



# Northern Area Planning Committee

**Date:** Tuesday, 3 September 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](mailto:megan.r.rochester@dorsetcouncil.gov.uk)

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

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## Agenda

Item	Pages
<b>1. APOLOGIES</b>	
To receive any apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b>	
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 - 14

To confirm the minutes of the meeting held on Tuesday 16<sup>th</sup> July 2024.

**4. REGISTRATION FOR PUBLIC SPEAKING AND STATEMENTS**

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

The deadline for notifying a request to speak is 8.30am on Friday 30<sup>th</sup> July 2024.

**5. PLANNING APPLICATIONS**

To consider the applications listed below for planning permission.

**6. P/FUL/2024/01509 - THE STABLES, LONG MEAD, MELWAY LANE, CHILD OKEFORD, BLANDFORD FORUM, DT11 8EW** 15 - 28

Erect garage and plant room.

**7. P/VOC/2024/03162 - 2A MILL LANE, CHARMINSTER, DT2 9QP** 29 - 38

Erect first floor extension over existing garage, new dormer window and associated works (with variation of condition 2 of Planning Permission P/HOU/2022/04717 to amend external materials).

**8. P/VOC/2024/01076 - FROGMORE LANE, SIXPENNY HANDLEY, DORSET, SP5 5NY** 39 - 58

Residential development comprising 7 new dwellings with ancillary car parking. (With variation of Condition Nos. 2, 9, 10 and 12 of Planning Permission No. P/VOC/2022/05646 to substitute approved plans for a revised layout, house and garage designs, and surface water drainage).

**9. WD/D/20/003259 - LAND NORTH OF WANCHARD LANE, CHARMINSTER** 59 - 94

Erection of 30 dwellings, associated highways works, landscaping, public open space and associated infrastructure.

**10. P/FUL/2021/02623 - FOUR PADDOCKS LAND SOUTH OF ST GEORGES ROAD, DORCHESTER** 95 - 146

Erection of 107 No. dwellings & associated works, including the formation of access, landscape & ecological enhancements.

11. **P/OUT/2023/01413 - LAND BETWEEN LINDEN HOUSE AND ROSE COTTAGE, WAVERING LANE WEST GILLINGHAM, SP8 4NR** 147 - 160

Erection of 2no. dwellings with associated parking & amenity areas & a new vehicular access (outline application to determine access only).

12. **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.

13. **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 16 JULY 2024

**Present:** Cllrs Richard Crabb (Chair), David Taylor (Vice-Chair), Barrie Cooper, Jack Jeanes, Sherry Jespersen, Carole Jones, Rory Major, Val Potheary, Belinda Ridout and Carl Woode.

**Apologies:** Cllrs Les Fry and James Vitali.

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

Steven Banks (Planning Officer), Philip Crowther (Legal Business Partner - Regulatory), Paul Eastwood (Engineer (Development Liaison)), Jamie Francis (Planning Officer), Joshua Kennedy (Democratic Services Officer), Robert Lennis (Lead Project Officer), Pete Markham (Planning Officer), Steve Savage (Transport Development Liaison Manager), Alex Skidmore (Lead Project Officer), Hannah Smith (Development Management Area Manager (North)) and Megan Rochester (Democratic Services Officer).

**10. Declarations of Interest**

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

**11. Minutes**

The minutes of the meeting held on Tuesday 4<sup>th</sup> June were confirmed and signed.

**12. 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.

**13. Planning Applications**

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

**14. P/RES/2022/03733 - Land Northeast of Lower Bryanston Farm, Fair Mile Road, Bryanston, Dorset**

The Case Officer provided members with the following updates:

- There was missing text under the description of the development.

- Landscape revision plans.
- Note within section 10 of the report, section 72 of the listed buildings and conservation act was added.

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 affordable housing layout, front elevations and location plan were shown. Members were informed that there had been objections raised from Dorset AONB and concerns from landscape officers were addressed. Access had been previously approved at the outline stage and the Case Officer highlighted the structured tree planting across perimeters, referencing additional street trees and hedging on boundaries. The presentation also provided information regarding flood mitigation and photographs of street scenes and the parking layout as well as outlining the proposed material schedule and landscaping details. The officer's recommendation was to grant planning permission subject to conditions set out in the officer's report.

Mr Savage (Transport Development Manager) discussed the site access which had appropriate visibility splays. He also highlighted footway connections across the site which linked to traffic calming areas and access to the school. In addition to this, the Transport Development Manager also discussed the Highway Improvement Plan which had the intension of amending the pedestrian cycle route. Members were assured that all access had been approved. The layout was suitable for adoption and had carefully been considered to ensure safety for all road users. This was reflected with the vehicular speeds being kept below 20mph. The site consisted of a traditional layout with footways on both sides of the road. Mr Savage also set out the number of parking spaces per household as well as referring to on street parking which had been checked with refuse and emergency vehicles. On balance, Highways were content with the layout, and it was suitable for adoption.

### **Public Participation**

Mr Wright made a representation and explained how he had worked closely with officers to deliver the proposal which would have provided over 70 high quality homes. He highlighted the inclusion of affordable, shared ownership and homes to rent which would've been spread across the site whilst being in keeping with the character of the area. There had been no objections from the council housing officer and the scheme was compliant with standards. Mr Wright confirmed that he had met with local residents as well as the Parish Council and respected their concerns which he had responded to. He highlighted drainage features, additional planting and the inclusion of solar panels and electric charging for all homes. The agent noted that the highways team supported the proposal and hoped members would support the officer's recommendation.

Cllr Gale addressed the committee and expressed his concerns regarding the proposal. He did not feel as though the site should have come to committee this early and was disappointed that there had been no further ecological surveys conducted since 2012. Cllr Gale also referred to the site access and hoped members would review before supporting further work.

### **Members questions and comments**

- Clarification regarding whether conditions 14 and 15 of the officer's report had been met from outline.
- Members noted that there had been no conflict with the local plan.
- Questions regarding ecological considerations on site.
- Clarification regarding the number of affordable housings on the site.
- Clarification regarding pedestrian access points.
- Questions regarding the speed limit on site.
- Members highlighted that it had been a complex application and developers had worked hard with officers to produce a high-quality development which had received no objections.

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 Sherry Jespersen, and seconded by Cllr Belinda Rideout.

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

#### 15. **P/FUL/2021/02623 - Four Paddocks Land South of St Georges Road, Dorchester**

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. The presentation highlighted the requirement for a new site access, outlining a new junction arrangement. The Case Officer highlighted the different sections of the proposed site with the inclusion of images looking towards the site as well as proposed street scenes and elevations, noting that it was on a gradient. Members were also informed of additional tree and shrub plantation, ecological enhancements and landscape buffering between the proposed site and heritage assets. Comments made by Highways had been highlighted in the report in which the Case Officer discussed the reconfiguration of cycle pedestrian routes. The presentation also identified the level crossing which neighboured the site as well as highlighting the percentage of affordable housing. The officer's recommendation was to 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.

Mr Savage (Transport Development Manager) discussed the traffic calming measures and traffic generation, highlighting both morning and evening peaks. He explained to members that the site was low traffic generating and had sufficient

width for passing construction vehicles. The Transport Development Manager drew members attention to the proposed site access as well as visibility. A construction management plan had been conducted and he was satisfied by improvements which were deliverable and appropriate to the proposal.

### **Public Participation**

Mr Absen addressed the committee and noted that development was needed in the area, however he was concerned regarding the construction period as well as the addition of vehicular movements and how this would have negatively impacted local residents. Mr Absen also discussed concerns regarding the loss of green land as the site was currently enjoyed by residents.

### **Members questions and comments**

- Clarification regarding construction times and site access.
- Questions regarding ecological considerations on site.
- Confirmation on adoptive areas on the proposed site.
- Comments regarding preferences of the inclusion of single or two storey preferences as three storey dwellings could be intrusive.
- Members were disappointed to see a planning application before the number of affordable housings had been agreed.
- Referenced paragraph 16.8 of the officer's report – concerns regarding dwellings which had noted the minimum living space requirements.
- Reassurance regarding the level of risk to the general public using the level crossing.
- Noise pollution mitigation.
- Questions regarding sewage works and nutrient neutrality.
- Surface and wastewater mitigation.
- Accessibility for wheelchair users.
- Members were pleased to see the inclusion of electric car charging points.
- Potential for affordable housing was high and the design of the proposal was a good standard.
- Clarification regarding the maintenance of plot 5.
- Members requested an informative note to be added to the minutes which highlights their disappointment regarding the consideration of houses not meeting housing standards being included within affordable housing.
- Queried whether permitted development rights should be removed for Plot 75 to prevent unwelcome enlargements which could impact harmfully upon the setting of the adjacent listed building (Maxgate).

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 Rory Major, and seconded by Cllr Sherry Jespersen subject to additional conditions of limited permitted development rights for Plot 75.



**Decision:** To grant the officer's recommendation for approval subject to the additional condition of limited permitted development rights for Plot 75.

In accordance with Procedural Rule 8.1 the committee voted to extend the duration of the meeting.

16. **P/FUL/2022/02416 - Mushroom Farm, Cow Lane, Poyntington, Sherborne, DT9 4LF**

The Case Officer provided members with the following updates:

- There was a typo in the officer's report relating to cubic meters.

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 and proposed site plans, floor plans, proposed structure elevations and roof plans were shown. Members were also provided with details of the proposed woodland planting as well as the landscape mitigation plan. The presentation included images from different viewpoints and the Case Officer set out the key issues of principle of development, referring to the character and appearance as well as nutrient neutrality. The officer's recommendation was to 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.

### **Public Participation**

Objectors made representations to committee stating that the proposal did not fit in with the character of the area, was damaging to the village and made note of the number of written objections made from other residents. Mr Faber highlighted that members should have represented the best interests of local residents and invited them to view the site before reaching a decision. Objectors were also concerned about the scale of the development as it was greater than the existing barn and noted that the polytunnels were disused. They urged members to refuse the proposal.

The agent made representation and explained that they were keen to remove an eyesore for a beautiful village. Ms Curtis highlighted to members that changes had

been made to accommodate officer requests and that they had been working tirelessly to present a design and layout scheme which was of high quality. The agent noted the site benefits and was aware of an increase in scale, however, informed members that it was less than a 10% increase. Ms Curtis hoped members would support the officer's recommendation of granting the high-quality scheme which would have introduced two new families to the area.

