/foraging routes. It is not considered that the proposed fencing along here would lead to adverse additional impact on users of this existing footpath network.
- 16.65 The SLA considers insufficient street trees are provided, due to hard frontages and development closely pushed against the pavement, or long rows of parking. However, the case officer considers that the overall proposal does include street trees at key locations, such as: the St Georges Road frontage along Site A and some locations along its internal spine road; the Syward Road frontage along Site C and; the crescent open space area within Site D. This provides an appropriate

hierarchy of streets and it should also be noted that the surrounding mature trees will provide a verdant backdrop for the development.

Impact on trees

- 16.66 The Council's **Tree Officer** (TO) has also raised objection and an updated tree survey was provided in response, along with an amended Arboricultural Impact Assessment (AIA) and Tree Protection Plans (TPTs). These include provision of construction exclusion zones and installing 'no dig' parking surfaces within influencing distance of third party trees, including those in National Highways and Council ownership and a tree just south of Site D within a private residential garden. It is still indicated that two parking plots marked A38 are not to be of no-dig construction. However, the case officer has measured the incursion to be less than 20% which is understood to be an accepted industry tolerance.
- 16.67 The TO considers that the National Highways trees overhanging Site B will considerably affect the construction of the proposed 17 dwellings here. The TO therefore considers that Site B is not a suitable location as post-development, the trees along the west boundary will be a source of upset due to the natural processes of trees. However, the above site is allocated in the local plan for residential development. In any event, the case officer considers that the updated tree survey and accompanying photos demonstrate that the pruning required in Site B would be limited and would not lead to future adverse conflicts. It is also accepted that the tree group here functions as a whole and pruning or removal of part of that will not undermine its visual benefit.
- 16.68 The TO has highlighted that access into Plot C is over DC highways land, in the exact location of young trees to be removed. Although these trees are rated category C (low quality), the TO comments that the applicant will not be able to receive permission for removal of these third-party trees to facilitate this access point. The TO has also highlighted that the proposed Plot D access looks to be via Friars Close, which would also require tree removal, and has queried if landowner permission has been given for their removal.
- 16.69 However, tree ownership issues fall outside the remit of the planning application process, whereby separate landowner consent would still be required where necessary. The Site C (Syward Road) access location is considered most appropriate in terms of highway safety and making the most efficient use of this land allocated for housing. The tree to be removed to provide the proposed Site D access point (Friars Close) is rated category C (low quality) and therefore also not of sufficient quality to be a constraint to development.
- 16.70 It is also accepted that the overall scheme includes ample tree planting that would more than compensate for the loss of two trees and two tree groups (all rated Category C), as outlined in the tree survey.
- 16.71 The case officer considers that the revised AIA and TPTs demonstrate no adverse impacts on surrounding mature trees worthy of retention. It is also not envisaged that the proposed dwellings would experience unacceptable impacts in terms of

tree shading or debris etc. All tree protection measures could be secured by planning condition.

Conclusion - impact on landscape and trees

16.72 The above concerns raised regarding reliance on third party trees for the landscaping strategy are accepted. However, there is no evidence that these trees are in imminent threat of removal. Nor would the proposal adversely impact their continued health, subject to compliance with the TPTs. Given the site allocation and its location surrounded by an existing urban area, the case officer does not consider that it is necessary to screen all views of the development. The elevated sections of the development visible from northern approaches to the town, or along the A35, are envisaged to adequately integrate with the existing townscape character. Other areas, such as Site D, are more self-contained and are thus considered capable of providing their own character and sense of place. The overall proposal is therefore considered to complement and respect the character of the surrounding area and would comply with policies ENV10 and ENV12 of WDWPLP.

Impact on amenity

Impact on neighbours

16.73 A number of proposed dwellings would face existing dwellings. The Council's adopted Design SPD (para.7.5.2) advises that 20m between facing buildings will normally give good privacy between the rear of buildings.

16.74 At Site A, a row of five two storey terraced dwellings would face rear elevations and gardens of the two storey terraced dwellings of Nos 66-72 (evens) Eddison Avenue to the west. However, the separation distances of approx. 30m-34m, with intervening tree line and public footpath, is considered sufficient to avoid adverse impact in terms of loss of light, outlook, privacy or overbearing impact.

16.75 At Site B, a row of six two storey terraced dwellings are proposed to face the rear elevations and gardens of the bungalows/chalets of Nos 4-6 St Georges Close to the east. The separation distances of approx. 29-36m are considered sufficient to avoid adverse harm to residential amenity, with a public footpath and treeline also sited in between. There is also a proposed two storey side elevation and similarly, the separation distances of approx. 24-26m are considered sufficient to avoid adverse harm to Nos 3-4 St Georges Close.

16.76 At Site C, a number of proposed dwellings face Syward Road and the dwellings opposite. The separation distances and built relationships are considered typical for residential areas and such, would not lead to adverse harm to amenity. In a similar manner, dwellings are proposed to face along St Georges Road along the north of sites A and B.

16.77 At Site D, a pair of two storey semi-detached dwellings and a detached two storey dwelling would be sited near to the detached two storey dwelling of No. 11 Friars Close to the west. However, the semi-detached pair would face this neighbour's

front garden only. The proposed detached dwelling behind would not have any openings facing this neighbour and would be sited at sufficient distance away to avoid adverse harm in terms of loss of light, outlook or overbearing impact. A row of three two-storey terraced dwellings and a detached two storey dwelling would face the main rear elevations and garden areas of the detached dwellings of Nos 2-4 Louds Piece to the south. The separation distances of approx. 22-23m are considered sufficient to avoid adverse harm in terms of loss of light, outlook, privacy or overbearing impact.

Impact on future occupiers

- Living space

16.78 The UDO has identified a number of proposed dwellings that would not meet the minimum space standards, and Policy ENV12 of the WDLP states that new housing should meet and where possible exceed appropriate minimum space standards. However, most of the proposed dwellings would be compliant if occupied by 1 less person – e.g. three persons for a 2-bed unit and four persons for a 3-bed unit. Although seven proposed dwellings would not comply, the shortfall would be 3-5m². A much greater proportion (25) of proposed dwellings would exceed the minimum space standards – mostly by a greater margin than the above identified shortfall.

16.79 As such, overall, it is considered that future occupiers would be afforded with sufficient internal living and storage space. The case officer also considers that the built form relationships within the scheme would afford future occupiers with sufficient light, outlook and privacy. Each dwelling would also be provided with private outdoor amenity space, apart from three flat over garage units – which all meet the minimum space standards and have access to public open space nearby within the site parcel.

- Noise impacts

16.80 Policy ENV16 of the WDLP states that development which is sensitive to noise or unpleasant odour emissions will not be permitted in close proximity to existing sources where it would adversely affect future occupants.

16.81 National policy on noise is set out in the Noise Policy Statement for England (NPSE) which aims to avoid, minimise, mitigate and where possible reduce significant adverse impacts on health and quality of life. The NPSE states that it is not possible to have a single objective noise based measure that is applicable to all sources of noise in all situations. It is likely to be different for different noise sources, for different receptors and at different times.

16.82 The applicant has provided an acoustic report including an on-site noise survey, and refers to British Standard BS8233:2014 (Guidance on sound insulation and noise reduction for buildings). This refers to an average metric called LAeq,T and advises that for traditional external areas that are used for amenity space, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T considered acceptable in noisier

environments. As the application site is surrounded by existing residential development, near to a trunk road and a railway and allocated for housing, it can be reasonably described as a “noisier environment”. The above range for outdoor living areas is also referred to in the WHO Guidelines for Community Noise (1999).

16.83 It must however be noted that the dB scale is logarithmic and the relationship between hearing and dB is also not exact due to the way in which the brain processes sound. As such, whilst an increase of 3dB is equivalent to a doubling of sound energy, the human ear can barely detect a 3dB change. Conversely, a 10 dB increase is generally regarded as a doubling of subjective loudness.

16.84 BS8233:2014 also recognizes that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as urban areas adjoining the strategic transport network (where the application site is located), it advises that a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces but should not be prohibited.

16.85 The 2017 pre-application written response for the current site took such a pragmatic approach and advised that as the local plan has allocated the site for mainly residential use, creativity is needed in respect to the orientation of the gardens, roadways and internal arrangements of properties. This approach has been taken forward with the current proposal, as its layout designs out habitable room windows facing the noisiest areas near the A35. The flat over garage units have been designed such that windows of habitable rooms do not face the A35. Many of the communal parking areas are also located within these noisier areas.

16.86 The Council’s **Environmental Health Team (EHT)** has commented that the acoustic report submitted is satisfactory in its methods and acknowledge the mitigation methods used in orientation, façade use and location. Concerns were raised however regarding noise from the A35 roadbridge. Noise concerns were also raised by National Highways (NH) who consider that the noise mitigation appears inadequate, although they accept that this is a matter for the LPA to assess.

- External mitigation

16.87 There has also been a recent (approx. 2017) completion of a new residential scheme on St. Georges Road (formerly Red Cow Farm), north of the current proposed Site A and west of the A35 road bridge. This permission (1/D/09/001378) also includes office units nearest this road bridge, It is accepted that the acoustic assessment for this site, even when incorporating a new road bridge barrier as mitigation, concluded external noise levels to exceed the BS/WHO 55dB upper guideline across a significant portion of the development.

16.88 Mitigation measures are proposed for Sites C and D further south, in the form of imperforate barriers on the eastern boundary of Site D and the western boundary of sector C – i.e. at either side of the A35 south of the railway line. The site plans have

been amended to clarify that these barriers will take the form of 2.5m high acoustic fencing. The applicant argues that as the carriageway and bridges are raised above Sites A and B, the recently extended roadside barrier is significantly more effective than any barrier that could be erected within these development areas. Such barriers would also need to be approx. 7m in height to reduce the external amenity area levels to below 55dB. This has not been disputed and is accepted as not being a feasible option.

- 16.89 The applicant has clarified that based on the predicted site noise model and factoring in mitigation, the current proposal results in 35% of dwellings fully complying with the 55dB upper guidance threshold. 50% of the properties have areas of external amenity slightly above this range, between 55-60dB. 15% of the properties have areas of external amenity above 60dBLAeq, but of which 9 properties are only slightly above at 61dB.
- 16.90 The remaining seven plots would have a more concerning external level of approx. 64dB. These plots however comprise the smaller flat over garage units in Site C adjacent the A35, which would be in close proximity to the informal open space area within this parcel, located in a quieter area. Each of these units would also have quieter facades with openable windows serving habitable rooms. The Planning Practice Guidance (Paragraph: 011 Reference ID: 30-011-20190722) advises that the above measures can assist in mitigating noise impacts on residential developments.
- 16.91 The overall proposal also achieves a majority (85%) of external private amenity areas less than 60dB (LAeq,16hour). Although this is below 90% as suggested by the EHT, given the site allocation for residential, the mitigation measures proposed (including layout) and that new dwellings have recently been constructed nearby, the range and extent beyond the 55dB upper guideline value is considered acceptable.
- Internal mitigation
- 16.92 The acoustic report recommends specific double window glazing and trickle vents to provide the appropriate attenuation, which would achieve a minimum 30dB reduction in internal noise levels. The applicant has clarified that a partially open window could still be expected to provide a reduction in external noise of 15dB. In the event that windows of facades in proximity and with direct a view of the main road are opened, noise levels will inevitably exceed the internal design targets set out in BS8233:2014, which range from 30-40dB depending on room use and the time of day.
- 16.93 BS8233:2014 however advises that that increased noise levels up to around 12dB higher than these internal targets are likely to be acceptable in some operating scenarios, where rapid changes to the cooling or ventilation rates quickly improve the thermal comfort of the occupant, and would be unlikely to result in having to keep the windows closed most of the time. On this basis, it is considered that conditions would be acceptable to residents in overheating/additional ventilation scenarios.