The Local Ward member also made representation in objection and felt that the proposal was not acceptable and should have been refused. Councillor Legg was concerned regarding the scale of the development and did not feel as though the proposed tree planting was sufficient to improve the quality of the discharge of the units.

### **Members questions and comments**

- Concerns regarding the use of the barn and the scale of the proposal as the footprint was larger than the original building.
- Polytunnels weren't permanent structures.
- Clarification regarding whether the barn met permitted development requirements.
- Impacts on local heritage assets.
- Concerns regarding screening.
- Members felt that the proposal was unsympathetic to the character of the area and would have been harmful.
- Concerns regarding there being a significant number of windows on site which would have been intrusive to the countryside.
- Members were not satisfied with the premise.
- The proposal was larger than the existing barn.
- Impacts to the landscape due to excessive amount of placing and light pollution.

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 **REFUSE** the officer's recommendation as recommended, was proposed by Cllr Val Pothecriy, and seconded by Cllr Sherry Jespersen.

**Decision:** To overturn the officer's recommendation and refuse planning permission for the following reasons.

- The proposal by reason of its mass, layout, scale, and design would have harmed the character and appearance of the area. The increase in plot size, large size of the dwellings, and the level of glazing would have resulted in an urbanisation that would be out of keeping with the village and the design would not have been in harmony with the area as a whole. The proposal would've also resulted in light pollution. Therefore, the proposal

would be contrary to the West Dorset and Weymouth Local Plan policy ENV1, ENV10 and ENV12 and the NPPF.

**17. P/FUL/2024/00218 - 5 Mill Lake, Factory Hill, Bourton, Dorset, SP8 5FS**

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. The site was within the settlement boundary of Bourton and was considered to be an acceptable location for a small-scale office use. Photographs of the illustrative furniture layout and internal layout were shown as well as existing and proposed floor plans. Members were informed that the proposal was for a change of use to allow for offices and dwellings to coexist. The Case Officer set out the history of the site and highlighted comments made by Bourton Parish Council relating to a lack of parking provision and impacts on neighbouring amenity which had combined commercial and residential use. Parking had been considered acceptable and reference was made to the NPPF, particularly policy 12 and paragraphs 55 and 11. There was no significant harm to neighbouring residential amenity and sufficient parking would have been provided to serve the development. There were no material considerations which would have warranted refusal of the application; therefore, the recommendation was to grant subject to conditions set out in the officer's report.

**Public Participation**

Mr Dandy addressed the committee and spoke in support of the proposal, explaining that he was the director of the company and was proud to have seen it grow in recent years. He discussed his employees and how they were made up of good local people. Mr Dandy felt that the proposal was in a good location, and it would have been used appropriately. He hoped the committee would support the officer's recommendation.

**Members questions and comments**

- Potential amenity impact for local residents.
- Members noted the concerns raised by Bourton Parish Council.
- Concerns regarding the loss of a residential building.
- Members noted that a change of use would have been beneficial during the construction period, however, some were concerned about what this would have meant afterwards.
- Questions regarding the possibility of being able to add a condition for time limitation.
- Clarification regarding whether the applicant could have reapplied in the future for residential use.
- Concerns regarding the loss of a residential property.
- Cllr Sherry Jespersen proposed to refuse on the basis that the proposal conflicted with the Bourton Neighbourhood Plan. Cllr Rideout seconded the proposal; however, the motion fell at the vote.
- Members noted that it was a good local business and felt that it should have been supported.

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 Carole Jones, and seconded by Cllr Daid Taylor.

**Decision:** To grant the officer's recommendation and approve permission.

18. **P/HOU/2024/02580 - 2 Vale Cottages, Ring Street, Stalbridge, Dorset, DT10 2LZ**

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 and proposed dwelling floor plan and elevations were shown. Images of the rear of the property and existing site were included to show the proposed single storey extension. Members were informed of the planning considerations such as the impacts on heritage assets and character of area due to the proposal being situated in the Stalbridge conservation area. It was highlighted that the small scale was not considered harmful, it would not have impacted the listed building or setting and would not have caused overlooking or overbearing issues to neighbouring properties. The Case Officer set out the flood risk and drainage strategies whilst highlighting the proposed building materials. In conclusion, the proposal complied with policies of the local plan and NPPF, and no material planning considerations indicate otherwise. The officer's recommendation was to grant subject to conditions set out in the officer's report.

**Public Participation**

There was no public participation.

**Members questions and comments**

- Members praised the officers report and informative presentation.

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 David Taylor, and seconded by Cllr Carole Jones.

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

19. **Urgent items**

There were no urgent items.

20. **Exempt Business**

There was no exempt business.

**Decision Sheet**

**Duration of meeting:** 10.00 am - 3.02 pm

**Chairman**

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# Agenda Item 6

<b>Application Number:</b>	P/FUL/2024/01509		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	The Stables Long Mead Melway Lane Child Okeford Blandford Forum DT11 8EW		
<b>Proposal:</b>	Erect garage and plant room.		
<b>Applicant name:</b>	Mr C Knight		
<b>Case Officer:</b>	Claire Lewis		
<b>Ward Member(s):</b>	Cllr Jespersen		
<b>Publicity expiry date:</b>	9 May 2024	<b>Officer site visit date:</b>	5 June 2024
<b>Decision due date:</b>	19 July 2024	<b>Ext(s) of time:</b>	59 days to account for SoD process and committee date.
<b>No of Site Notices:</b>	1		
<b>SN displayed reasoning:</b>	Fixed to the Herras fencing protected the TPO trees at the entrance to the site. Visible to passersby and users of the Right of Way Footpath N35/36.		

## 1.0 Reason application is going to committee

In response to the Scheme of Delegation referral, 1no. Cllr requested a decision by committee whilst the other 2no. Cllrs did not respond. The nominated officer decided it should be referred to committee on balance due to the concerns raised by the Parish and neighbours.

## 2.0 Summary of recommendation:

GRANT subject to conditions

## 3.0 Reason for the recommendation: as set out in paragraphs 16 and 17:

- 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 proposal is acceptable in its design and general visual impact.
- The proposal is acceptable in its impact on the character and setting of the nearby Dorset National Landscape (AONB)
- There is not considered to be any significant harm to neighbouring residential amenity.
- There is no demonstrable negative impact on highway safety or parking provision.
- There is no demonstrable increase in the risk of flooding.
- The proposal is acceptable in relation to trees, with an Arboricultural Method Statement conditioned to protect existing trees on site.
- 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 erecting a detached building to house a garage and plant room incidental to the main dwelling is acceptable.
Scale, design, impact on character and appearance	The proposed development would not have an adverse impact on the visual amenities of the site or locality.
Impact on the living conditions of the occupants and neighbouring properties	The proposed development would not have any detrimental impact on the living conditions of the occupiers or neighbouring residential properties.
Impact on landscape	The proposed development is not deemed to result in any detrimental impact on the landscape, including the designated Dorset National Landscape (AONB).
Flood risk and drainage	The proposal would not alter or increase the flooding risk.
Highway impacts, safety, access and parking	The proposal would pose increased risk to highway safety and would provide covered parking in addition to existing off-road parking provision on site.

#### 5.0 Description of Site



- 5.1 The application site consists of an existing stable building (to be demolished under existing approval) located roughly 200 metres to the south of the Child Okeford Settlement Boundary along a single-track unclassified road known as Melway Lane.
- 5.2 The site has planning permission approved for the erection of a single 1.5 storey, 2no. bedroom residential dwelling as per application no. P/FUL/2022/00197. The site is accessed via a small spur lane off Melway Lane that serves access to this and neighbouring fields.
- 5.3 The site falls approximately 75 metres west of the boundary of the Dorset National Landscape (AONB) and is largely concealed by mature trees and native hedgerow, although the site can be viewed at a distance from certain public viewpoints such as Hambledon Hill and from surrounding Rights of Way due to small gaps in the boundary hedgerows.
- 5.4 The site does not fall within the boundary of a Conservation Area and there are no listed buildings in the immediate surroundings.

## 6.0 Description of Development

- 6.1 The application proposes to erect a garage and plant room in the northwest corner of the site.

## 7.0 Relevant Planning History

P/PAP/2021/00384 - Decision: RES - Decision Date: 19/10/2021  
Remove Stables and Erect Two Bedroom Cottage / Dwelling.

P/FUL/2022/00197 - Decision: GRA - Decision Date: 11/05/2022  
Demolition of existing stables & erection of 1no dwelling

P/FUL/2023/04710 - Decision: WIT - Decision Date: 30/10/2023  
Erect 1 no. dwelling, garage, workshop and plant room (Demolish stables and storage building)

## 8.0 List of Constraints

TPO - TPO (TPO/2023/0060);

LP - North Dorset Local Plan Part 1 (2011-2031); Adopted; Outside settlement boundaries (countryside); Policy 2, 20;

NELA – Dorset;

PROW - Right of Way: Footpath N35/7; - Distance: 37.81

PROW - Right of Way: Bridleway N35/47; - Distance: 4.51

PROW - Right of Way: Footpath N35/36; - Distance: 1.06

EA - Groundwater – Susceptibility to flooding;

DESI - Area of Outstanding Natural Beauty (AONB): Dorset; - Distance: 69.44

DESI - Ancient Woodland: OKEFORD COPPICE; Ancient Replanted Woodland - Distance: 169.15

DESI - Site of Special Scientific Interest (SSSI) impact risk zone;

RAD - Radon: Class: Class 1: Less than 1%

RAD - Radon: Class: Class 2: 1 - 3%

## 9.0 Consultations

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

### Consultees

#### 1. P – Child Okeford PC

- P/FUL/2022/0197 consent was granted during a period when Dorset Council were unable to meet the Housing Delivery Test and, therefore, Policy 1 (Presumption in Favour of Sustainable Development) and the tilted balance were applied. A Planning condition was recommended and applied at the Committee meeting precluding any further development of the site. Unreasonable to allow a substantial departure from that planning position because the circumstances have not changed. The decision was finely balanced and had there been more harm, its likely to have been refused. Site is 200m outside settlement boundary, and it is of significance that the consented dwelling has not yet been erected.
- Scale - Outlines that the proposed outbuilding 15 sqm larger in footprint than the original stable building. Stable has a sloping roof with a lesser impact than the proposed pitched roof, and the proposed roof (NB. before amendments) has a ridge height of 5m, 2.5m taller than the existing stable ridge. The consented Dwelling is 130 sqm, the proposed garage and plant room are an additional 45sqm, representing an increase in floorspace over the original 'tilted balance' consent of 34%. Proposals are excessively large and considerably taller than the original building.
- Amenity – additional concerns regarding detrimental impact on character of rural location by reason of increased site coverage. Application is contrary to NPPF Section 15 and conflicts with NDLP Policy 24. Concern new application will result in significantly more traffic than was originally envisaged, impacting on the peaceful amenity of the area, and on local residents. Site visible from Melway Lane, RoW Footpaths N35/36, N35/7 and Bridleway N35/7.

Summary – PC strongly oppose any form of enlargement of existing planning consent. Believe allowing the development would be illogical and unjustifiable overdevelopment of the site. If garage had been included at application stage of previous (approved) application, it would very likely have been refused due to the additional harm weighing on the planning balance.

2. W – Child Okeford Ward 1 – no comments received

3. Highways – Recommend Turning/Manoeuvring condition

4. Rights of Way – no comments received

**5. Tree Officer – 2no. conditions recommended as below**

**Representations received**

11 letters of representation have been received.

<b>Total - Objections</b>	<b>Total - No Objections</b>	<b>Total - Comments</b>
11	0	0

<b>Petitions Objecting</b>	<b>Petitions Supporting</b>
0	0
0 Signatures	0 Signatures

**Summary of comments of objections:**

L. Taylor – Existing planning permission (P-Ful-2022-00197) has a condition precluding the erection of outbuildings to protect amenity and character. Application is for 2no. new outbuildings on what is still a greenfield site as new dwelling not yet constructed. Owner has chopped down part of hedgerow bordering PROW N35/47, and entire site is now visible from the RoW. Site does not have PD rights, is outside settlement boundary, in the countryside and not for essential rural need. Given approved dwelling not yet constructed and site altered, applicant should submit new application to include dwelling and outbuildings.

M. Kerridge – Concern that more harm from additional outbuildings would have pushed the tilted balance to a refusal. Concern at scale and impact of proposal and increased site coverage. Ridge height too high. Use out of proportion for modest single dwelling. Site no longer discrete due to removal of hedgerows and new access onto Bridleway and visible from RoW's N35/36, N35/7 and N35/47. Detrimental to character of the area contrary to NPPF and NDLP. Unclear how application can be linked to original approval as appears to be a building in isolation.

G. Jenkins – To remove stable and replace with garage will incur more traffic along rural footpath. Will increase noise.

J. Yard – Condition 7 stated no further development on the site. Existing shed should not be considered part of application. Map is incorrect – track parallel to western boundary is not Melway Lane. Concern it could become an established lane allowing for further development of farmland in the future. Safety could be jeopardised by extra traffic arising from development as lane is narrow, potholed and suffers floods regularly. Without further shielding, whole development will be visible from Hambledon Hill and users of RoWs to Chisel. Believes AONB map is incorrect. Concern that waterlogging and underground watercourses have not been considered. Concern over bat and barn owl habitats with removal of hedges and trees.

G. Fuglesang - I walk past this site with my dog and it seems that much of the hedgerow and many trees have been cut down, making the proposed buildings even more visible in a plot that is outside the settlement boundary. I thought that the

original dwelling proposed was only narrowly granted so it would seem strange if the garage and plant room building was granted.

J. Booth – Concern over size of proposed outbuilding, which ‘are almost the same size as the original “very modest single dwelling” which was approved. Believes these dimensions to be more appropriate for a far larger dwelling.

H. Rutledge - The original planning consent for a modest residential dwelling, came with a condition which stated there were to be no other garages, sheds, etc on that site. I hope that the Planning Condition stands. The second building which forms this application, is nearly as large as the approved dwelling. This planning application should not even be considered.

D. Fielding – Feels the planning system was abused at original application stage for dwelling. Original applicant sold land once permission granted. Believes the current owner is removing hedgerow and trying to ‘land-grab’. Concern regarding overdevelopment of site and overuse of unadopted lane, causing conflict between different users. Suggests a site visit by the committee.

G. Scott - Adverse effect on character of area and countryside.

N. Kerridge – End of Melway Lane leads to local footpaths, bridleways and farm tracks. narrow, unlit, no passing places or pavements. Used by walkers, parents with young children, mobility scooters, cyclists, horseriders and farm vehicles. Original applicant implied that vehicles uses would be reduced, but this application proposes ‘4 cars and 2 motorcycles’ resulting in substantially more vehicle movements per day impacting the amenity of the rural area and residents of the lane. Mentions flooding, poor maintenance and potholes. D&A Statement states no immediate neighbours, but the amenity buildings of Melway House are adjacent to the property. Stable building wasn’t visible until recently, but new buildings will be visually intrusive and have a detrimental impact. Mentions the planning condition as the ‘most important factor’. Application should be refused.

N. Eveleigh - I regularly walk along Melway Lane to enjoy Child Okeford’s countryside location. Planning policies and local circumstances have not changed since Dorset Council considered the previous application for a small dwelling on this site. Reference to planning condition, and that it was said that a small dwelling could form a “natural transition” between a residential environment and the wider rural landscape which he believes was a critical part of the justification for allowing the development. Much greater bulk and site coverage. Impact of 3-dimensional buildings and envisaged activities on site will damage landscape and sense of tranquillity. Feels that whole development should be reappraised. Concern that approval would be contrary to objectors’ sense of natural justice and feel like a capitulation of the planning authority. Application should be refused.

**Summary of comments of support: N/A**

## 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

### 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 3 - Climate Change
- Policy 4 - The Natural Environment
- Policy 20 - The Countryside
- Policy 23 - Parking
- Policy 24 - Design
- Policy 25 - Amenity
- Policy 28 - Existing Dwellings in the Countryside

### Material Considerations

#### Emerging Local Plans:

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

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).
- The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.
- The revised NPPF 2023 introduced a reduced housing land supply requirement for local planning authorities that have met certain criteria as set out in paragraph 266 of the NPPF. This relaxes the requirement to demonstrate 5 years' worth of deliverable housing sites for Local Planning authorities that meet certain requirements. Dorset Council does not currently benefit from the provisions of paragraph 226 and therefore must demonstrate a five-year supply. In the North Dorset area, the published supply position of 5.02 years

means the tilted balance in paragraph 11 of the NPPF is not engaged in any event. The delivery of additional housing against the housing requirement should however be given weight in planning decisions.

### **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:

- Part 2 - Achieving sustainable development.
- Part 4 - Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Part 12 - Achieving well-designed places.
- Part 15 – Conserving and enhancing the natural environment

### Other material considerations

#### **Child Okeford Village Design Statement, 2007**

Policy CO10 (design quality)

Policy CO11 (external wall materials)

Policy CO12 (size and siting)

Policy CO13 (subservient ancillary building)

Policy CO15 (traditional driveway materials)

Policy CO21 (roof materials)

Policy CO22 (guttering)

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.

### **14.0 Financial benefits**

None

### **15.0 Environmental Implications**

None

### **16.0 Planning Assessment**

#### Principle of development

The principle of erecting a detached building to house a garage and plant room incidental to the main dwelling is acceptable in accordance with Policy 28 (Existing Dwellings in the Countryside) of the North Dorset Local Plan 2011-2031 (NDLP) and Policy CO13 (subservient ancillary building) of the Child Okeford Village Design Statement 2007. Permitted development rights on the site were removed by way of Condition no. 7 when permission was granted for a detached dwelling in May 2022 (P/FUL/2022/00197). As such, express permission is required for the erection of the proposed outbuilding. For clarity, imposing the restriction to remove Permitted Development Rights was to ensure that the scale and design of any additional development on the site could be closely monitored and managed by the Local Authority rather than to *prevent* all future development.

The proposed garage and plant room constitutes a detached building with a total footprint of 45m<sup>2</sup>. The building is smaller in footprint than the approved plans for the main dwelling, and the ridge of the roof is also lower. The original plans proposed a

maximum ridge height of 5.2m with an eaves height of 2.5m. Following consultation with the agent and applicant, the ridge height has been reduced to 4.4m with an eaves height of 2.2m, incorporating a reduction in roof pitch from 40° to 35°. Furthermore, the finished floor level of the building sits 0.4m lower than the main dwelling. The above results in a building that is both subservient to the main dwelling and minimises its impact on the semi-rural setting. The height, mass and scale of the building is considered appropriate to its setting, and any impact has been further softened through negotiation.

In terms of design, the proposed building would be finished in lightly charred timber with Olde Watermill brick slips (or similar) and Spanish slate roof to match the approved main dwelling (as per Discharge of Condition notice dated 4<sup>th</sup> March 2024) ensuring it remains in keeping with the character of the approved dwelling and the bucolic setting. Two external motion-detected downlights are proposed to the front and side elevations adjacent to all door openings. These external lights are considered appropriate in terms of colour temperature and direction of light, which would point downwards to minimise light spill. The proposed lighting accords with the aims and objectives of the Dorset AONB Management Plan 2019-2024.

In terms of scale, design and impact on character and appearance, the proposal complies with the provisions of the NPPF and Policy 4 (The Natural Environment) and Policy 24 (Design) of the NDLP. The development proposed also accords with the policies of the Child Okeford Village Design Statement 2007, namely in terms of policies CO10 (design quality), CO11 (external wall materials), CO12 (size and siting), CO13 (subservient ancillary building), CO15 (traditional driveway materials), CO21 (roof materials) and CO22 (guttering) and the Dorset AONB Management Plan 2019-2024.

#### Impact on the living conditions of the occupants and neighbouring properties:

There is no demonstrable impact on neighbouring properties or neighbour amenity as the nearest neighbour is 98 metres north of the proposed dwelling, although some of the neighbour's incidental outbuildings such as an apparent pool house do lie in closer proximity to the site. The site is well screened from Melway Lane and the proposed building would be positioned in the northwest corner of the site which is surrounded by tall mature hedgerows. The choice of building materials would ensure it softens into the landscape and the lowered roof pitch is both subservient to the approved main dwelling and lower than the existing boundary treatments.