- Vibration impacts

16.94 It is accepted that the vibration levels measured on site, as set out in the acoustic report, are substantially lower than the levels with a low probability of adverse comment as set out in BS6472-1:2008 and as such, are within acceptable limits.

- Odour

16.95 An odour report has been provided, as Wessex Water operate a sewage treatment site approx. 220m east of the proposed development. This concludes that although odour was observed within the proposal site during field assessments, it was transient in nature when compared with the percentage of time that odours were observed in near proximity to the sewage treatment plant. Additionally, the north-easterly wind conditions required to spread odourous emissions to the proposed development site equates to only 3% of the year. The potential odour impact on the proposed development is therefore considered to be very minimal.

16.96 In light of all the above, it is considered that the proposed development would comply with the amenity requirements of Policy ENV16 of the WDWPLP.

Impact on highway capacity and safety

16.97 The **County Highway Authority** has raised no objection to the proposal, commenting that the amended Site A involves the widening of St Georges Road, which will enable acceptable entry/egress for larger vehicles (e.g. refuse lorry). Sufficient visibility splays are provided at the access.

16.98 The proposed Site B, C and D accesses also have acceptable vehicular visibility splays and provide acceptable entry and egress for larger vehicles. The alterations to the existing cycle footway will be required to enable the proposed Sector B access, which can be secured by the imposition of a Grampian condition. The access arrangement for Site D does not require the creation of visibility splays, as it is a continuation of an existing road. It also includes a raised table for pedestrians at the Smokey Hole Lane footpath informal crossing point, which is welcomed.

16.99 It is considered sufficient car parking is provided, especially given the location of the site as a whole, and the southwestern pedestrian connection to Smokey Hole Lane footpath is welcomed.

16.100 **National Highways** has commented that the predicted traffic impact of the development on the A35/A358 Max Gate junction is unlikely to be of a scale that would maintain an objection in safety or capacity terms.

16.101 Given the quantum of development, the expected trip generation and the multiple access points, it is considered that the proposal does not present a material harm to the transport network or to highway safety. Planning conditions are proposed to secure the required access measures for each parcel, and to ensure that secure cycle parking will be provided within the demise of each residential property. A Travel Plan is also to be secured by condition to mitigate vehicular trips and encourage sustainable means of travel.

Flood risk and drainage

- 16.102 A Flood Risk Assessment has been provided, which advises that the development site is entirely within Flood Zone 1 (low risk of fluvial flooding) and also classified as being at 'very low risk' from surface water flooding, as indicated by the Environment Agency's (EA) flood maps. Although the ecological mitigation site to the northeast lies within the flood plain of the River Frome (Flood Zone 2), it will be limited to water compatible development only. A drainage modelling report and layout has also been provided. Surface water drainage mitigation will be achieved by way of a series of attenuation tanks and soakaways. Runoff generated by the adoptable highway will mainly drain towards adoptable lined soakaways.
- 16.103 The Council's **Flood Risk Management Team** has raised no objection, subject to conditions requiring submission of a surface water management scheme, along with details of its management and maintenance. On this basis, the proposal would not lead to a material increase in flood risk within or around the site.

Ecology and biodiversity

- 16.104 The application is supported by an Ecological Impact Assessment, and a Landscape and Ecology Management Plan (LEMP). The Council's **Natural Environment Team** has raised no objection, subject to conditions to secure compliance with the agreed lighting strategy and LEMP, along with submission of a bat monitoring programme prior to first occupation. The LEMP includes wildflower species types for the 'off-site' parcel north of St Georges Road, along with management details which will also be secured by S106 agreement.
- 16.105 Habitat creation will be provided within the four development sites in the form of soft landscaping and substantial quantities of varied ecology features positioned on dwellings and in gardens (hedgehog runs, bat, bird and bee boxes). The majority of ecological compensation will be provided on the 'off site' parcel of land to the northeast. The creation of a series of shallows ponds and extensive landscaping planting within this area will offer opportunity for biodiversity net gain.
- 16.106 Poole Harbour is a natural harbour that is designated a Special Protection Area (SPA) and a Ramsar site for its nature conservation importance. The application site is within the Poole Harbour hydrological catchment, as identified in the Nitrogen Reduction in Poole Harbour SPD 2017, and more lately has been designated as a nutrient sensitive catchment for phosphorus as well as nitrogen.
- 16.107 On 24 May 2024 the Secretary of State announced that additional sewage treatment works were required to be upgraded in the Poole Harbour catchment, following this announcement Natural England confirmed that residential development (overnight accommodation and other qualifying development) within this catchment area would no longer need to demonstrate phosphorus neutrality, however nitrogen neutrality still applies.
- 16.108 In light of these updates the applicant has submitted an updated nutrient budget calculator for nitrogen which has been forwarded to the Council's Environmental

Services for a bespoke Appropriate Assessment to be undertaken for consultation with Natural England. Natural England's comments once received will be provided to Committee either by way of a written or verbal update.

- 16.109 Nitrogen mitigation for the proposal would be secured by the Council's Community Infrastructure Levy (CIL) regime.

Impact on infrastructure

Railway level crossing

- 16.109 At pre-application stage, **Network Rail** (NR) provided the applicant with their level crossing assessment and modelled what a predicted increase in the use might look like. This report is referred to and provided (Appendix G) in the Transport Assessment submitted with the current proposal. In their initial consultation response, NR advise that when the above report was prepared in early 2018, no predictions on the size of the development were given, hence the modelling merely predicted percentage increases. NR contend that although the predicted increase in use did not significantly affect the risk level of the Syward pedestrian level crossing to warrant mitigation, there was clear sight that additional risk would be imported with the addition to vulnerable categories.

- 16.110 The predicted 50% increase in use (up to 30 pedestrians and 3 bikes) arising from the proposal, as presented at that time and assessed by NR as not requiring mitigation, is 21% below NR's current predicted increase to 34 pedestrians and 6 bikes. NR state that based on known usage and user demographics, disclosing no significant use by vulnerable users, the Syward pedestrian level crossing has been assessed as compliant with NR standards and meets the minimum required sighting distance. As such, there remains no requirement to close, or upgrade the protection at the crossing. The sighting of approaching trains at the crossing is minimal and so to support users, an additional audible warning system has been installed to notify them of approaching trains.

- 16.110 NR have nonetheless raised a holding objection, as they have requested that the applicant be obligated by the Council to either close off, divert or improve (with miniature stop lights) the level crossing. NR raise concerns regarding potential impact of the proposal on this as it will increase use of the crossing, consequently increasing the risk to the public and operational railway.

- Justification for closure/diversion

- 16.111 NR uses a Cost Benefit Analysis (CBA) process to ensure financial viability of its schemes and value for money, which takes the collective risk and normalises it against a monetary value called the "Value to Prevent a Fatality" -which was set at £2.017m. Its estimated cost of a stepped footbridge was £1,100,000. NR's CBA of the worst-case scenario (30 pedestrians per day) supported funding of only £88,667 - leaving a deficit of approximately £1,000,000 which NR say they cannot fund as only a weak safety and business benefit is established.

- 16.112 This pedestrian level crossing also comprises a public footpath (S2/26) linking Syward Road to St. Georges Road to the north. Using the same methodology as above, the NR analysis for extinguishment of a small section of footpath S2/26 to allow closure of the level crossing concluded that there would be a positive safety and business benefit established. NR cost this option at £55,000, but do not explain why this cannot be funded and/or implemented without third party support.
- 16.113 NR provided figures outlining their predicted increase in the level and nature of the level crossing arising from the proposal. This referred to the 27.3% Census (2011) percentage figure for people aged 65+ in this area in their calculation of “vulnerable” users (which is only marginally increased to 27.5% in the 2021 Census figures). However, their percentage figure for young vulnerable occupiers (aged 0-18) was derived from the proposed maximum bed spaces rather than using Census figures (which have also not significantly changed as a percentage between 2011-2021). NR estimated that for each 1-2 bedroom house, there will be one child residing and for each 3-4 bedroom house there will be 2 children residing. Based on this assumption, NR contended that there is potential for this development to introduce up to 245 children to the local area (for 108 dwellings – now slightly reduced to 107).
- 16.114 The Council has since updated the area profile figures for Dorchester based on the latest 2021 Census figures, and still considers that the broad average occupancy in Dorchester is approx. 2.2-2.5 persons per dwelling. As such, whilst the bed capacity shown on the floorplans can indicate a maximum capacity, it is considered unlikely as a widespread practice. Using the highest average range of 2.5 occupants for the current proposed 107 dwellings, this would result in 268 occupants for the current development - significantly lower than NR’s predicted number (448).
- 16.115 The case officer raised the above concerns with NR, who then provided the following amended assumptions to still justify their same original predicted increase in usage arising from the proposal (including vulnerable users) from 1 cyclist to 6, and from 22 pedestrians to 34, (NR accepted that their initial prediction of 245 children occupying the proposal was significantly greater than the local Census average – point e. below was amended by NR accordingly):
- a. At least one parent will take their child either to junior school or to the newly established wetland habitat or other recreational areas over the crossing a day, adding 4 journeys (there and back)
 - b. At least two to three cyclists will use the crossing as they go to school or travel further afield on the advertised cycle network that this crossing forms part of, thus adding a further 4 to 6 journeys (there and back)
 - c. A further three adults (including elderly) or unaccompanied children will use the crossing to get to school, walk their dogs, or access neighbours or local amenities, adding 6 journeys (there and back)
 - d. One person with protected characteristics would use the crossing to access neighbours, open spaces or local amenities, adding 2 journeys (there and back)
 - e. Most dwellings from the A and D quartiles of the development are likely to use the alternative overbridge to the west of the development so therefore only 42

dwellings, making a predicted pool of 105 people, of which approximately 19 are likely to be children, 29 are likely to be elderly and 4 may show protected characteristics.

16.116 The case officer however notes that from Syward Avenue, there is an alternative public footpath route (also part of S2/26), running westwards along the northern boundary of sites C and D, crossing under the A35 and then turning northwards along Smokey Hole Lane (S2/27) to Eddison Avenue. Although this is not a suitable route for those with protected characteristics and may also be difficult for some in nightfall or in inclement weather, the same is the case for the existing route via the level crossing. Using the alternative route, more able users can then walk westwards towards the various town centre amenities. Via St Georges Road and Long Bridge Way, one can then also cross Lubbecke Way to join S2/25 to cross the River Frome northwards towards Stinsford. Improved signage for this alternative route is to be secured under S106 agreement.

16.117 It is also considered that this alternative route would be more direct and desirable for future occupiers of Site C (Syward Road) to walk westwards to the town centre, rather than northwards over the pedestrian level crossing in question. Whilst it is accepted that future occupiers of Site B (north of the level crossing) could easily use the level crossing to move southwards towards Manor Park Church of England First School, it is not the most direct route to the town centre and other schools and amenities along the way.

16.118 The above localised characteristics do not appear to have been taken into account in the above assumptions framing NR's risk re-assessment. NR also include in their projections the proposed off-site wetland habitat land north of St Georges Road as a public amenity facility in which future occupiers would travel to. However, public access to this wetland will not be provided, as it is for biodiversity mitigation purposes only, not amenity land.