The proposed outbuilding will provide uses incidental to the main dwelling, such as dry storage of vehicles, garden equipment and other domestic storage along with an 8.6m<sup>2</sup> area (inclusive in the above total footprint) that will house plant to support the potential for 'off-grid living'. The building will ensure that bulky plant equipment does not need to be housed inside the relatively small two-bedroom bungalow that has been approved on the site.

Accordingly, the proposal complies with Policy 25 (Amenity), Policy 3 (Climate Change) and Policy 23 (Parking) of the NDLP and Policy CO12 (size and siting) of the Child Okeford Village Design Statement 2007.

#### Impact on landscape (trees, biodiversity, AONB):



The boundary of the Dorset National Landscape (AONB) is some 75m due east of the application site and whilst views of the proposed garage and plant room may be possible from some public viewpoints, particularly during winter and early spring due to reduced leaf coverage, it is considered that the overall impact of the garage and plant room will be negligible overall.

The more distant views from Hambledon Hill and Hod Hill will see the garage and plant room against a backdrop of natural screening whilst the modest scale, design and use of natural materials in the construction will ensure that its appearance would not be contrary to the rural nature of the site and its wider setting. Furthermore, the nearest part of the Child Okeford Conservation area is located at the entrance to Melway Lane some 345m north of the site, and nearest Listed Buildings are some considerable distance away. As such, the proposed development will not have any effect on the character or setting of the Conservation Area nor the Listed Buildings.

Whilst earlier studies of the site during the application process for P/FUL/2022/00197 confirmed negligible potential for risk to bat and barn owl habitats, a Biodiversity Mitigation and Enhancement Scheme has been submitted which outlines the enhancements proposed to the biodiversity of the site. Accordingly, the proposed development complies with the NPPF Section 15 and with NDLP Policy 4 (The Natural Environment).

Trees on the site will be protected with an Arboricultural Method Statement that includes the appointment of an arboricultural consultant to undertake the required monitoring and details of site meetings and site monitoring supported by formal written records. This will be conditioned if planning is approved. The proposal also highlights a risk to the TPO Oak tree at the northeast corner of the site from the previously approved hoggins surfacing material on the access and turning area, so this has been changed to a gravel surface on Drawing No. 2513-7, ensuring even greater protection of existing trees on the site. Accordingly, the proposal complies with the requirements of NDLP Policy 4 (The Natural Environment), the objectives of Chapter 15 of the NPPF and Policy CO15 (traditional driveway materials) of the Child Okeford Village Design Statement 2007.

#### Flood risk and drainage:

The site is not considered to be at risk from surface water or groundwater flooding. The site lies within Flood Zone 1 with the nearest Flood Zone 2 area some 630m to the south. Surface water run-off from the proposed garage and plant room is proposed to be discharged to a separate soakaway which will also serve to discharge surface water run-off from the approved dwelling. As such, it is considered that the proposal will not contribute to flooding on site or increased flooding elsewhere. Accordingly, the proposal complies with the requirements of the NPPF and NDLP Policy 3 (Climate Change).

#### Highway impacts, safety, access and parking:

There is no demonstrable impact on highway safety, as confirmed by the consultation response from Dorset Highways. The proposed access, parking and turning area shown on Drawing Number 2513-7 will be laid to gravel to provide a well-drained surface and to minimise any adverse impact on the TPO oak. This gravelled area is considered an adequate provision for the parking and turning of occupant and visitor vehicles, with additional parking spaces within the garage for up to 2 cars or alternative vehicles. As such, the proposal complies with the requirements of the NPPF and with Policy 23 (Parking) of the NDLP.

## **17.0 Conclusion**

The proposed development complies with the policies of the adopted Local Plan and the relevant sections of the National Planning Policy Framework as listed above, and no material planning considerations indicate otherwise.

## **18.0 Recommendation**

Grant, subject to the following conditions:

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

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

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

2513/ 8 Location & Block Plan  
2513/ 7 Site Plan  
2513 /6 A Floor Plans & Elevations

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

3. The development hereby permitted shall not be occupied or used at any time other than for purposes incidental to the existing use of the site as a residential dwellinghouse.

Reason: The Local Planning Authority does not consider the establishment of a separate unit to be appropriate in this location.

4. Before the development hereby approved is first occupied or utilised the turning and parking shall be constructed in accordance with Drawing No.2513/7. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site in the interest of highway safety.

5.The Biodiversity Mitigation and Enhancement Scheme dated March 2024 shall be implemented in full and managed and maintained for the lifetime of the development.

Reason: To minimise impacts on biodiversity.

6.The development hereby approved shall proceed only in accordance with the details set out in the Arboricultural Method Statement V.2.0 dated December 2023 setting out how the existing trees are to be protected and managed before, during and after development.

Reason: To ensure thorough consideration of the impacts of development on the existing trees

7.The Arboricultural Method Statement V.2.0 dated December 2023 in support of this planning application shall be adhered to in full, subject to the pre-arranged supervision detailed in section 5 of the AMS by a suitably qualified and pre-appointed tree specialist.

This Condition (no.7) may only be fully discharged on completion of the development and subject to satisfactory written evidence of contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

**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 agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

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# Agenda Item 7

<b>Application Number:</b>	P/VOC/2024/03162		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	2A Mill Lane Charminster DT2 9QP		
<b>Proposal:</b>	Erect first floor extension over existing garage, new dormer window and associated works (with variation of condition 2 of Planning Permission P/HOU/2022/04717 to amend external materials).		
<b>Applicant name:</b>	Mr Daniel Duke		
<b>Case Officer:</b>	Claire Lewis		
<b>Ward Member(s):</b>	Cllr Taylor		
<b>Publicity expiry date:</b>	19 July 2024	<b>Officer site visit date:</b>	20 June 2024
<b>Decision due date:</b>	6 August 2024	<b>Ext(s) of time:</b>	
<b>No of Site Notices:</b>	2		
<b>SN displayed reasoning:</b>	<ol style="list-style-type: none"> <li>1. Attached to fencing at the front of the property, visible to neighbours and passersby.</li> <li>2. Attached to fencing of 11 York Close to the rear, visible to rear neighbours and users of RoW Footpath S14/2.</li> </ol>		

**1.0** Applicant is an employee of Dorset Council, working within the Place Directorate.

**2.0 Summary of recommendation:**

Grant variation of condition no.2 of approved planning permission P/HOU/2022/04717, subject to conditions.

**3.0 Reason for the recommendation:** as set out in paragraph 16

- Paragraph 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The variation of condition proposed is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There is not considered to be any significant harm to the designated heritage assets.

- There is no demonstrable harm to biodiversity.
- There are no material considerations which would warrant refusal of this application.

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	This relates to a residential planning application. The principle of amending approved external materials is acceptable.
Scale, design, impact on character and appearance	The proposed materials are sympathetic to the typical vernacular and character of the Conservation Area.
Impact on the living conditions of the occupants and neighbouring properties	No demonstrable change.
Impact on heritage assets	No harm to the character and setting of the Conservation Area.
Impact on biodiversity	No harm to biodiversity, but additional mitigation required.

#### 5.0 Description of Site

- 5.1** 2A Mill Lane is situated within an established residential area on the northern edge of the village and falls within the designated Charminster Conservation Area (CA).
- 5.2** The proposed development site is a detached chalet style bungalow situated on the north side of Mill Lane, constructed in the 1970s of brick with concrete pantile roof over.
- 5.3** The building is a single occupancy residential dwellinghouse with attached single storey garage to the west elevation.
- 5.4** The detached dwelling is situated on lower ground than neighbouring properties to the south and east of the site, but it is situated higher than the Grade II listed building to the west called Yew House (The Yews, Mill Lane listing no. SY6810392766). The ground floor windows on the proposed dwelling are slightly higher than the first-floor windows of Yew House.
- 5.5** Boundary treatment consists of a mix of wooden fencing, walls and hedgerows. A large quantity of vegetation delineates the plot with a tree situated on the boundary between Yew House and the proposed site.
- 5.6** Properties along Mill Lane are varied in style and age although there is a prevalence of older buildings constructed of brick, stone, flint and occasionally cob, some of which are of historical significance notwithstanding the CA.
- 5.7** Full and partial rendering is typical, and roof materials vary with clay tile and slate being common.

## **6.0 Description of Development**

- 6.1** The proposal seeks to vary Condition 2 of approved planning application reference P/HOU/2022/04717.
- 6.2** The proposal seeks to change the roof material from concrete pantiles as existing, to grey slate.
- 6.3** The proposal seeks to alter the external wall finishing from brick as existing to cream or white render to the south west and north west elevations.
- 6.4** The proposal seeks to alter the approved dormer roof material from zinc to grey single ply membrane.

## **7.0 Relevant Planning History**

- 7.1** Planning Application P/HOU/2021/02560    Granted 30/11/2021

First floor extension over existing garage, new dormer windows and associated works

- 7.2** Planning Application P/HOU/2022/04717 - Granted 26/10/2022

Erect first floor extension over existing garage, new dormer windows and associated works

*This VOC seeks to amend external building materials as approved.*

- 7.3** Permitted Development Enquiry P/PDE/2024/00151 - Response Given 29/05/2024

Replace the current concrete pantiles with natural slate and render the front of the house to improve the overall appearance of the property and to improve its thermal efficiency.

*Advised that a planning application would be required to vary the materials approved in P/HOU/2022/04717.*

- 7.4** Permitted Development Enquiry P/PDE/2024/00152 - Response Given 20/06/2024

Replace roof using slate instead of pantiles.

*Advised that a planning application would be required to vary the materials approved in P/HOU/2022/04717.*

## **8.0 List of Constraints**

- 8.1** Within the Charminster Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

- 8.2 Within a SSSI impact risk zone; River Frome; Langford Meadow.
- 8.3 Landscape Chara; Chalk Valley and Downland; Cerne and Piddle Valleys and Chalk Downland
- 8.4 Adjacent to, but not attached to a Grade II listed building - Yew House. Grade II listed building (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
- 8.5 Right of Way- present along the eastern boundary at a slight distance from the curtilage of the property.
- 8.6 Wessex Water: High Risk of Foul Sewer Inundation
- 8.7 EA - Poole Harbour Catchment Area
- 8.8 EA - Groundwater Source Protection Zone
- 8.9 Higher Potential ecological network
- 8.10 Existing ecological network

## 9.0 Consultations

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

### Consultees

1. **DC - Rights of Way Officer**  
No comments received
2. **W - Charminster St Marys Ward**  
No comments received
3. **P - Charminster PC**  
No objection

### Representations received

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

Petitions Objecting	Petitions Supporting
0	0



0 Signatures	0 Signatures
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**Summary of comments of objections:**

*A. Woodcock, 3 Greenacre* - I object to this application on the basis that the dormer window will overlook my garden affecting my privacy. A roof window would not have the same impact.