16.119 The NR case is also considered to be undermined by their existing use survey figures (between 22nd October and 4th November 2019 during school holidays), which they say discloses no significant use by vulnerable users. This is despite the presence of a number of existing dwellings in close proximity either side of the level crossing, and this total amount significantly exceeds the amount proposed for the Sites B and C nearest this crossing. It is accepted that the proposal would still likely lead to some increased use of the level crossing. However, given the above it is unclear how this has altered the NR risk assessment score to a such a significant extent to now warrant diversion of the level crossing.

- Justification for improvements

16.120 As an alternative to closure of the level crossing, NR recommend the installation of red/green miniature stop lights at the crossing, at estimated cost of £800,000. However, the NR's CBA supports funding of only £4,615 leaving a deficit of approximately £795,000 and their subsequent conclusion that only a weak safety and business benefit is established. NR advise that able pedestrians require minimum of 145m sighting of approaching trains and the sighting distances of the crossing significantly increase this.

16.121 Accounting for an additional 50% traverse time apportioned by NR for vulnerable users, the breach of NR minimum sight line distances would be limited to just one splay which is 2m short of the required 217m distance. NR stress that many of the other sighting lines become borderline compliant and can fall short of the required minimum as a result of growing vegetation, or other transient factors restricting the sighting distance. These are also the minimum sighting distances to allow a user to cross safely and calculated ideal sighting distance is 311 metres, which would render all four directions as noncompliant. However, no explanation is given as to why closure has not been pursued by NR on this basis, especially as it would pass their CBA criteria.

- Conclusion

16.122 The application site is allocated for residential development under the current local plan, which included a full sustainability appraisal of this allocation. Policy DOR8 requires that public rights of way linking to the wider network to be retained. Other consultee comments (notably Historic England) have requested that improvements be made to this route in terms of directing visitors from Hardy's Max Gate (south of the application site) to Stinsford further north. The applicant's Statement of Community Involvement also outlines that the most common issue raised by residents as feedback was for the railway crossing to remain open, although the next most common issue raised was that it should be shut. All the above, along with the NR holding objection, outline competing interests and priorities.

16.123 It is the role of the LPA to reduce harms/risks and maximise public benefits as much as possible. However, officers do not consider that, in light of all the above considerations, the request from NR for developer contributions to either distinguish/divert or improve the existing level crossing meet the CIL Regulation 122 tests. Whilst all parties accept that the development is likely to lead to a change in the volume and character of users of the level crossing, the extent of this change is not agreed. It is considered that the levels set out by NR, and which form the basis of their justification in requesting such mitigation measures, are based on flawed assumptions, as detailed earlier in this report.

16.124 The CIL 122 tests require planning obligations to be necessary to make the development acceptable in planning terms, to directly relate to the development, and be fairly and reasonably related in scale and kind to the development. For the reasons set out earlier in this report it is not considered that it has been demonstrated that such mitigation is necessary to make the development acceptable or that these measures are proportionate in scale and kind to the development, given the scale of impact the development is likely to have upon the level crossing.

Other infrastructure

16.125 The Council has adopted a CIL-charging regime and the adopted Regulation 123 list for West Dorset apportions the largest single proportion of the CIL contributions towards Education & Training Facilities. The next two largest apportionments are towards Transport and Culture & Leisure Facilities. Contributions are also made

towards Flood Mitigation, Emergency Services, Green Infrastructure & Recreation, Healthcare, Poole Harbour Nutrient Management, Public Realm, Utilities and Waste Management. Therefore, contribution to mitigate the impact on the area's infrastructure will be made as part of the CIL contributions.

- 16.126 In order to secure any further developer contributions to mitigate the impacts of development, these must be in addition to matters not addressed through the Community Infrastructure Levy (CIL), to avoid double-charging the applicant.
- 16.127 In addition to the Affordable Housing, the draft Section 106 Agreement will include financial contribution towards public footpath signs directing visitors from Max Gate northwards to Stinsford. This would be along the existing Hardy Way route and would divert users away from the railway level crossing. The s106 agreement would also secure the provision of three areas of informal play space, within Sites A, C and D, along with the off-site biodiversity land to the northeast.
- 16.128 Although the proposed highway improvement works are not included in the draft S106, this could be secured under a separate Section 278 agreement. The proposed pedestrian connection between Site A and Smokey Hole Lane (ProW S2/27) would be secured by planning condition.

Other matters

- 16.129 The Council's Mineral Planning Authority has raised no objection, subject to planning condition requiring submission of a report within 3 months of the substantial completion of groundworks setting out an evidenced estimate of the amount of material to be re-used on site.

Planning Balance

- 16.130 The purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to this: economic, social, and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. These roles should not be undertaken in isolation because they are mutually dependent.
- 16.131 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Proposed development that accords with an up to- date Local Plan should be approved; and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance and a material consideration in determining applications.
- 16.132 Having regard to the NPPF, Historic England (HE), the National Trust and the Council's Senior Conservation Officer (SCO) have identified "less than substantial harm" to Heritage Assets, most notably the Grade I Listed Max Gate. Less than substantial harm to 9 St Georges Road (Grade II Listed Building) has also been identified, and to the Flagstones Neolithic enclosure which is a non-designated Heritage Asset. Substantial harm to the significance of the Late Iron Age Field System and Medieval Settlement and Agriculture Remains (Non-designated Heritage

Assets) will also arise, as the proposed development will result in total loss of these archaeological remains.

16.133 Para. 209 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Given that the WSI, agreed upon by the Council's Senior Archaeologist, includes post-excavation work and publication of results and can be secured by condition, the harm to archaeological features is outweighed by the archaeological benefits secured by the WSI. The other scheme benefits as outlined below would also outweigh the above identified harm to non-designated heritage assets.

16.134 Section 66 of the Listed Building Act requires that special regard must be had to the desirability of preserving a listed building, its setting and its special architectural or historical features. This is reflected in para 205 of the NPPF which states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance." In addition, para. 206 requires any level of harm to their significance should require 'clear and convincing justification'.

16.135 Given the Grade I status of Max Gate and its cultural associations with Thomas Hardy and the surrounding landscape, very great weight is given to its preservation. Great weight must also be given to Listed Buildings, and less than substantial harm to No. 9 St Georges Road has also been identified.

16.136 Para 208 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The Planning Practice Guidance (Paragraph 020 Reference ID: 18a-020-20190723) suggests that public benefits can be anything that delivers economic, social or environmental objectives as described in paragraph 8 of the NPPF. Public benefits should flow from the proposed development and be of a nature or scale to be of benefit to the public at large and not just be a private benefit.

16.137 The courts have held that a potentially relevant "public benefit" can include a heritage-related benefit as well as one that has nothing to do with heritage. Having regard to the above guidance and case law, the public benefits attributed to the proposed development can be summarised as:

- Provision of a range of new homes, including a policy-compliant amount (35%) of Affordable Housing;
- Public footpath signage directing visitors from Max Gate towards Stinsford; and
- Provision of biodiversity net gain.

- 16.138 It is considered that the nature of the above identified public benefits contains some overlap between the economic, social and environmental objectives. A social benefit would arise through an increase in the choice and supply of homes on an allocated site in a very sustainable location, including a policy-compliant provision of Affordable Housing. Significant weight is afforded to this benefit.
- 16.139 It is considered that the new public footpath signage directing visitors from Max Gate towards Stinsford, and away from the railway level crossing (contributions to be secured by s106 agreement) would be a social and environmental benefit. This footpath route (including PRoWs S2/26 and S2/27) forms part of the Hardy Way, a long-distance footpath providing a route throughout Hardy's Dorset. This can be viewed as a heritage benefit and as a social and environmental benefit, of which moderate weight can be given.
- 16.140 Economic benefits would arise for the local economy from provision of jobs during construction and future residential expenditure, of which moderate weight is attached.
- 16.141 Turning to environmental benefits, biodiversity net gain can be achieved from the proposed off-site parcel north of St Georges Road, to be secured by the agreed LEMP and S106 agreement. Moderate weight can be attached to the ecological and landscape benefits arising from this.
- 16.142 It is accepted that the attributes of setting contributing to Max Gate's significance extend beyond its immediate grounds and curtilage. However, it is considered that the harm to its setting has been reduced by the Site C amendments as much as possible, whilst also ensuring that the local plan housing allocation is delivered in a manner that also affords future occupiers with sufficient living standards. Although no amendments were made to the Site A development fronting St Georges Road and near the Grade II Listed cottage of No. 99, given that its appearance and scale would integrate with the existing urban environment surrounding No. 79, the harm to its setting is considered as minor.
- 16.143 It is considered that the above identified harms to the Heritage Assets, even when attaching very great weight to Max Gate as an asset of the highest significance, would be outweighed by the overall public benefits arising from the overall proposed development of the application site, which would be in accordance with the local plan allocations. The development therefore accords with overall relevant policies and provisions of the Local Plan and the NPPF.

17.0 Conclusion

- 17.1 The site is allocated for development and considered acceptable in its design and general visual impact. There is not considered to be any significant harm to the amenity of neighbours and future occupiers. The identified harm to Heritage Assets is considered to be outweighed by the public benefits of the proposal. Accordingly the application is in accordance with the Local Plan as a whole. There are no other material considerations which would warrant refusal of this application.

17.2 The application is therefore recommended for approval, subject to the conditions and section 106 legal agreement as set out below.

18.0 Recommendation

A) Grant, subject to consultation with the Secretary of State for Transport and 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:

- Provision of on-site Affordable Housing (minimum 35% policy-compliant amount);
- Provision, retention and management of 1.95ha land parcel northeast of St Georges Road to provide biodiversity net gain and landscape planting;
- £427.50 Index Linked towards the provision of five signs (£85.50 per sign) to improve legibility of the existing public footpath link between Max Gate and Stinsford;
- Provision/maintenance of three areas of on-site informal public open space; and
- Provision/maintenance of off-site biodiversity land.

OR,

B) Refuse, if the s106 Agreement is not completed within 6 months of the date of decision or such extended time as agreed by the Head of Planning.

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:

Street Scenes: Sector A (Drawing No. SE-001); Sector B (SE-002); Sector D (SE-004); Wetland Habitat Creation Plan (1168-R002 Rev P1); Plots 1-4 (Drawing Nos. 01-04-P-001 Rev A; 01-04-P-002 Rev A; 01-04-P-003 Rev A; 01-04-P-004 Rev A; Plot 5 (05-P-001; 05-P-002; 05-P-003; Plot 6 (06-P-001; 06-P-002; 06-P-003); Plots 7-16 (07-16-P-001; 07-16-P-002); Plots 17-18 (17-18-P-001 Rev A; 17-18-P-002 Rev A; 17-18-P-003; Plot 19 (19-P-001; 19-P-002 Rev

A; 19-P-003); Plot 20 (20-P-001; 20-P-002 Rev A; 20-P-003); Plots 21-28 (21-28-P-002 Rev A); Plots 29-33 (29-33-P-001; 29-33-P-002; 29-33-P-003 Rev A; 29-33-P-004 Rev A; 29-33-P-005); Plots 34-36 (34-36-P-002 Rev A; 34-36-P-003 Rev A); Plots 37-38 (37-38-P-001; 37-38-P-002 Rev A; 37-38-P-003); Plot 39 (39-P-001; 39-P-002; 39-P-003; 39-P-005); Plots 40-42 (40-42-P-001; 40-42-P-002 Rev A; 40-42-P-003 Rev A); Plots 43-45 (43-45-P-001; 43-45-P-002 Rev A; 43-45-P-003 Rev A; 43-45-P-004 Rev A; 43-45-P-005); Plot 46 (46-P-001; 46-P-002; 46-P-003); Plots 47-48 (47-48-P-001; 47-48-P-002 Rev A; 47-48-P-003); Plots 49-54 (49-54-P-001; 49-54-P-002; 49-54-P-003; 49-54-P-004 Rev A; 49-54-P-005 Rev A) Plots 55-56 (55-56-P-001 Rev A; 55-56-P-002 Rev A; 55-56-P-003); Plots 57-59 (57-59-P-001; 57-59-P-002 Rev A; 57-59-P-003); Plots 60-63 (60-63-P-001 Rev A; 60-63-P-002 Rev A; 60-63-P-003 Rev A; 60-63-P-004 Rev A; 60-63-P-005 Rev A; 60-63-P-006); Plots 64-66 (64-66-P-001; 64-66-P-002 Rev A; Drawing No. 64-66-P-003 Rev A; 64-66-P-004 Rev A); Plots 67-69 (67-69-P-001; 67-69-P-002; 67-69-P-003 Rev A; 67-69-P-004 Rev A; 67-69-P-005); Plots 70-71 (70-71-P-001; 70-71-P-002 Rev A; 70-71-P-003 Rev A; 70-71-P-004); Plots 72-74 (72-74-P-001; 72-74-P-002 Rev A; 72-74-P-003 Rev A); Plots 79-82 (Drawing No. 79-82-P-003); Plots 83-84 (83-84-P-001; 83-84-P-002 Rev A; 83-84-P-003); Plots 85-86 (85-86-P-001; 85-86-P-002 Rev A; 85-86-P-003); Plot 87 (87-P-001 Rev A; 87-P-002 Rev A; 87-P-003 Rev A); Plots 88-91 (88-91-P-001; 88-91-P-002; 88-91-P-003 Rev A; 88-91-P-004 Rev A; 88-91-P-005); Plots 92-95 (92-95-P-001; 92-95-P-002; 92-95-P-003 Rev A; 92-95-P-004 Rev A; 92-95-P-005); Plots 96-98 (96-98-P-001; 96-98-P-002; 96-98-P-003 Rev A; 96-98-P-004 Rev A; 96-98-P-005); Plots 99-102 (99-102-P-001; 99-102-P-002; 99-102-P-003 Rev A; 99-102-P-004 Rev A; 99-102-P-005); Plot 103 (103-P-001; 103-P-002 Rev A; 103-P-003); Plots 104-106 (104-106-P-001; 104-106-P-002; 104-106-P-003 Rev A; 104-106-P-004; 104-106-P-005); Plot 107 (107-P-001; 107-P-002 Rev A; 107-P-003); Plot 108 (108-P-002 Rev A; 108-P-003) - All received on 22 July 2021

Plots 7-16 (07-16-P-003 Rev A); Plots 21-28 (21-28-P-001 Rev A; Plots 34-36 (34-36-P-001 Rev A; Plot 108 (108-P-001 Rev A - All received on 12th August 2021

Preliminary Levels Plan: Sheet 1 (01-PHL-1001 Rev B); Sheet 3 (01-PHL-1003 Rev B); Road Profile: Sheet 1 (01-RP-101 Rev B); Sheet 3 (01-RP-103 Rev B); Highway Surfacing Plan (01-PHL-101 Rev D); Refuse Vehicle Swept Path Analysis (01-ATR-101 Rev E) - All received on 14th February 2022

Preliminary Levels Plan Sheet 2 (01-PHL-1002 Rev B) - Received on 03rd March 2022

Site Plans: Sectors A-D (SP-001 Rev G); Roof Plan and House Types (SP-006 Rev E); Sector A (SP-002 Rev C); Sector B (SP-003 Rev C); Sector C (SP-004 Rev C); Sector D (SP-004 Rev B); Landscape General Arrangement Plans: Whole site (1168-001 Rev P4); Parcel A (1168-002 Rev P4); Parcel B (1168-003 Rev P4); Parcel C (1168-004 Rev P4); Parcel D (1168-005 Rev P4); Street Scenes Sector C (Drawing No. SE-003 Rev A); Plot 75 (75-P-001 Rev A; 75-P-002 Rev C; 75-P-003 Rev B; 75-P-004); Plots 76-77 (76-77-P-003 Rev B); Plots

79-82 (79-82-P-001 Rev A; 79-82-P-001 Rev C) - All received on 16th March 2022)

Plots 76-77 (76-77-P-001 Rev A; 76-77-P-001 Rev A; 76-77-P-002 Rev D; 76-77-P-003 Rev B) - All received on 16th March 2022

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

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

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

4. The approved external Lighting Strategy (Drawing Nos 4237-ID-DR-3001 P01; 4237-ID-DR-3002 P03; 4237-ID-DR-4001 P03; 4237-ID-DR-4002 P02) shall be implemented before each development parcel (A-D) is fully occupied and shall be permanently maintained thereafter. No further external lighting shall be installed on site without the prior approval, in writing, of the Local Planning Authority.

Reason: In the interest of the amenity of the area, public safety, protected species and biodiversity.

5. Prior to first occupation of the development hereby approved, a Bat Monitoring Programme shall be submitted to and approved in writing by the Local Planning Authority to include:
 - a) Survey programme of the on-site habitats and the offsite compensation wetland habitat field north of St George's Road (Drawing no 1168-R002 revision P1), including survey design, area and frequency;
 - b) Programme of monitoring and maintenance of mitigation measures and their frequency;
 - c) Programme of monitoring of light levels and luminaires present on site and their frequency;
 - d) Details of who will be responsible for commissioning and undertaking survey and monitoring;
 - e) Frequency of and framework for reporting to the local planning authority; and
 - f) Framework for agreeing changes to management and mitigation delivery if these are required

Once the Bat Monitoring Programme is approved and once the development is first occupied, the Programme shall be implemented.

Reason: In the interest of protected species and biodiversity.

6. The development hereby approved shall accord with the acoustic measures set out in the Noise and Vibration Assessment (AS8670.210222.NVIA2.3 – dated 15th April 2021). The development hereby approved shall not be occupied until precise specification and performance details of the acoustic fencing, as recommended in this Assessment, is submitted to and approved in writing by the Local Planning Authority. This fencing, along with all the other measures set out in the Assessment (including the stated minimum sound attenuation), shall be implemented in full prior to first occupation of any dwelling.

Reason: To protect the amenity and living conditions of occupiers of the residential properties.

7. Prior to occupation of each development parcel (A-D), the access, geometric highway layout, turning and parking areas shown on the submitted drawings must be constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

8. Prior to occupation of each development parcel (A-D), the first 15.0 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing - see Informative Note 3 below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

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

9. Prior to occupation of each development parcel (A-D), the visibility splay areas as shown on the approved plans must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions at all times.

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

10. Prior to occupation of each development parcel (A-D), the following works must have been constructed to the specification which has first been submitted to and approved by the Planning Authority in writing:

- a) Widening of St George Road with alterations to footway alignment;
- b) Suitable amendment to the existing cycle/footway at its emergence point adjacent to the Sector B access;
- c) Raised table/informal Pedestrian crossing for Smokey Hole Lane PROW at the access of Sector D; and
- d) Various tactile pedestrian crossing points on Syward Road.

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.

11. Prior to use or occupation of development hereby approved, a scheme showing details of the proposed cycle parking facilities, to be provided for each residential property, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved scheme shall be maintained, kept free from obstruction and available for the purpose specified.

Reason: To ensure provision of adequate cycle parking to support sustainable transport; in the interests of highway safety and residential amenity.

12. The development hereby approved shall be carried out in complete accordance with the details and requirements of the submitted 'Construction Method Statement (CMS) and Construction Environmental Management Plan (CEMP)' Rev B dated 18/03/2024 for the entire duration of its construction phase.

Reason: In the interests of residential amenity and 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.

13. Before the development hereby approved is occupied or utilised, a Travel Plan must be submitted to and approved in writing by the Planning Authority. The Travel Plan, as submitted, will include:

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

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

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

14. The development hereby approved shall be undertaken in accordance with the submitted Landscape and Ecology Management Plan (1168-SP-01-P1 dated 01.07.2021), as approved by the Council's Certificate of Approval issued 13th May 2022.

Reason: In the interests of protected species and biodiversity, and to accord with the approved Landscape and Ecology Management Plan.

15. Before first occupation of Sector A hereby approved, the pedestrian link to Public Footpath S2/27 (Smokey Hole Lane) as shown on Drawing No. SP-002 Rev C (received on 16th March 2022) shall be provided through this development site up to its boundary.

Reason: To ensure satisfactory pedestrian permeability and linkage with the surrounding area.

16. 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 including clarification of how surface water is to be managed during construction, has been submitted to, and approved in writing by the local planning authority. The surface water management scheme is to be generally in accordance with the 'Flood Risk Assessment, by AWP, ref 0485, rev C and dated 15/04/24'. The design of the surface water drainage scheme shall be supported by a statement from a suitably qualified and experienced engineer that confirms that the winter groundwater conditions, and the locations and depths of the proposed infiltration tanks, provide for a 1m vertical buffer between the base of the tank and the highest groundwater level expected. The surface water scheme shall be fully implemented in accordance with the submitted details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.

17. No development shall take place until details of maintenance and management of both the surface water sustainable drainage scheme and any receiving system have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These must 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.

18. The development hereby approved shall be undertaken in accordance with the submitted Arboricultural Impact Assessment Report (04668 AIA 9.3.21). All trees and hedges shown to be retained in the Amended Tree Protection Plans (04668 TPP Rev A dated 26.11.2021) shall be fully safeguarded during the course of site works and building operations. No works shall commence on site until all trees to be protected on and immediately adjoining the site shall be protected from damage for the duration of works on the site to the satisfaction (to be confirmed in writing) of the Local Planning Authority in accordance with BS 5837:2012 (Trees in relation to construction - recommendations) or any new Standard that may be in force at the time that development commences. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zone(s).

Any trees or hedges removed without the written consent of the Local Planning Authority, or dying or being severely damaged or becoming seriously diseased before the completion of development or up to five years after occupation of the last dwelling shall be replaced with trees or hedging of such size, species in a timescale and in positions as may be approved in writing by the Local Planning Authority.

Reason: To ensure that trees and hedges to be retained are adequately protected from damage to health and stability throughout the construction period and in the interests of amenity.

19. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the use or first occupation of the site or in accordance with a programme agreed in writing with the Local Planning Authority. Any trees or other plants indicated in the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. Hard landscape features will be maintained in perpetuity.

Reason: In the interests of visual amenity of the area and the amenity of the future occupiers of the development.

21. No development shall commence on site until details of the surfacing materials to be used on the highway and footways to include the private parking courts shall be submitted to the local planning authority for approval in writing. The development shall be carried out in accordance with the approved details.

Reason: In the interest of the visual amenity of the area.

22. 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). If any contamination be found requiring remediation, a remediation scheme shall be carried out in accordance with details, including a time scale, which shall first be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation or use of the development hereby approved, a verification report to confirm that the site is fit for purpose, including any agreed remediation, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

24. The development hereby approved shall be undertaken in accordance with the requirements of the submitted "Written scheme of investigation for an archaeological excavation" (ACW1394/1/2 – August 2021).

Reason: To safeguard and/or record the archaeological interest on and around the site.

Informative Notes:

1. *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.*
- 2 *The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under Section 38 of the Highways Act 1980, the applicant should contact Dorset Council's Development team. They can be reached by telephone at 01305 225401, by email at dli@dorsetcc.gov.uk, or in writing at Development team, Infrastructure Service, Dorset Council, County Hall, Dorchester, DT1 1XJ.*
3. *The applicant should be advised that the Advance Payments Code under Sections 219-225 of the Highways Act 1980 may apply in this instance. The Code secures payment towards the future making-up of a private street prior to the commencement of any building works associated with residential, commercial and industrial development. The intention of the Code is to reduce the liability of potential road charges on any future purchasers which may arise if the private street is not made-up to a suitable standard and adopted as publicly*

maintained highway. Further information is available from Dorset Council's Development team.