**Summary of comments of support:**

*P. Dangerfield, The Yews, 3 Mill Lane* - The existing concrete tiles and brickwork elevations are typical of the 1970s and out of character with the historic buildings that line Mill Lane. This is an excellent proposal to take advantage of a rare opportunity to change the roof covering to slate and render the walls and paint in a pale colour to make the building sympathetic and harmonious with the neighbouring buildings in this conservation area. I support the application.

**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**

**11.1 West Dorset, Weymouth & Portland Local Plan (Adopted 2015)**

ENV 3- Land of Local Landscape Importance; Land north of Charminster

ENV 4- Conservation Area; CHARMINSTER CONSERVATION AREA

ENV10- The Landscape and Townscape Setting

ENV12- The Design and Positioning of Buildings

ENV16- Amenity

SUS2; Defined Development Boundary; Charminster

Material Considerations

## **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.

Paragraph 55- Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

Paragraph 130- Planning policies and decisions should ensure that developments:

- a) Will function well and add to the overall quality of the area. Not just for the short term but over the lifetime of the development:
- b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) Are sympathetic to local character and history, including the surrounding built environment and landscaping setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) Establish or maintain a strong sense of place, using the arrangement of street spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) Create places that are safe, inclusive and accessible and which promotes health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 199- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight would 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.

Paragraph 206 - Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

## **Design and Sustainable Development Planning Guidelines (SPD) (Adopted 2009)**

### **Cerne Abbas, Charminster, Sydling St Nicholas & Godmanstone Conservation Area Appraisal**

#### **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.

It is not considered that the proposed development would have any impact on persons with protected characteristics.

## 16.0 Planning Assessment

### 16.1 Principle of development

This is an application to vary Condition No. 2 of approved application no. P/HOU/2022/04717. Extant permission is required because the dwelling is on Article 2(3) land, within the Charminster Conservation Area, and as such permission to alter external materials is not granted under the Permitted Development rights laid out in the *Town and Country Planning (General Permitted Development) (England) Order 2015 as amended*. The principle of amending an approved planning condition and the principle of changing external building materials is acceptable.

### 16.2 Scale, design, impact on character and appearance

There is no change to the scale of the proposed development. The proposal seeks to alter the approved design by way of altering some external materials, namely roof materials and wall finishes.

The proposal to remove the existing 1970s concrete pantiles and replace with grey slate, and the proposal to alter the approved zinc roof covering to the new dormers with a grey coloured single ply membrane will change the finished appearance of the dwelling but given that grey slate is a common roof covering in the vicinity and the single ply membrane will appear similar in colour and appearance when in situ, the proposed materials will have a positive impact on the visual amenity of the dwelling and the character of the area.

Likewise, light cream and white rendered finishes are commonplace on Mill Lane and the surrounding village, including on some historic buildings, so this material change is considered acceptable in the setting.

As such, the proposal accords with policies ENV12 and ENV 16 of the WDWP LP and paragraph 130 of the NPPF.

### 16.3 Impact on the living conditions of the occupants and neighbouring properties

There is no demonstrable change to the living conditions of any surrounding occupants of neighbouring properties.

### 16.4 Impact on heritage assets

As noted in 16.2 above, the materials proposed are already found on multiple dwellings within the CA, including the grey slate roof material which is found on the converted Coach House of neighbouring Grade II Listed 'The Yews' to the west.

The proposed grey single ply membrane to the dormers is acceptable as a more cost-effective alternative to zinc.

In accordance with the *Dorset Council Interim Guidance and Position Statement* relating to climate change, renewable energy, and sustainable design and construction and the *Design and Sustainable Development Planning Guidelines* as above, the proposed light-coloured render should serve to protect and better insulate

the modern brick construction without harming the designated heritage asset or the setting of the GII listed building next door.

As such, the proposed material changes accord with policy ENV4 of the WDWP LP, Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 and all relevant paragraphs of the NPPF as listed above.

### **16.5 Impact on biodiversity**

As stated in the Supporting Statement dated July 2022 (Rev. 1) provided in support of the original approved planning permission, '*due to the modern construction of the roof, and visual evidence, the likely presence of protected species including bats is considered low risk*'. It was not therefore deemed necessary to require a Preliminary Roost Appraisal.

Approved plan GRN-3-04b already includes 1no. integrated bird box.

Informative 1 attached to the grant of planning permission informs the applicants of their obligations under law in relation to protected species and the advice to engage a suitably licenced and experienced ecological consultant prior to works commencing remains.

## **17.0 Conclusion**

After giving significant weight to the development plans, the proposal accords with the relevant planning policies and the amended materials reflect well with the existing and approved building as well as the surrounding heritage assets. Mitigation by the installation of a bird box is already included in the approved plans, and an additional condition has been imposed to install bat tiles in the replacement roof.

## **18.0 Recommendation**

Grant, subject to conditions

- 1.The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the original permission dated 26/10/2022.

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:  
GRN-3-03 B Roof Plan  
GRN-3-04 C Elevations  
GRN-3-05 B Elevations

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

### **Informative Notes:**

1. The applicant is advised that for applications such as this, which involve works to the roof of the existing property where bats may be present, Natural England has advised that the development should not proceed unless and until it has been demonstrated that the works would not have an adverse impact on bats which are a protected species. In this regard, the applicant is advised to engage a suitably licenced and experience ecological consultant prior to works commencing. A list of consultants is available on the following website: <https://cieem.net/i-need/finding-a-consultant/>.

Further information about the law and bats may be found on the following website <https://www.gov.uk/guidance/bats-protection-surveys-and-licences>.

## 2. Informative: National Planning Policy Framework Statement

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

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

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

In this case:

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

# Agenda Item 8

<b>Reference No:</b> P/VOC/2024/01076
<b>Proposal:</b> Residential development comprising 7 new dwellings with ancillary car parking. (With variation of Condition Nos. 2, 9, 10 and 12 of Planning Permission No. P/VOC/2022/05646 to substitute approved plans for a revised layout, house and garage designs, and surface water drainage).
<b>Address:</b> Frogmore Lane Sixpenny Handley Dorset SP5 5NY
<b>Recommendation:</b> Grant, subject to conditions
<b>Case Officer:</b> Jim Bennett
<b>Ward Members:</b> Cllr Brown
<b>CIL Liable:</b> Y

<b>Fee Paid:</b>	£293.00		
<b>Publicity expiry date:</b>	25 March 2024	<b>Officer site visit date:</b>	12/03/2024
<b>Decision due date:</b>	29 April 2024	<b>Ext(s) of time:</b>	
<b>No. of Site Notices:</b>	2		
<b>SN displayed reasoning:</b>	1 - At proposed vehicular access on Red Land 2 - On fence adjacent to watercourse on Frogmore Lane		
<b>Where Scheme of Delegation consultation required under constitution:</b>			
<b>SoD Constitutional trigger:</b>	Recommendation contrary to Parish Council view		
<b>Nominated officer agreement to delegated decision</b>		<b>Date agreed:</b>	

## Introduction

The application is presented for committee consideration as the officer recommendation is contrary to the view of the Parish Council and Ward Councillor, who raise particular concerns over flood risk and the proposed drainage arrangements. Following referral under the Scheme of Delegation procedure, the Service Manager considered that given the flood risk concerns raised, determination of this application should be in a public forum at the planning committee.

## **Relevant Planning History**

3/20/1328/FUL - Decision: GRA - Decision Date: 11/02/2022 - Residential development comprising 7 new dwellings with ancillary car parking. (As amended 25/02/21 by Flood Risk Assessment and Surface Water Strategy and revisions to Plot 1).

P/VOC/2022/02389 - Decision: GRA- Decision Date: 17/06/2022 - Residential development comprising 7 new dwellings with ancillary car parking. (Amended 25/02/21 by Flood Risk Assessment and Surface Water Strategy and revisions to Plot 1). (Variation of Condition No. 2 against planning permission 3/20/1328/FUL to allow substitution of plans to include an office over garage to houses 1, 4 and 7 and other minor design changes to all plots).

P/NMA/2022/03774 - Decision: GRA - Decision Date: 22/06/2022 - Non-material amendment against planning application P/VOC/2022/02389 to allow Condition No. 2 drawing numbers to be corrected.

P/VOC/2022/05646 - Decision: GRA - Decision Date: 20/07/2023 - Residential development comprising 7 new dwellings with ancillary car parking. (As amended 25/02/21 by Flood Risk Assessment and Surface Water Strategy and revisions to Plot 1). (Variation of Condition Nos. 2 and 10 of Planning Permission No. P/VOC/2022/02389 to substitute approved plans for a revised layout, and revised house and garage types and designs).

## **Constraints**

LP - UA001; Settlement Boundary; Sixpenny Handley - Distance: 0

LP - Location: Sixpenny Handley, Policy: CHASE8(SP), LN2 - Distance: 0

WW - Wessex Water Risk of foul sewer inundation 2023 High Risk of Foul Sewer Inundation - Distance: 0

DESI - Bournemouth Water Consultation Area - Distance: 0

EA - Risk of Surface Water Flooding Extent 1 in 100 & 1 in 1000 - Distance: 0

EA - Groundwater – Susceptibility to flooding; NULL; NULL; - Distance: 0

EA - EA - Groundwater Warning Zones 2019; - Distance: 0

DESI - Area of Outstanding Natural Beauty (AONB): Cranborne Chase & West Wiltshire Downs; - Distance: 0

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

EA - Groundwater Source Protection Zone - Distance: 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.



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

### **Development Plan Policies**

#### **Christchurch and East Dorset Part 1 Core Strategy (2014)**

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

- Policy KS1 – Presumption in favour of sustainable development
- Policy KS2 – Settlement hierarchy
- Policy KS12 – Parking provision
- Policy ME1 – Safeguarding biodiversity and geodiversity
- Policy ME3 – Sustainable development standards for new development
- Policy ME6 – Flood management, mitigation, and defence
- Policy HE2 – Design of new development
- Policy HE3 – Landscape quality
- Policy LN1 – The site and type of new dwellings
- Policy LN2 – Design, layout and density of new housing development
- Saved Policy CHASE 7 from East Dorset Local Plan - Land adjoining Frogmore Lane, extending to 0.5 ha, will be developed for housing.