- 4. 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.*
- 5. The highway improvement(s) referred to in the recommended condition above must be carried out to the specification and satisfaction of the Highway Authority in consultation with the Planning Authority and it will be necessary to enter into an agreement, under Section 278 of the Highways Act 1980, with the Highway Authority, before any works commence on the site.*

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Agenda Item 8

Application Number:	P/FUL/2022/02416		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Mushroom Farm Cow Lane Poyntington Sherborne DT9 4LF		
Proposal:	Erect 2 No. dwellings (Class C3), new vehicular accesses and associated works. Demolish existing agricultural buildings and polytunnels.		
Applicant name:	Hopkins Estates Ltd		
Case Officer:	Steven Banks		
Ward Member(s):	Cllr Robin Legg		
Publicity expiry date:	29 August 2023	Officer site visit date:	N/A
Decision due date:	27 October 2023	Ext(s) of time:	27 October 2023
No of Site Notices:	2		
SN displayed reasoning:	One located on telegraph pole at the front of the site and one on metal fencing.		

1.0 Reason for Consideration at Committee

Service Manager for Development Management and Enforcement referral to Planning Committee in light of the committee referral requests made by Dorset Council members and noting concerns raised by the Parish Council.

2.0 Summary of recommendation:

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

- Secure a 0.9ha woodland managed in the long term
- Monitoring fee of £1,510

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

Recommendation B; Refuse permission for failing to secure the obligations above the agreement is not completed by (31 August 2024) or such extended time as agreed by the Head of Planning.

3.0 Reason for the recommendation:

The proposed development would provide a betterment over and above the fallback of the Class Q prior approval which has been previously approved on this site for the conversion of the barn.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development, by reason of the location of the application site, in the countryside, and the proposed construction of dwellings, is not supported by policy SUS2. However, residential development has been approved under permitted development allowances to convert the barns to dwellings. It is considered that the the proposal would provide a betterment over and above the extant development granted under P/PAAC/2021/05205.
Nutrient Neutrality	In order to address the Somerset Levels and Moors SPA and Ramsar being in an unfavorable condition it is necessary to provide mitigation. In this case an area of woodland planting and package treatment plants for the dwellings is proposed. This ensures that the proposals would not adversely affect the protected area.
Biodiversity	The proposed biodiversity mitigation measures would ensure that biodiversity would not be harmed.
Character and appearance	<p>The proposed dwellings, by reason of their design, mass and scale, would be visually attractive and sympathetic to local character.</p> <p>In the interest of the character and appearance of the area, it is recommended that conditions, relating to landscaping and materials, should be imposed on any permission.</p>
Living conditions	<p>Occupiers of the proposed and existing dwellings would not be subject to an overbearing effect, which would harm their residential amenity, due to the size and mass of the buildings concerned and their separation distance from each other.</p> <p>Occupiers of the proposed and existing properties would not be subject to an overlooking effect, which would harm their residential amenity due to the views that would be possible from openings and vantage points.</p>

Flood Risk	The proposal, subject to the imposition of the recommended condition, would not result in an increase in flood risk.
Highway safety	The proposal, subject to the imposition of the recommended conditions, would not have a severe detrimental effect on road safety.

5.0 Description of Site

The application site, which can be found to the northeast of Cow Lane in Poyntington, accommodates a barn and polytunnels. Established hedging runs along each side of Cow Lane. The small, rural, settlement of Poyntington can be found to the southeast of the site. Reasonably sized, detached dwellings can be found to the east, northwest and south of the site. Agricultural fields are a notable characteristic of the area.

6.0 Description of Development

It is proposed to demolish an existing barn and seven, existing, polytunnels and to construct two detached dwellings. It is also proposed to construct two outbuildings, both, comprising of a double garage and a store.

7.0 Relevant Planning History

WD/D/16/001545 -Change of use of agricultural building to a dwellinghouse (Use Class C3), and for associated operational development

WD/D/16/002117 -Change of use of agricultural building to a dwellinghouse and for associated operational development

WD/D/18/000056 - Decision: Refused - Decision Date: 08/05/2018
Pre-application consultation - Demolition of Barns (some of which has prior approval for conversion) and replacement dwelling

WD/D/18/002352 - Decision: Refused - Decision Date: 20/02/2019
Conversion of Barn to Dwelling with Ancillary Works and Demolition of Remaining Barn Structures

WD/D/19/002614 - Decision: Granted - Decision Date: 27/01/2020
Conversion of agricultural building to residential dwelling, demolition of remaining barn structures & ancillary works.

WD/D/20/002489 - Decision: Granted - Decision Date: 12/03/2021
Erection of dwelling parking and ancillary works, following the demolition of agricultural barns

P/VOC/2021/01834 - Decision: Granted - Decision Date: 21/09/2021

Erection of dwelling, parking and ancillary works, following the demolition of agricultural barns (with variation of condition 1 of planning permission WD/D/20/002489 to amend approved plans)

P/PAAC/2021/05205 - Decision: Granted - Decision Date: 25/01/2022

Change of use and conversion of agricultural buildings to two dwellings (Class C3)

P/VOC/2022/03406 - Decision: Granted - Decision Date: 01/08/2022
Erection of dwelling, parking and ancillary works, following the demolition of agricultural barns (with variation of Condition 1 of Planning Permission No. P/VOC/2021/01834 to amend approved plans).

8.0 List of Constraints

Poyntington Conservation Area - Distance: 59.99

Landscape Character - Limestone Hills and Sherborne Hills - Distance: 0

Areas Susceptible to Groundwater Flooding- Distance: 0

Somerset Levels Hydrological Catchment - Distance: 0

SSSI impact risk zone - Distance: 0

SSSI (5km buffer) - Holway Hill Quarry - Distance: 1134.7

SSSI (5km buffer) - Laycock Railway Cutting - Distance: 3188.66

SSSI (5km buffer) - Sandford Lane Quarry - Distance: 2877.49

SSSI (5km buffer) - Frogden Quarry - Distance: 1785.32

SSSI (5km buffer) - Miller's Hill, Milborne Wick - Distance: 1584.5

SSSI (5km buffer) - Goathill Quarry - Distance: 3417.97

Minerals and Waste Safeguarding Area - ID: 0 - Distance: 0

Minerals and Waste - Building Stone - Name: 0.0 - Distance: 0

9.0 Consultations

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

Consultees

1. DC - Highways

No objection subject to the imposition of conditions on any permission.

2. Dorset Council - Minerals & Waste Policy

Although the proposed development is within the Mineral Safeguarding Area as designated by Policy SG1 of the Mineral Strategy 2014, it is within an existing

curtilage and also within an urban area and as such Dorset Council as minerals/waste planning authority can confirm that in this case, on the site identified for this proposal, minerals and waste safeguarding requirements are waived and no objection will be raised to this proposal on mineral or waste safeguarding grounds

2. Poyntington PC

Poyntington Parish Council objected to this application for the following reasons.

The proposed 2 new properties are totally out of character with the surrounding landscape being much larger than other surrounding buildings in the village and will dominate views from other properties.

The Parish Council believes that building smaller more affordable properties on the same site would be more beneficial in providing much needed affordable accommodation for families who work locally and who would also occupy them all the time.

It cannot be sustainable to build such large properties for single households. The approved permitted development allows for conversion of an existing building which would use far less material and have less negative impact on the environment and landscape.

4. Wessex Water

No objection.

5. DC – Engineer

Verbally expressed on 12/12/2023 - A conceptual surface water drainage strategy should be submitted.

6. DC - Trees (North West Weymouth)

No objection subject to the imposition of conditions on any permission.

7. Natural England

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

Representations received

Total - Objections	Total - No Objections	Total - Comments
10	0	

The authors of the statements of objection, to the proposed development, expressed, in their statements, concerns that the proposed development would:

harm the appearance of the area, take place in an unsustainable location, and have a disproportionate impact on the amenity and quiet enjoyment of residents close by.

References, in the statements, were also made to: unacceptable biodiversity measures; works that have taken place; and future applications.

The consideration that a limited number of semidetached or terraced dwellings, in the form of affordable housing, being more appropriate for the site was also expressed. A consideration that the loss of the polytunnels would prevent the dwelling at Mushroom Farm functioning as part of a mushroom growing business was submitted.

The statement that none of the land to which the application relates is, or is part of, an agricultural holding, was referred to as being incorrect.

10.0 Duties

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

11.0 Relevant Policies

West Dorset, Weymouth & Portland Local Plan 2011-2031 (2015)(Local Plan)

Policy INT1 – Presumption in favour of sustainable development

Policy ENV1 – Landscape, seascape and sites of geological interest

Policy ENV2 – Wildlife and Habitats

Policy ENV5 – Flood Risk

Policy ENV10 – The Landscape and Townscape Setting

Policy ENV12 – The Design and Positioning of Buildings

Policy ENV16 – Amenity

Policy SUS2 – Distribution of development

Policy COM7 – Creating a safe and efficient transport network

Policy COM9 – Parking standards in new development

Policy COM10 – The provision of utilities service infrastructure

National Planning Policy Framework 2023

Section 2 – Achieving sustainable development

Section 4 – Decision making

Section 5 – Delivering a sufficient supply of homes

Section 12 – Achieving well designed beautiful places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

Other material

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

Given the nature of the site and the nature of the proposed development it is considered that the proposal would not have implications for those with a protected characteristic.

14.0 Financial benefits

What	Amount / value
Material Considerations	
Employment created during the phases of the development.	<p>The proposal would require a modest amount of labour from the construction industry during the phases of development.</p> <p>The spending of wages, earned during the phases of development, by those employed, would benefit the economy.</p>
The purchasing of materials and products for the development	The purchasing of materials and products, for the development, would benefit the economy.
Expenditure by residents of the proposed dwellings	The proposed dwellings would house a small number of people who would, in turn, make a small contribution, through expenditure, to the viability of local retailers and service providers.
Non Material Considerations	

Community Infrastructure Levy (CIL)	The charge would be based on the adopted charging schedule of the West Dorset Area.
Council Tax payments	These payments would be based on the value of the properties.

15.0 Environmental Implications

The construction of the dwellings would have a carbon footprint. The production of materials and the transportation of materials would contribute to this footprint.

The occupation of the dwellings would create a carbon footprint. Energy from non-renewable sources would be consumed. It is inevitable that journeys to and from the site would be made by vehicles. Vehicles which use internal combustion engines and battery electric vehicles have carbon footprints.

It is proposed to install solar panels on the southwest facing roof slopes of the proposed dwellings.

Sustainability measures could be incorporated into the development.

There would be a requirement for the buildings to meet the requirements of building regulations, which among other things, require energy efficiency standards to be met.

16.0 Planning Assessment

Principle of development

Policy SUS2 of the local plan sets out the spatial strategy for the location of new development for the period to 2031. Based on sustainable development principles, it seeks to direct development towards the most sustainable locations.

It is identified, in policy SUS2, amongst other things, that: the main towns of Dorchester and Weymouth will be the highest priority location for new development; elsewhere in the plan area, the market towns of Beaminster, Bridport, Lyme Regis, Portland, Sherborne and Crossways will be a focus for future development; development in rural areas will be directed to the settlements with defined development boundaries, and will take place at an appropriate scale to the size of the settlement; and that settlements with no defined development boundary may also have some growth to meet their local needs. Part (iii) of policy SUS2 identifies, amongst other things, that outside defined development boundaries, development will be strictly controlled, having particular regard to the need for the protection of the countryside and environmental constraints. This part of the policy goes on to list the types of development that would, in principle, be acceptable, in the countryside.

The application site of application P/FUL/2022/02416 is identified, on the policies map of the development plan, as forming part of the countryside. In application P/FUL/2022/02416, it is proposed, amongst other things, to construct two unrestricted dwellings, within the application site. The construction of unrestricted dwellings in the countryside is not listed, in policy SUS2, as a type of development

that would, in principle, be acceptable, in the countryside. The proposal is clearly in conflict with policy SUS2.

The application site, by reason of its location, which is remote from services and facilities, does not represent a sustainable location for the construction of two unrestricted dwellings. By virtue of its location and nature, the development would be unsustainable.

The principle of development, by reason of the location of the application site, in the countryside, and the proposed construction of dwellings, is not supported by policy SUS2.

Fallback

The fallback test, as set out in *R v Secretary of State for the Environment and Havering BC (1998)*, requires: A comparison to be made between the proposed development and the fallback development; an establishment of whether there is a lawful ability to undertake such a use; and an establishment of whether there is a real likelihood or real prospect of such occurring.

The Class Q fallback position is covered in case law - *Mansell vs Tonbridge and Malling Borough Council (2017)*. It was established that the basic principle is that for a prospect to be a real prospect, it does not have to be probable or likely, a possibility will suffice.

Under P/PAAC/2021/05205 it was determined that the conversion of an agricultural building within the application site of P/FUL/2022/02416 to two dwellings would be permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) and that prior approval should be granted in accordance with the condition set out in paragraph Q.2 (1) of the GPDO.

This development to provide two dwellings could possibly, legally, take place. It therefore constitutes a Class Q fallback position. The fallback amounts to an important material consideration.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

A comparison of the effect of a proposal against the effect of other development that could lawfully take place is important. It may be established that a fallback position represents a less desirable development or that there is not a noticeable difference between two proposals. The following provides a comparison of the effect of the proposal against the effect of the development that could lawfully take place.

Seven existing polytunnels would remain in situ as part of the fallback position. The existing barn would be converted into two dwellings as part of the fallback position.

The materials of the walls of the barn include concrete blocks, concrete panels, corrugated metal sheets and timber boards. The roof of the barn has been constructed out of corrugated concrete roof sheets. The polytunnels have been constructed out of a green plastic. The walls of the dwellings permitted under P/PAAC/2021/05205 would be constructed out of stone and timber panels. The roof of the barn would be retained.

Rather than carry out the permitted conversion, it is proposed to construct dwelling 2 out of cedar cladding and natural local stone under zinc, or similar, and red double roman tile roofs. It is proposed to construct dwelling 1 out of cedar cladding and natural local stone under zinc, or similar, red double roman tile, and natural slate roofs. The proposed dwellings include two-storey and single-storey elements.

It is proposed to construct the two outbuildings out of grey bricks and timber cladding under red clay double roman tile roofs. The outbuildings also include anthracite grey roller doors.

The proposed dwellings would occupy an area of land between a residential dwelling to the east and a residential dwelling to the north west. The proposed dwellings and their associated outbuildings and gardens would relate well to the dwellings which can be found to the east and northwest.

It is submitted in the Planning Statement, which has been submitted as part of the application, which is the subject of this report, that: the gross internal area of the existing barn and poly tunnels is 1,881.3m²; the volume of the existing barns and polytunnels is 5,992m³; the gross internal area of the proposed development is 883.2; and that the volume of the proposed development is 3,928.5m³. It is concluded that the gross internal area of buildings, within the application site, would be reduced by 998.1m² and that the volume of buildings on the site would be reduced by 2,063.5m³ compared to the fallback position of the permitted conversion.

The existing structure, which was the subject of P/PAAC/2021/05205, is of a bulky design. This structure would continue to form part of the area as part of the fallback position. In contrast, the mass of the proposed dwellings would be broken up by single and two storey-elements. The development which is proposed under P/FUL/2022/02416 would result in the removal of the bulky structure and the development of buildings of a less bulky design. The case officer considers this to result in a visual enhancement to the area's appearance.

The development which is proposed under P/FUL/2022/02416, by reason of: the reduction in the volume of the built form; the replacement of a bulky structure with structures of a less bulky design; the use of roof materials which would be more attractive than the plastic green and concrete panels of the fallback position, when compared to the fallback position, would represent an overall enhancement to the appearance of the area.

The proposed dwellings, by reason of their design, mass and scale, would be visually attractive and sympathetic to local character. The proposed soft landscaping, due to its scale and positioning, would be sympathetic to the area's character. It is therefore considered that the proposal meets the requirements of

policies ENV1, ENV10 and ENV12 of the Local Plan, of which, all, seek, among other things, to achieve well-designed places. In the interest of the character and appearance of the area, it is recommended that conditions, relating to landscaping and materials, should be imposed on any permission.

Nutrient Neutrality

The Somerset Levels and Moors are designated as a Special Protection Area under The Conservation of Habitats and Species Regulations 2017 (as amended) and are listed as a Ramsar Site under the Ramsar Convention. The Somerset Levels and Moors habitat site is in an unfavourable condition due to high levels of phosphorus. The phosphorus causes eutrophication. Development should not result of an increase in phosphorus entering, and causing harm to the integrity of, the habitat site. The application site falls within the Somerset Levels and Moors hydrological catchment. It is therefore necessary for the proposed development, by reason of its nature, to demonstrate that it would not harm the integrity of the habitat site.

It is proposed to plant a 0.9ha woodland and to install package treatment plants to serve the proposed dwellings. It has been demonstrated, in the submitted material, that the proposal would not harm the integrity of the habitat site.

It is recommended that conditions, relating to package treatment plants, should be imposed on any permission, in order to ensure that the development would not harm the integrity of the habitat site.

A, draft, unilateral undertaking, concerning the establishment and management of the area of woodland, has been submitted.

The mitigation outlined above does not form part of the fallback. Therefore, in terms of biodiversity, the fallback represents a less favorable development.

Biodiversity

A document, certifying that the Biodiversity Plan submitted by the applicant, has been approved by the Dorset Natural Environment Team, has been received. In the interest of biodiversity, it is recommended that a condition, relating to the adherence to the Biodiversity Plan, should be imposed on any permission.

It is therefore concluded that, subject to the imposition of the conditions referred to, the proposal would accord with policy ENV2 which seeks, among other things, to ensure that biodiversity is conserved or enhanced.

As noted above, section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, having regard to the above, it is considered that the conflict with the development plan in respect of the location of the proposal is outweighed by the potential benefits to the character and appearance of the area and biodiversity.

It is therefore considered that the proposal would provide a betterment over and above the development granted under P/PAAC/2021/05205.

It is proposed to site one of the proposed dwellings and an outbuilding in a location which would prevent the implementation of the two dwellings granted under P/PAAC/2021/05205.

Living conditions

Occupiers of the proposed and existing dwellings would not be subject to an overbearing effect, which would harm their residential amenity, due to the size and mass of the buildings concerned and their separation distance from each other.

Occupiers of the proposed and existing properties would not be subject to an overlooking effect, which would harm their residential amenity due to the views that would be possible from openings and vantage points.

The proposal would accord with policy ENV16 which seeks to ensure that development proposals would not have a significant adverse effect on the living conditions of the occupiers of properties.

Flood Risk

Policy ENV5 requires new development to be planned to avoid risk of flooding where possible.

In the interest of preventing an increase in flood risk, a drainage engineer, of the Council, recommended that a condition, relating to drainage, should be imposed on any permission. In the interest of preventing an increase in flood risk, it is recommended that such a condition should be imposed on any permission.

Subject to the imposition of the recommended condition it is considered that the proposal would comply with policy ENV5.

Contamination

Given the historic use of the site, in order to ensure that risks from contamination are minimised, it is recommended that a condition, relating to contamination, is imposed on any permission.

Highway safety

It is identified in part (iv) of Policy COM7 that, development will not be permitted unless it can be demonstrated that it would not have a severe detrimental effect on road safety, or measures can be introduced to reasonably mitigate potentially dangerous conditions.

Subject to the imposition of conditions, relating to: the vehicle access; visibility splays; and manoeuvring and parking areas, on any permission, the Highways

Engineer, of the Council, did not object to the proposal on the grounds that it would have a severe detrimental effect on road safety.

In the interest of highway safety, it is recommended that the conditions, which have been recommended by the Highways Engineer, should be imposed on any permission.

It is therefore concluded that the proposal, subject to the imposition of the recommended conditions, would not have a severe detrimental effect on road safety and therefore complies with Policy COM7.

Agricultural holding

Certificate A has been completed. By completing Certificate A, the applicant certifies that on the day 21 days before the date of the application nobody except themselves was the owner of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding.

In the comments of third parties, the reference to agricultural holding was questioned.

Agricultural holding has the meaning given by reference to the definition of agricultural tenant in section 65(8) of The Town and Country Planning Act (as amended). This definition reads as follows:

“agricultural tenant”, in relation to any land, means any person who—

(a) is the tenant, under a tenancy in relation to which the Agricultural Holdings Act 1986 applies, of an agricultural holding within the meaning of that Act any part of which is comprised in that land; or

(b) is the tenant, under a farm business tenancy (within the meaning of the Agricultural Tenancies Act 1995), of land any part of which is comprised in that land

The application should progress to be determined on the grounds that the correct certificate has been completed.

17.0 Conclusion

The location of the development in the countryside conflicts with the spatial strategy which seeks to locate development in sustainable locations. However, the case officer considers that there are material considerations in this instance which indicate that the development should be permitted. Prior approval has been granted for the conversion of the existing barn to two dwellings. This is considered to be a fallback position in terms of the acceptance of the location for the proposed dwellings, as this already has permission through the approval of the permitted development application. This application would provide a reduced scale in sections of the new building through breaking up the mass compared to the existing agricultural building. It would also result in a better design over the more utilitarian conversion, with higher quality materials and an improved layout that would better relate to the existing development.

For the reasons given it is concluded that that the proposal should be granted subject to the conditions below and subject to the receipt of an acceptable unilateral undertaking under section 106 of the Town and Country Planning Act 1990 (as amended).

18.0 Recommendation

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

- Secure a 0.9ha woodland managed in the long term
- Monitoring fee of £1,510

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

Recommendation B; Refuse permission for failing to secure the obligations above if the agreement is not completed by (31 August 2024) or such extended time as agreed by the Head of Planning.

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 material:

715/01 P2 – Received 23/11/2022

715/02 P1 - Received 23/11/2022

13205/001 B – Received 23/11/2022

13205/003 C - Received 23/11/2022

13205/004 A - Received 23/11/2022

13205/005 A - Received 23/11/2022

13205/006 A - Received 23/11/2022

13205/007 - Received 23/11/2022

13205/008 - Received 23/11/2022

13205/009 - Received 23/11/2022

13205/011 A - Received 14/02/2024

097 210 – Received 07/07/2023

13205/G1 A - Received 19/03/2024

13205/G2 A - Received 19/03/2024

Ecological Impact and Phosphates Assessment – Received 27/03/2024

Tree and planting schedules – Received 12/07/2023

Landscape Maintenance and Management Plan – Received 07/07/2023

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

3. The measures set out within the approved Biodiversity Plan, certified by the Dorset Council Natural Environment Team, on 28/03/2024 must be strictly adhered to. The dwellings hereby approved must not be occupied until the measures detailed in the approved biodiversity plan have been completed in full and evidence of compliance, in accordance with section J of the approved Biodiversity Plan, has been supplied to the Local Planning Authority. Thereafter, the approved measures must be permanently maintained and retained in accordance with the approved details.