### **Other Material Considerations**

#### **Emerging Dorset Council Local Plan:**

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

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

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in

the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

The revised NPPF 2023 introduced a reduced housing land supply requirement for local planning authorities that have met certain criteria as set out in paragraph 266 of the NPPF. This relaxes the requirement to demonstrate 5 years' worth of deliverable housing sites for Local Planning authorities that meet certain requirements. Dorset Council does not currently benefit from the provisions of paragraph 226 and therefore must demonstrate a five year supply. In the West Dorset, Weymouth & Portland/North Dorset area, the published supply position of 5.28/5.02 years means the tilted balance in paragraph 11 of the NPPF is not engaged in any event. The delivery of additional housing against the housing requirement should however be given weight in planning decisions.

### **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 making': Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 82-84 reflecting the requirement for development in rural areas.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed and beautiful 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 131 – 141 advise that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment' - In Areas of Outstanding Natural Beauty (National Landscapes) great weight should be

given to conserving and enhancing the landscape and scenic beauty (para 182). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 184). Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.

### **Supplementary Planning Document/Guidance**

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

Cranborne Chase and West Wiltshire Downs AONB Management Plan 2019-2024

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.

### **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.

### **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 instance the proposal relates to a development of dwellings on a single level, which will suit the elderly or those with accessibility issues.

### **Financial benefits**

The proposed development will bring about modest financial benefits for Dorset Council and the local community in the form of construction jobs generated by the proposal and locally expenditure by the developer. Occupiers of the development will also contribute to Council Tax, which will benefit the public purse.

**Consultation Responses**

Consultation Responses	No Objection	Object	Brief Summary of Comments
Town or Parish Council		#	<p>Object as the variation entails a substantial increase in footprint which implies significantly greater run off of surface water into an area which is a functional flood plain and suffers persistent, recurrent groundwater flooding. Request the variation is taken to committee for an appropriate level of transparency and scrutiny in respect of the ongoing flooding risk (groundwater and surface water). This matter has not been properly analysed in light of new information and opinion supplied by the Environment Agency.</p> <p>It is not agreed that this is a minor variation. The overall “footprint” of the 7 properties on the site is to increase by 73 square metres, which represents adding a small 2-bedroom house to a site of only 7 properties and is not in our view a “minor” variation.</p> <p>Pre-application advice was not sought by the developer.</p> <p>The applicant’s declaration of 22 Feb states that development has not started. Development work at had already begun before 22 Feb. By 4 Mar a substantial amount of work was completed, including the rerouting of the drainage ditch through the lower part of the site which we contend is a functional flood plain.</p> <p>It is not accepted, without more detailed scrutiny supported with clear evidence presented by the developers, that the current drainage scheme is appropriate for this new plan given the significant increase</p>

			<p>in size requested. We note that the developers submitted a request for a new drainage scheme, which is now withdrawn BUT not replaced with a new submission. This serves to reinforce this council's concerns about the quality of decision making and approvals in this matter which are contrary to the interests of proper planning.</p> <p>Also raise queries over archaeological interests on the site</p>
Ward Member(s)			No comments received
Highways Officer	#		No objection to the proposed variation of Conditions 2, 9, 10 and 12 of P/VOC/2022/05646.
Environment Agency			No comment, as the application falls outside our consultation list. While acknowledging the complex situation with groundwater issues and that the Parish Council are keen for us to comment, the Agency's involvement with Groundwater flooding is limited to issuing flood warnings. The Lead Local Flood Authority (LLFA) are the lead risk management authority for surface and groundwater flooding and therefore should be consulted. The LLFA should also be consulted due to their land drainage consent responsibility.
Bournemouth Water	#		Advise on the approximate location of a public 4 inch water main in the vicinity of the above proposed development and easement restrictions.
Local Lead Flood Authority	#		This is an application for a variation of conditions due to an increase in building footprints and is a follow up to the last response dated 24 May 2024. The outstanding item was the slightly less than 5% increase in impermeable area and the implications on the surface water storage requirement for attenuation purposes. The applicant had stated ' <i>The 5% increase in</i>

		<p><i>the impermeable area had no impact on the drainage calculations</i>'.</p> <p>The following comments are made:</p> <ul style="list-style-type: none"> <li>• The applicant provided an additional response via email (dated 31 May 2024), which includes excerpts and annotations from the hydraulic model that calculates the storage attenuation requirement.</li> <li>• The email states that the current/approved strategy provides 103m<sup>3</sup> of storage for catchments AT2, AT3 &amp; AT4 . For AT2, AT3 &amp; AT4, the addition of 40m<sup>2</sup> of impermeable area to the model produces the requirement for 91m<sup>3</sup> of storage. Therefore, I believe what the applicant is saying with their statement '<i>The 5% increase in the impermeable area had no impact on the drainage calculations</i>', may mean that there was some redundancy built into the design i.e. approximately more than 10m<sup>3</sup> of additional storage provided. And therefore, although the drainage calculations have been amended, the result is that the storage provided on the plans is still adequate (with a redundancy) for the additional impervious area, without changing the design.</li> </ul> <p>No objection to the proposed VoC, subject to conditions to ensure a detailed surface water management scheme is submitted for the site, that surface water management shall be implemented in accordance with the submitted details, that the minimum floor level of dwellings and garages are in accordance with the submitted levels and that a detailed design for the channel and crossing is submitted to, and approved by, the Local Planning Authority.</p>
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Dorset Archaeologist			Looking at the Dorset Historic Environment Record there is no recorded archaeology on the site, nor anything much in the general area that indicates the site might have what is called 'high archaeological potential'. The latter means that, while there might not be anything known on the site, there are lots of remains and finds in the general area that strongly suggest that there is archaeology on the site that is not known yet. Consequently, at the time of the original application, there wasn't a strong enough case to raise archaeology as a concern.
Third Parties		#	<p>Comments have been received from four notified parties, objecting on the following grounds:</p> <ul style="list-style-type: none"> <li>• Increased footprint will exacerbate flood risk</li> <li>• The sequential test in relation to flood risk has not been applied</li> <li>• The Environment Agency need to be involved with the proposal, including analysis of the groundwater flood risk assessment provided by the Parish Council</li> <li>• The changes constitute more than a minor change to the proposed development.</li> <li>• The developer has not engaged with the community.</li> <li>• Boundary treatments should be installed at applicant's expense.</li> <li>• The developer should minimise noise and dust disturbance to adjoining residents</li> <li>• Building work has commenced on the development</li> </ul>

### **Officer Assessment**

#### **Description of Site**

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

The site is also allocated for housing development by Saved Policy CHASE7 of the East Dorset Local Plan.

### **Description of Development**

The application proposes erection of seven bungalows in a cul-de-sac formation off a new access to be formed on Red Lane. The proposal seeks variation of conditions 2, 9, 10 and 12 to reflect changes made to an earlier approval under ref. P/VOC/2022/05646. The layout of this S.73 application is similar to that approved under P/VOC/2022/05646, the main change being the increased footprint of Plot 2.

Modest changes are made to all seven plots within the scheme, all pitches being reduced from 40 to 35 degrees, resulting in a slight reduction in ridge heights. Internal layout, changes, fenestration alterations and minor detailing changes are proposed to all plots. Unit 6 will receive a rendered finish as opposed to the brickwork finish on all other plots. Perhaps the most significant change is the increase in footprint of developed area, the total footprint of the development being increase by 40 sq.m, which equates approximately to the size of a double garage.

The footprint of the plots will be increased by between 0.1 sq. m and 23.5 sq.m, with the greatest change occurring on Plot 2 (23.5sq.m). There was some confusion over the level of additional floorspace to be created by the varied application, the agent's initial covering letter suggesting an additional 73 sq.m would be created. Following clarification, it has been established that the footprint alterations would result in an overall increase in footprint of just under 40 sq.m. By way of comparison, the previously approved scheme totalled 1,013.2 sq.m in area and the current scheme is 1,052.6 sq.m.

### **Principle of development**

The principle of residential development totalling 7 dwellings was established under the original planning application ref. 3/20/1328/FUL and by two subsequent s.73 applications to vary it. The site is also allocated for housing development by Saved Policy CHASE7 of the East Dorset Local Plan. Nevertheless, the current submission is subject to the material planning considerations outlined in the following sections.

### **Flood Risk**

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

Paragraph 167 of the NPPF requires local planning authorities to ensure that flood risk is not increased elsewhere. Policy ME6 of the Local Plan requires post-development surface water run-off must not exceed pre-development levels. The application is accompanied by a site-specific flood risk assessment and drainage strategy and on 7<sup>th</sup> June 2023 the applicant submitted the updated and additional



drainage/flooding documents in response to concerns raised by the LLFA, Parish Council and local residents.

The proposed houses are sited in the northern part of the field within Flood Zone 1. The access for the development is also to the north-east of the site onto Red Lane, providing a safe egress for future residents if the surrounding land to the west and south flooded. However, the Flood Risk Assessment (FRA) recognises the western part of the site is shown to be at risk of surface water flooding from the ditch/ordinary watercourse which flows along the west of the site down to the south. To mitigate this, it is proposed to re-align the ditch so it flows along the western boundary before sweeping to the south and tying back into the existing ditch to the south-west. Swales would also be created along the northern and part of the north-eastern boundary, to tie into the realigned watercourse and provide flood defence for the affected plots. The watercourses will not reduce the current capacity post development and a culvert is proposed where the pedestrian access onto Frogmore Lane is.

While the principle of residential development has been accepted on the site, consultees and notified parties question whether the increase in footprint by 40 sq.m would increase the risk of flooding. The increase constitutes a 5% increase in developed, impermeable area from the previously consented scheme. The Lead Local Flood Authority (LLFA) has commented specifically on the increased footprint of the proposal, acknowledging that the slightly less than 5% increase in impermeable area and the implications on the surface water storage requirement for attenuation purposes. The LLFA has accepted that the 5% increase in the impermeable area has no impact on the drainage calculations. This conclusion was arrived at as the current/approved strategy provides 103m<sup>3</sup> of storage for catchments AT2, AT3 & AT4. For AT2, AT3 & AT4, the addition of 40m<sup>2</sup> of impermeable area to the model produces the requirement for 91m<sup>3</sup> of storage, still within the 103m<sup>3</sup> of storage to be provided, including some redundancy built into the design i.e. approximately more than 10m<sup>3</sup> of additional storage provided. Although the drainage calculations have been amended, the result is that the storage provided on the plans is still adequate (with a redundancy) for the additional impervious area, without changing the drainage design. The LLFA raise no objection to the proposed VoC, subject to conditions to address surface water management and maintenance, dwelling floor levels and a detailed design for the channel and crossing.

The LLFA are the statutory authority for commenting on this application, not the Environment Agency (EA). It is the view of some notified parties that the EA have had inadequate involvement with previous proposals on this site in relation to flood risk. Notwithstanding the LLFA having the statutory authority in this instance, the EA were consulted on this Variation of Condition application. They were also notified of a groundwater flood risk assessment forwarded by the Parish Council. In their consultation response, the EA point out that the application falls outside of their consultation list. While acknowledging the complex situation with groundwater issues and that the Parish Council are keen for them to comment, the EA's

involvement with groundwater flooding is limited to issuing flood warnings. The EA point out that the LLFA are the lead risk management authority for surface and groundwater flooding, as well as their land drainage consent responsibility and should be consulted. The LLFA are the statutory authority for commenting on this application and raise no objection of flood risk grounds, subject to conditions.

It has been noted that the sequential test in relation to flood risk has not been carried out for the proposal. The site is allocated for housing development under Saved Policy CHASE7 of the East Dorset Local Plan. Paragraph 172 of the NPPF states that where applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the test again. Paragraph 172 goes on to state that the exception test may need to be re-applied if relevant aspects of the proposal had not been considered when the test as applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account. Criterion (f) of Policy CHASE7 states that the implementation of a sustainable drainage solution that protects features and species of nature conservation interest, protects housing on the site from flooding and ensures that there is no increased risk of flooding to other land or buildings. It is clear from criterion (f) that flood risk was considered at the plan-making stage and has been considered in very close detail in determining subsequent planning applications on the site, including the current Variation of Condition application, where flood risk concerns have been addressed satisfactorily. In terms of the exception test applied by paragraph 170 of the NPPF, the proposal provides benefits in the form of a modest level of local housing provision, on an allocated site, which is demonstrated to be safe from flood risk for its lifetime without increasing flood risk elsewhere.

In light of the above the proposal would not result in an increase in the risk of flooding elsewhere, is shown to be appropriately flood resilient and residual risk is safely managed. It thereby accords with Policy ME6 and Section 14 of the NPPF.

### **Impact on highways**

Vehicular access would be on to Red Lane and the boundary here would be altered to provide suitable visibility splays. A pedestrian access would be provided onto Frogmore Lane providing a culverted linkage towards the village. There is sufficient off-road parking for each dwelling that meets the residential parking standards. The Highways officer has considered the proposal and raises no objection to the scheme on highway safety grounds. Highway conditions from the original application are re-imposed.

### **Impact on visual amenity and AONB landscape**

Visual changes are proposed to all seven plots within the scheme, including roof pitch alterations resulting in a slight reduction in ridge heights. Changes are also proposed to the internal layouts, fenestration, minor detailing, material and footprints.

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

The proposed dwellings are hipped-roof bungalows. The materials vary across the dwellings but are from a mix of brick, render, brick and flint, and clay tiles for the roofs. These materials provide interest and appeal and are appropriate for the character of the area and the wider AONB landscape. Whilst bungalows are not a feature nearby to the site, with surrounding properties a mix of 1¾ and 2 storeys, they would not appear out of character nor unduly overbearing or bulky.

When viewed from the south/south-east, there would be a line of mature trees within the site that would obscure some of the development. The site is also bounded by a mature hedge that is shown to be reinforced by the vehicular entrance to the site. Nevertheless, where visible, and particularly during the winter months when the leaves have dropped, the proposal would be seen against the backdrop of the existing built development of Sixpenny Handley and would not appear as an incongruous feature.

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

### **Impact on neighbouring amenity**

Much of the development is sited away from neighbouring properties, however Plots 6 and 7 abut the boundaries of 12, 14, 25, and 27 Paddock Close. Plot 7 would be sited a minimum of 7m from the boundary, with the wall to wall distance approximately 17m. Given that single storey bungalows are being proposed, this is considered to be an acceptable distance, which would not introduce overlooking, overbearing impact, overshadowing or loss of outlook to properties to the north. In order to ensure the privacy of dwellings on Paddock Close is maintained, it is proposed to remove permitted development rights, to prevent the insertion of windows in the roof slopes of the approved dwellings. As such there would not be a detrimental impact on neighbour amenity.

Dwellings on Paddock Close have benefitted from the undeveloped nature of the proposal site for some years and consequently have not sought the need for high fencing to the south to preserve privacy. Such fencing is typically found around residential curtilages to define ownership and protect privacy and a boundary treatment plan showing erection of 1.8m close boarded fencing along the boundary with Paddock Close has been provided, which will maintain privacy. Full details of the fencing will be required under a landscaping and boundary treatment condition and the fencing will be installed at applicant's expense.

It is not considered that there would be any significant additional noise or disturbance to the neighbouring properties above typical levels for a residential area and therefore no concerns are raised on this ground. Comments have been received in respect of noise and disturbance caused by construction activity. This is an

unfortunate consequence of new development activity and cannot substantiate a reason for refusal. A certain amount of disturbance is inevitable, although it is considered prudent to apply a construction method statement condition, requiring details of how disturbance caused by construction activity will be minimised before development is re-commenced.

With regard to comments that building work has commenced on the development, it should be noted that the developer has a valid planning permission under ref. P/VOC/2022/05646, the conditions of which have been fully discharged. The developer is therefore permitted to continue with works associated with the approved scheme. The developer has been advised that works associated with the as yet approved scheme under P/VOC/2024/01076 should not proceed and have confirmed that no works have taken place in respect of the current proposal on site, pending the outcome of the current application.

Comments that the developer has not engaged with the community are unfortunate. While community engagement is considered good practice, it cannot be enforced by the Local Planning Authority.

### **Biodiversity**

A Biodiversity Plan (BP) was agreed by the Natural Environment Team on 13/06/2024, which is reflective of the current layout. The biodiversity mitigation and enhancements will be secured via the imposition of a condition to ensure the development is implemented in accordance with the agreed BP.

### **Conclusion**

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

Written agreement to the pre-commencement condition(s) was received from the applicant on 21<sup>st</sup> June 2024

**Recommendation:** Approve subject to the following conditions:

1. The development hereby permitted shall be begun before the 11th February 2025.

Reason: This condition is required by Section 73 of the Town and Country Planning Act 1990 because the time limit for implementation cannot be changed.

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

9627/600 Site Plan  
9627/601 Unit 1 Floor Plan, Roof Plan & Elevations  
9627/602 Unit 2 Floor Plan, Roof Plan & Elevations  
9627/603 Unit 3 Floor Plan, Roof Plan & Elevations  
9627/604 Unit 4 Floor Plan, Roof Plan & Elevations  
9627/605 Unit 5 Floor Plan, Roof Plan & Elevations  
9627/606 Unit 6 Floor Plan, Roof Plan & Elevations  
9627/607 Unit 7 Floor Plan, Roof Plan & Elevations  
9627/608 Garage Floor Plans, Roof Plans & Elevations  
9627/610 Street Scene  
New Boundary Plan.pdf

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

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

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

4.No further development shall take place above slab level 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 scheme shall be fully implemented in accordance with the submitted details before the development is completed. The surface water management scheme is to be generally in accordance with the drawing 'Proposed Drainage Strategy, by cgs civils, ref C2391, drawing no.100, rev P2 and dated 20/02/23'.

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

5. The surface water management scheme shall be implemented in accordance with the details contained within section 5 of the Storm and Foul Water Drainage Report Technical Note prepared by Cgs Civils dated 03.01.2023.

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

6. The minimum floor level of dwellings and garages hereby approved shall be in accordance with the levels shown on the drawing 'Proposed Drainage Strategy, by cgs civils, ref C2391, drawing no.100, rev P2 and dated 20/02/23'.

Reason: To ensure that development is safe from flooding for its intended lifespan.

7. No further development shall take place above slab level until a detailed design for the channel and crossing is submitted to, and approved by, the Local Planning Authority. The design of the channel and crossing are to be generally in accordance with the drawings, 'Alignments and Longitudinal Sections, by cgs civils, ref C2391, drawing no. 502, rev 2 and dated 06/06/23' & 'Ditch Storage and Cross Sections, by cgs civils, ref C2391, drawing no. 503, rev 2 and dated 06/05/23'.

Reason: To prevent the increased risk of flooding.

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

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

9. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number 9627/100 C must be constructed, unless otherwise agreed in writing by the Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

10. Before the development is occupied or utilised the cycle parking facilities shown on Drawing Number 9627/100 C must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

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

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

12. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on Drawing Number 9627/100 C must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

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

13. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 13th June 2024 must be implemented in accordance with any specified timetable and completed in full prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the local planning authority, the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

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

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

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no alterations of the roofs of the dwellinghouses hereby approved, permitted by Classes B and C of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To protect amenity and the character, including the dark skies, of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

16. Prior to the commencement of any development hereby approved, above damp course level, a soft landscaping and planting scheme, including all means of enclosure of the public realm and domestic gardens shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years.

Reason: In the interest of visual amenity.

17. The development hereby approved shall be implemented in accordance with the means of enclosure throughout the site, as shown on the Nord Homes Boundary Treatment Plan for P/VOC/2024/01076, and in full prior to first occupation of the development, and thereafter retained.

Reason: In the interest of residential amenity.

18. Before the development hereby approved re-commences, a Construction Environment Management Plan (CEMP) must be submitted to and approved in writing by the Planning Authority. The CEMP must include:

- the hours of construction activity
- details of the location for the storage of plant and materials used in constructing the development
- details of adequate controls over emissions of dust, noise and vibration from the site

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

Reason: To minimise the likely impact of construction activity on surrounding residential properties.

### **Informative Notes:**

Informative: National Planning Policy Framework Statement

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

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

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

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

2. Wessex Water advise that the that the site can be adequately drained of foul effluent on the basis that foul only flows into the public foul sewer. There must be no surface water or land drainage connected either directly or indirectly into the foul sewer network. This is on the basis that further formal application is made to and approved by Wessex Water, in relation to the disposal of foul drainage from the site.