Reason: In the interest of biodiversity.

4. Prior to the commencement of any development, hereby approved, above damp proof course level, details of all external facing materials for the walls and roofs of the buildings shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

5. Prior to the occupation of the development, hereby approved, the existing agricultural structures on the site shall have been demolished and all arising materials shall have been removed from the site.

Reason: In the interest of visual amenity.

6. Prior to the occupation of the development, hereby approved, the first 5.0m of the vehicle access', measured from the rear edge of the highway (excluding the vehicle crossing), shall have been laid out and constructed to a specification which shall have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interest of highway safety.

7. Prior to the use of the development hereby approved the visibility splay areas as shown on the approved drawings must have been cleared/excavated to level not exceeding 0.6m above the relative level of the adjacent carriageway. Thereafter, the visibility splay areas must be maintained and kept free from obstruction in perpetuity.

Reason: In the interest of highway safety.

8. Prior to the occupation of the development hereby approved the turning/manoeuvring and parking areas shown on the approved plans must have been constructed. Thereafter, these areas must, in perpetuity, be maintained, kept free from obstruction, and made available for the turning/manoeuvring and parking of vehicles.

Reason: In the interest of highway safety.

9. In the event that unidentified contamination is found during the construction phase of the development, hereby approved, work shall cease and the contamination shall be reported to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of BS10175 (as amended). Should contamination, requiring remediation be found, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Measures identified in the approved remediation scheme shall be completed. Prior to the recommencement of work, a verification report shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

10. Prior to the commencement of any development, hereby approved, an Arboricultural Method Statement (AMS), prepared by a qualified tree specialist, providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development, must have been submitted to, and approved in writing by the Local Planning Authority. All works must be carried out in accordance with the approved details. In particular, the method statement must provide the following: a) a specification for protective fencing to trees and hedges which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing; b) a schedule of tree work conforming to BS3998; c) details of the area for storage of materials, concrete mixing and any bonfires; d) plans and particulars showing the location of any proposed soakaway or water or sewage storage facility; e) details of any no-dig specification for all works within the root protection area for retained trees; f) details of the supervision to be carried out by the developers tree specialist.

Reason: In the interest of the appearance of the area.

11. Prior to the commencement of any development, hereby approved, details of planting times of trees, trees species and tree sizes shall have been submitted to, and approved in writing by, the Local Planning Authority. All tree planting shall be carried out in accordance with the approved details.

Reason: In the interest of the appearance of the area.

12. If within a period of ten years from the date of the planting of any tree, that tree or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the tree it replaces.

Reason: In the interest of the appearance of the area.

13. Prior to the commencement of any development, hereby approved, above damp course level, a schedule of landscape maintenance covering a minimum period of ten years following substantial completion of the development (including details of the arrangements for its implementation) shall have been submitted to, and

approved in writing, by the Local Planning Authority. The subsequent maintenance of the development's landscaping shall accord with the approved schedule.

Reason: In the interest of the appearance of the area.

14. Prior to the commencement of any development, hereby approved, details of the finished floor levels of all of the buildings hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be relative to an ordnance datum or such other fixed feature as may be agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

15. Prior to the commencement of any development hereby approved, above ground level, a detailed surface water management scheme for the site, shall have been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of the development hereby approved the approved detailed surface water management scheme shall have been implemented in accordance with the approved details. The surface water management scheme shall be maintained in perpetuity.

Reason: In the interest of the proper development of the site

Informative Notes:

1. 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.

2. 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 applicants/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 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 on 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.

4. The applicant is reminded of their responsibility to submit evidence of compliance with the Biodiversity Plan to Dorset Natural Environment Team in order to comply fully with requirements of condition 3.

Agenda Item 9

Application Number:	P/FUL/2024/00218		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	5 Mill Lake Factory Hill Bourton Dorset SP8 5FS		
Proposal:	Retain change of use from Residential (Class C3) to Mixed Use (Residential Class C3 and Office Class E)		
Applicant name:	Mr Sean Dandy		
Case Officer:	Jamie Francis		
Ward Member(s):	Cllr Potheary, Cllr Ridout, Cllr Woode		
Publicity expiry date:	2 nd April 2024	Officer site visit date:	20 th February 2024
Decision due date:	17 th July 2024	Ext(s) of time:	17 th July 2024
No of Site Notices:	2		
SN displayed reasoning:	<ul style="list-style-type: none"> - On fence post on south boundary of property - On fence post on north boundary of property 		

1.0 Service Manager for Development Management decided application to be determined by Planning Committee in light of the committee referral request made by Dorset Council Member Cllr Ridout, and noting the objections raised by the Parish Council.

2.0 Summary of recommendation:

Grant, subject to conditions

3.0 Reason for the recommendation

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
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Principle of development	The principle of a change of use from residential to mixed use (offices and residential) is considered acceptable in this location, in accordance with the NPPF, Local Plan and Neighbourhood Plan.
Impact on the living conditions of the occupants and neighbouring properties	<p>Offices are defined in the use classes order as Class E(g)(i) which are considered:</p> <p>‘Uses which can be carried out in a residential area without detriment to its amenity’</p> <p>The change of use from residential to a mix of office and residential is not considered to result in significant harm to neighbouring properties through noise or disturbance. The scale of the development is small-scale, allowing two bedrooms to be used as offices, and the living area as a meeting space.</p>
Highway impacts, safety, access and parking	<p>Dorset Highways Officer did not object but commented:</p> <p>‘The proposed floor plan suggests that there could be three offices available. The allocated parking spaces for this property are two. There is a possibility that visitors will have to park in the immediate vicinity of the site. Whilst this would not appear to present any highway safety issues it could impact upon amenity. This concern could be further compounded if the offices are let on an individual basis that could lead to a greater parking demand.’</p> <p>However, the amended plans have reduced the change of use to only include two offices, reflecting its current use to be retained. Considering there are two offices, and the application form confirms there are two employees, the parking is considered acceptable. Furthermore, upon a site visit, the case officer considered there is ample parking in the surrounding area during working hours, should on-street parking be required, should the employees increase, or a meeting occur.</p>

5.0 Description of Site

The site is located within the settlement boundary of Bourton. The site is located along the west of Mill Lake, where it joins the junction of Factory Hill. The area is

part of the Bourton Mills estate, which is a 35 dwelling residential area currently under construction.

The building is a 4-story terraced dwelling, currently in mixed use as an office and dwelling. The adjoining and surrounding properties are in residential use.

6.0 Description of Development

The development seeks to retain the change of use of the building from Residential (Class C3) to Mixed Use (Residential Class C3 and Office Class E). The office uses are on the first floor and second. Altering the original floor plans from Living Area and Bedrooms to Meeting Space and Offices respectively. The residential use of the third floor is retained, as is the garage and toilet facilities on the ground floor.

7.0 Relevant Planning History

2/2012/0066/PLNG - Decision: Granted - Decision Date: 27/01/2014

Develop the land with a mixed use development comprising of 29 No. dwellings with parking and Class B1 business use with parking. (Outline application to determine access and layout).

2/2015/1841/PLNG – Decision: Granted. Decision Date: 20/05/2016

Application to vary conditions from application number: 2/2012/0066/PLNG dated 27/01/2014 to Condition Number(s): 4 - Amend the layout of the approved employment use and replace with 6 no. residential units

2/2016/0610/REM - Decision: Granted. Decision Date: 20/07/2016

Erect 35 No. dwellings with garaging, parking and associated landscaping. (Reserved Matters application to determine Appearance, Landscaping and Scale, following grant of Outline Planning Permission No. 2/2015/1841).

P/VOC/2022/03470 - Decision: Granted. Decision Date: 10/03/2023

Erect 35 No. dwellings with garaging, parking and associated landscaping. (Reserved Matters application to determine Appearance, Landscaping and Scale, following grant of Outline Planning Permission No. 2/2015/1841/VARIA approved under 2/2016/0610/REM). (Variation of condition No. 1 under planning permission 2/2016/0610/REM to allow amendments to Plot 14 and Plot 20).

8.0 List of Constraints

Risk of Surface Water Flooding Extent 1 in 30

Flood Zone 3

9.0 Consultations

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

Consultees

1. Bourton Parish Council

1. As part of the approval for development of the Bourton Mill site, the applicant received clearance for a temporary site office, located at the north of the 'open space' (on the south side of the development).

Until Q1 2023 the applicant had been using a portacabin on this location as the site office, such that it was the administrative hub for the Bourton Mill development. However, following completion of Plot 21 & 21A dwellings, the applicant relocated the site office to 5 Mill Lake (plot 21 on the Bourton Mill schematic diagram).

2. The portacabin ceased being used as the Bourton Mill site office in early-2023. As recent photos of the site office in Figures 1 & 2 (below) indicate, the portacabin is still in its original location but is now used by Max Haulage & Plant Ltd., which is run by the developer's son, mainly for its associated vehicle parking.

3. If the applicant intends using the 5 Mill Lake dwelling for business purposes following completion of the Bourton Mill site's development, the application should be refused as being wholly inappropriate for a rural residential housing development. Also, should the change of use be approved, it will obviously reduce the number of residential properties on the Bourton Mill site.

4. The access road to the 5 Mill Lake property is very narrow. The property's change of use, especially if it extends to external business and commercial activities, is likely to involve numerous visitors for which there is no parking provision. This will inevitably cause disruption to residents of neighbouring properties.

For these reasons, Bourton PC opposes this application for change of use. However, should the application be approved, Dorset Council must insist that the portacabin be removed and the area that it currently occupies be grassed and returned to its role as part of the flood alleviation basin.

2. DC - Rights of Way Officer

No comments received

3. Ramblers Association

No comments received

4. Gillingham Ward Member – Cllr Potheary

No comments received

5. Gillingham Ward Member – Cllr Ridout

No comments received other than the request that the application is determined by the Committee.

6. Gillingham Ward Member – Cllr Woode

No comments received

7. DC - Highways

The proposed floor plan suggests that there could be three offices available. The allocated parking spaces for this property number two. There is a possibility that visitors will have to park in the immediate vicinity of the site. Whilst this would not appear to present any highway safety issues it could impact upon amenity. This concern could be further compounded if the offices are let on an individual basis that could lead to a greater parking demand.

Representations received

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

10.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

11.0 Relevant Policies

Development Plan

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

Adopted North Dorset Local Plan:

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 2 - Core Spatial Strategy
- Policy 12 - Retail, Leisure and other Commercial Developments
- Policy 23 - Parking
- Policy 24 - Design
- Policy 25 - Amenity

Made Bourton Neighbourhood Plan

- Policy 4 - Traffic and Parking
- Policy 12 - Support for Local Business

Emerging Local Plans:

The Dorset Council Local Plan

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

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.

Other relevant NPPF sections include:

Paragraph 86 sets out plans should be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.

Paragraph 93 sets out that a sequential approach should not be applied to applications for small scale rural offices or other small scale rural development

Other material considerations

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people

- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

The proposal is not considered to result in any disadvantages under the Public Sector Equalities Duty to persons with protected characteristics.

Environmental Implications

None relevant to the proposed change of use.

14.0 Planning Assessment

Principle of the Development

The application to retain the change of use of a mix use of office and residential, in a residential area, is considered under local plan Policy 12 - Retail, Leisure and other Commercial Developments.

The policy states that proposals for retail and other main town centre uses that are not in an existing town centre and are not in accordance with the development plan will only be permitted if:

- h) they satisfy the ‘sequential test’ in national policy; and
- i) they will not have a significant adverse impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- j) they will not have a significant adverse impact on town centre vitality and viability.

Point h) is addressed in the NPPF Para 93 which states that ‘this sequential approach should not be applied to applications for small scale rural offices or other small scale rural development’, such as this application.

This small building company office, featuring two bedrooms converted into offices, and 1 living/kitchen area to become a meeting space would not have a significant adverse impact on planned public and private investment in a centre, or significant adverse impact on town centre vitality/viability. Therefore, the proposal is considered to comply with Local Plan Policy and the NPPF.

Policy 12 of the Bourton Neighbourhood Plan Policy 12 (Support for Local Business) states that:

“Proposals that support working from home, local tourism, the development of small-scale social enterprises and other businesses that meet the needs of the community, such as the creation of live-work units, will be supported provided that they would:

- a) Not involve the loss of dwellings.

- b) Contribute to the character and vitality of the local area.
- c) Protect residential amenity.
- d) Not adversely impact upon road safety.
- e) Conform to the environmental and other policies in this plan.”

Initially the proposal involved the loss of a dwelling as all floors of the building were to be converted into office space, however following a discussion with the agent, it was agreed that the third floor should be retained as living accommodation, and the ground floor shall be retained as garage space and therefore the property would be in mixed use.

This change to the description and plans also reflects the current use of the building. This amendment ensures that the building still functions as a dwelling, limits the level of office activity, and ensures appropriate parking and/or storage would be available. The amended plan means that the application is considered to comply with the neighbourhood plan policy, as a dwelling is partially retained.

A condition requiring only the first and second floors to be used as offices, and no other Class E use is recommended. This is to ensure that further expansion of office space does not occur, and serves to prevent the business activity becoming excessive. Although office use is considered one which can be carried out in a residential area without detriment to its amenity, other potential Class E uses could cause significant impacts to amenity.

Conditions have also been agreed requiring the office functions of the building to only be used for this purpose during the regular daytime business hours. This seeks to prevent loss of amenity to neighbouring properties outside of normal working hours.

Furthermore, these conditions serve to contain the level of activity which in turn should reduce the demand for parking and limiting the necessity of employee parking to daytime hours.

Considering the number of employees employed at the property is two, and the limitations on office space, the onsite parking space is likely to meet requirements on most occasions. Should this not be sufficient due to a meeting, there is parking space along Factory Hill, a short walk to the south of the site.

The Parish Council's objections relating to the use of the current site office are not material considerations and are considered a separate matter that could be pursued by the Council's Planning Enforcement Team should it be considered there is a breach of condition or planning control. The further objections raised by the Parish Council and Highways Officer in relation to parking and amenity have been addressed above and are considered to be satisfactorily mitigated by the agreed conditions.

15.0 Conclusion

The development would comply with the development plan taken as a whole. Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise. The site is located within the settlement boundary of Bourton and is considered to be a sustainable location for small scale office use.

There would be no significant harm to neighbouring residential amenity and sufficient parking would be provided to serve the development.

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

16.0 Recommendation, Grant, subject to conditions:

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

PP-12719325v1 Location Plan

21-00-091 P1 Block plan of the site

21-00-200 P1 Existing Floor Plans & Elevations

21-10-200 P2 Proposed Elevations & Floor Plans

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

2. The first and second floor shown on drawing number 21-10-200 P2 shall not be used for the office purposes hereby permitted outside the hours of 08:00 to 17:30 on Mondays to Fridays, 08:00 to 17:30 on Saturdays, and 09:00 to 16:00 on Sundays or Public Holidays.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, and the Town & Country Planning Use Classes Order 1987 as amended (or any order revoking and re-enacting those Orders with or without modification) the first and second floor of the building shown on drawing number 21-10-200 P2 shall be used for offices and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order. The 3rd floor shall remain as residential living accommodation and not be used for any other purpose.

Reason: The Council considers an unrestricted Class E use may not be compatible with the living conditions of surrounding residential properties, and do not consider that business activity should expand further in this location.

Informative Notes:

1. 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 applicants/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.

Application Number:	P/HOU/2024/02580		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	2 Vale Cottages Ring Street Stalbridge Dorset DT10 2LZ		
Proposal:	Erect single storey rear extension		
Applicant name:	MR & MRS TOTTLE		
Case Officer:	Pete Markham		
Ward Member(s):	Cllr Vitali		
Publicity expiry date:	15 June 2024	Officer site visit date:	16 May 2024
Decision due date:	8 July 2024	Ext(s) of time:	19 July 2024
No of Site Notices:	2		
SN displayed reasoning:	1 – on gate in front of primary elevation 1 – on lamppost in front of neighbouring Stalbridge Methodist Church		

1.0 Reason for Consideration at Committee

The application is brought to committee as the applicant is a member of staff that has a direct involvement in the planning process (but not in relation to this particular application).

2.0 Summary of recommendation:

GRANT subject to conditions

3.0 Reason for the recommendation: as set out in paras 16 at end of the report

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of extending a residential dwellinghouse is acceptable
Impact on the character of the area and heritage assets	The proposal would not demonstrably harm the character of the area, the Conservation Area or any neighbouring listed buildings.
Impact on neighbouring amenity	No significant impact to neighbouring properties
Impact on Biodiversity	No significant impact on Biodiversity
Flood risk and drainage	No concerns in regard to flood risk

5.0 Description of Site

2 Vale Cottages is located in the village of Stalbridge and is situated along the main route through the town (A357 – Ring Street), and opposite the entrance to Dikes supermarket.

The property is a semi-detached dwelling, located adjacent to Stalbridge Methodist Church. Across the road (Southwest of the properties primary elevation) is a Grade II Listed Building, Bruneseilla and the Thatched Cottage. The property is situated within Stalbridge Conservation Area.

The external walls of the primary elevation and side elevation are composed of stone, with the rear elevation in render and the roof is comprised of plain tiles. The property has access to the rear through a gate which leads to garages and off road parking.

6.0 Description of Development

The proposal seeks to create a single storey rear extension to the northeast elevation of the existing property. The proposed ultraroom tiled roof of the extension will be a lean-to style with a rooflight in the centre. The external walls will have a render finish to match the existing dwelling, with windows in white upvc to match. The extension would measure approximately 3.05 metres deep by 2.9 metres wide, with the height of 3.1 metres at its highest point, 2.3 metres high to the eaves.

7.0 Relevant Planning History

2/1998/0075 - Decision: GRA - Decision Date: 11/06/1998
Erect 2 no. semi-detached houses, form vehicular access there to

8.0 List of Constraints

Grade: II Listed Building: BRUNESSELLA AND THE THATCHED COTTAGE List Entry: 1153093.0; - Distance: 10.19

Application is within Stalbridge Conservation Area - Distance: 0

Groundwater – Susceptibility to flooding; - Distance: 0

Site of Special Scientific Interest (SSSI) impact risk zone; - Distance: 0

Scheduled Monument: Medieval standing cross near the junction of the High Street and Gold Street, 240m south east of St Mary's Church (List Entry: 1014850.0); - Distance: 227.4

Radon: Class: Class 1: Less than 1% - Distance: 0

9.0 Consultations

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

Consultees

1. **Stalbridge Town Council**

No Objection to proposal

2. **DC - Conservation Officer**

No Objection to proposal

2 Vale Cottages is a modern property located in the Stalbridge Conservation Area and situated opposite Grade II listed Brunessella and The Thatched Cottage. The proposed rear extension will not harm the significance of the listed building or its setting. While there will be oblique views of the new extension from the Conservation Area if heading north along Ring Street, the extension, which is single storey, small scale and to be finished in matching materials to the existing building, is not considered to cause harm to the special character and appearance of the Conservation Area. We therefore have no objection to the proposal which can be supported by Conservation.

3. **Cllr Vitali Stalbridge & Marnhull**

No comments received.

Representations received

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

Petitions Objecting	Petitions Supporting
0	0

Summary of comments of objections:

No comments received.

Summary of comments of support:

No comments received.

10.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 16 requires that in considering whether to grant listed building consent, special regard is to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

11.0 Relevant Policies

Development Plan

Adopted North Dorset Local Plan:

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

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 2 - Core Spatial Strategy
- Policy 3 - Climate Change
- Policy 4 - The Natural Environment
- Policy 5 - The Historic Environment
- Policy 24 - Design
- Policy 25 - Amenity

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

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

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.

Other 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 15 'Conserving and Enhancing the Natural Environment'- Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).

Other material considerations

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

In this case there are no known protected characteristics in relation to the applicant or occupants of adjoining dwellings, nor any impact on persons with protected characteristics because of the development.

14.0 Financial benefits

None

15.0 Environmental Implications

The development would need to comply with current building standards in respect of insulation. There are no other climate change implications as a result of this development.

16.0 Planning Assessment

Principle of development

Policy 2 of the adopted North Dorset Local Plan sets out that all development proposals should be located in accordance with the spatial strategy for North Dorset, which promotes growth in the 4 main towns, Stalbridge and 18 larger villages. The proposed development site is located in Stalbridge and is inside of a designated settlement boundary, and therefore complies with Policy 2 of the Local Plan.

Impact on the character of the area and heritage assets

2 Vale Cottages is located inside of the Stalbridge Conservation Area. Located across Ring Street, approximately 10 metre Southwest is a Grade II Listed Building, Brunessella and the Thatched Cottage. Due to the nature of the proposal, to the rear elevation, it is considered that the proposed works would not adversely impact on neighbouring listed buildings or the conservation area. Therefore, there would be no harm to the significance of the designated assets.

It is judged that the proposal would be harmonious to the main dwelling in regard to design and scale and would be subservient to the main dwelling. It is considered that the proposal would not demonstrably harm the character of the area. Therefore, the proposal would comply with Policy 5 and Policy 24 of the Local Plan.

Impact on neighbouring amenity

Regarding privacy, Policy 25 states that *“Development will be permitted provided that it is designed to protect the privacy of its occupants and those of neighbouring properties”*. Regarding sunlight and daylight, Policy 25 states that *“Development will be permitted provided that any buildings and associated open areas (including gardens) receive adequate levels of daylight and sunlight and the levels of daylight and sunlight reaching any neighbouring property and open space are not reduced below acceptable levels”*.

The officer considered the proposed works in relation to neighbouring properties, specifically Stalbridge Methodist Church. It is considered that the proposal would not significantly overlook or cause overbearing issues to any neighbouring properties given the position of the proposal in relation to the main dwelling and neighbouring properties and is considered to comply with Policy 25 in the Local Plan.

Impact on Biodiversity

Policy 4 in the Local Plan states that *‘Where there is likely to be an impact on nationally protected or locally rare or scarce species, an assessment of the impact on these species should be submitted to accompany development proposals. This should be appropriate to the scale of development and be informed initially through consultation with the local environmental records centre’*.

A Biodiversity Checklist was completed as part of the application, which outlined there was not a need for further ecological surveys. The officer considers that the proposed works will have no further impact on biodiversity than the existing dwelling.

Flood risk and drainage

The property sits in Flood Zone 1, and not at risk of fluvial flooding. The property does not lie within an area at risk of surface water flooding but is inside areas mapped at risk of groundwater flooding. The officer does not consider that the proposed extension would be any more at risk than the existing dwelling.

17.0 Conclusion

This proposal is judged to comply with policies listed above and so complies with the Development Plan as a whole with no material planning considerations indicating permission should be refused.

18.0 Recommendation

GRANT of planning permission 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:

WAC/1366/L01 Location Plan

WAC/1366/L02 Block Plan

WAC/1366/P01 Proposed Floor Plans & Elevations

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

Informative Notes:

1. 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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

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