3. NOTE: An ordinary watercourse crosses your site. If you intend to obstruct the flow in the watercourse (permanently or temporarily and including culverting) you will require prior Land Drainage Consent from Dorset Council as the Lead Local Flood Authority. You are advised to contact the Flood Risk Management team by email at: [floodriskmanagement@dorsetcc.gov.uk](mailto:floodriskmanagement@dorsetcc.gov.uk) to discuss requirements.



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](mailto:dorsethighways@dorsetcouncil.gov.uk), or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.
5. As the new road layout does not meet with the Highway Authority's road adoption standards or is not offered for public adoption under Section 38 of the Highways Act 1980, it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.
6. 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 13.
7. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.
8. Bournemouth Water advise of the approximate location of a public 4 inch water main in the vicinity of the above proposed development and that no development will be permitted within 3 metres of the water main. The water main must also be located within a public open space and ground cover should not be substantially altered. Should the development encroach on the 3 metre easement, the water main will need to be diverted at the expense of the applicant.

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# Agenda Item 9

<b>Application Number:</b>	WD/D/20/003259		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Land North of Wanchard Lane, Charminster		
<b>Proposal:</b>	Erection of 30 dwellings, associated highways works, landscaping, public open space and associated infrastructure.		
<b>Applicant name:</b>	Wyatt Homes		
<b>Case Officer:</b>	Alex Skidmore		
<b>Ward Member(s):</b>	Cllr David Taylor		
<b>Publicity expiry date:</b>	04 July 2023	<b>Officer site visit date:</b>	4 July 2024 (latest visit)
<b>Decision due date:</b>	06 April 2021	<b>Ext(s) of time:</b>	Current EoT to 27 September 2024

## Report for Scheme of Delegation

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

### Summary of recommendation:

Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to:

A) Approve, subject to the conditions set out at the end of this report and 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 10 Affordable dwellings on site;

- financial contribution of £32,430 towards off-site provision equivalent to 0.5 Affordable dwellings;
- provision of the informal open space in the central part of site, and its transfer to either a Management Company or Charminster Parish Council; and
- in the event that the applicant is unable or chooses not to secure nutrient mitigation credits, then provision of an off-site nutrient mitigation scheme.

Or,

B) Refuse permission if the agreement is not completed by 3 March 2025 (6 months from the date of committee) or such extended time as agreed by the Head of Planning

**Reason for the recommendation:** as set out below and expanded in Planning Assessment section of 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 site is within designated countryside. However, in this instance the location is nonetheless considered to be sustainable in terms of its scale and access to/impact on services and facilities.
- The proposal is acceptable in its design and landscape impact. The less than substantial harm to the setting of the village Conservation Area is outweighed by the public benefits – principally the provision of 30 dwellings, including ten affordable dwellings.
- 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.

### Key planning issues

Issue	Conclusion
Principle of development	Whilst the site lies outside the defined development boundary, it is considered to be in a sustainable location in terms of access to services.
Affordable Housing	The scheme includes 10 units for affordable housing, which would amount to 33.3% of the overall 30 dwellings proposed. This is slightly below the policy requirement of 35% and a financial contribution in lieu can be secured by means of s106 agreement.
Impact on character of area, including	The Conservation Officer agrees that the proposal will not impact harmfully upon the setting of nearby listed buildings. Less than substantial harm to the setting of the adjacent Conservation Area

surrounding heritage assets and landscape	has been identified and the scheme will impact on local views towards the Dorset National Landscape (AONB). However, with the reduction in dwelling numbers and building heights such harms are considered to be outweighed by the public benefits of the proposal.
Impact on residential amenity	No adverse impacts on surrounding neighbours. Future occupiers would be provided with sufficient living conditions.
Impact on highway capacity and safety	The Highway Authority has raised no objection, subject to provision of the visibility splay areas prior to occupation of the development. The off-site highways improvement works can also be secured by means of planning condition.
Flood risk and drainage	The Lead Local Flood Authority has raised no objection, subject to conditions.
Ecology and biodiversity	A Biodiversity Plan has been agreed with the Council's Natural Environment Team. Comments awaited from Natural England in response to revised nutrient calculator (nitrates).
Impact on infrastructure	The proposal would provide 10 dwellings on site and a financial contribution of £32,430 towards off-site provision equivalent to 0.5 dwellings. This can be secured by means of s106 Agreement, which will also secure public open space provision.
EIA	EIA not required

**Description of Site**

The 2.34ha application site comprises a field, currently in use as horse paddocks, on the northern side of Wanchard Lane, Charminster, between its junction with North Street to the east and a Council highway depot to the west. The width of the site along Wanchard Lane is fairly consistent, although the boundary moves around a treed area to the east adjacent North Street outside of the applicant's control. The ground level rises considerably from east to west, from the Cerne river valley floor up along Wanchard Lane - and then plateaus towards the depot and the Charminster Farm Phase 2 residential development on the opposite side of Wanchard Lane. The site contains a hedgerow and an agricultural access gate along Wanchard Lane, with the internal site boundaries also containing hedges/trees. There are no trees within the field itself.

The site lies adjacent to, but outside of, the Defined Development Boundary (DDB) for Charminster, directly adjoining the boundary to the east along North Street which contains linear residential development. The boundary of the Charminster Conservation Area (CA) also runs along the eastern boundary of the site. The northern site boundary comprises a more open landscape of undeveloped fields and loose modern residential development in large plots.

To the south on the opposite side of Wanchard Lane, there are two post-war detached dwellings with irregular building lines and plot sizes, with mainly hedge boundaries along the front. The Charminster Farm Industrial Estate lies to the southwest. To the southeast and within the CA boundary, the dwellings along North Street are generally

more regimented in appearance with two storey pitched roofs, side gable ends and low eaves levels. They are also more traditional and historic, which reflects the CA designation and the historic linear pattern of Charminster. This linear grain continues along the eastern side of North Street opposite the application site, with terraced dwellings sitting tight with the highway, although there is also a public house and a play area here. The application site is largely screened from this area of North Street by mature trees and hedging on the western side, extending up along the steep incline.

A public right of way (PRoW – S14/29) runs along the western site boundary between the hedgerow and the Council depot. The site is also visible from another PRoW (S14/2) which runs parallel on the opposite side of the valley from Charminster to Charlton Down village to the north.

### **Description of Development**

Planning permission is sought for the erection of 30 dwellings, associated highways works, landscaping, public open space and associated infrastructure.

The proposed dwelling types would range from 1-bed flats to 4-bed detached houses. The proposed bed mix is set out below:

- 4 x 1-bed maisonettes
- 6 x 2-bed units (4 flats and 2 semi-detached dwellings)
- 15 x 3-bed dwellings (3x terraced, 2x semi-detached and 10x detached)
- 5 x 4-bed detached dwellings.

33% (10 units) of the proposed dwellings would comprise Affordable Housing. These would comprise 4x 1-bed maisonettes, 4x 2-bed flats and 2x 3-bed semi-detached dwellings.

The proposed housing is centred around an informal green space in a C shape and would be mainly two-storey in form, with dwellings on the higher ground containing lower eaves levels to facilitate first floor dormer windows and pitched gable ends. There are two smaller areas of open space to the east of the site which facilitate SuDs ponds. 2m wide footways will be provided throughout. A footpath link is also proposed at the south eastern corner of the site linking onto Wanchard Lane.

The proposal would be served by a new vehicular access off Wanchard Lane, opposite Charminster Farm Industrial Estate. Improvement works to Wanchard Lane and the Wanchard Lane/North Street junction are also proposed, including:

- Area of one-way traffic on Wanchard Lane – the section immediately to the east of the site entrance to limit vehicle movement to a westbound direction only up to the application site entrance, reducing the volume of traffic egressing Wanchard Lane onto the A352.
- One way and no entry signs to be installed
- New verge to be provided within redundant carriageway

- Dropped kerbs to facilitate access for active travel users across Wanchard Lane
- Raised table to be installed at uncontrolled pedestrian crossing adjacent site entrance
- Proposed footpath from this raised table to connect into existing Public Right of Way S14/30 to the south
- Wanchard Lane/A352 junction to be remodelled to reduce turning speeds and improve visibility for vehicles
- New uncontrolled crossing to facilitate pedestrians to cross A352 south of Wanchard Lane.

Parking is largely on plot, mainly with the addition of garaging. Five dedicated visitor spaces are also proposed alongside the highway routes. There is also an area of communal car parking serving the maisonette and apartment buildings. All units would be provided with two allocated surface parking spaces.

The scheme has been amended in response feedback from planning, design, landscape and conservation officers. The changes include reduced roof pitches and greater use of stone, flint, and slate. The amendments are described in further detail in the planning assessment below.

### **Relevant Planning History**

The current application site is referred to as Phase 4 of the wider Charminster Farm development. The site itself does not have any relevant planning history, although pre-application advice was sought for Phase 3 and Phase 4 (ref: WD/D/19/001474) in 2019 and 2020. The other relevant Charminster Farm applications are as follows:

#### Phase 1:

WD/D/14/002784 - Outline application for residential development up to 70 dwellings and a multi-purpose community building. Decision: Approved 21/8/2015. (implemented)

WD/D/15/002639 - Reserved matters for appearance, landscaping, layout and scale. Decision: Approved 20/9/2016 (implemented).

#### Phase 2:

WD/D/18/000296 - Erection of 52 dwellings, access, landscaping, public open space and associated works. Approved 21/1/2019 (implemented).

#### Phase 3:

WD/D/19/003097 - Erection of 82 dwellings, access, landscaping, allotments, public open space and associated works. Approved 28/7/2021 (implemented)

### **List of Constraints**

- Groundwater Source Protection Zone
- Minerals Safeguarding Area

- Poole Harbour Catchment Area
- Wessex Water Foul Sewer Consultation Area
- Adjacent the Charminster Conservation Area, and within the setting of Listed Buildings: Parish Church of St Mary (Grade I); Haydon Farmhouse (Grade II)
- (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
- Outside defined development boundary in adopted Local Plan

## **Consultations**

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

## **Consultees**

### **Dorset Police - Crime Prevention Design Advisor – Comments:**

- Strongly recommend that the security and layout of the development meets the standards laid out in the Secured by Design Homes 2019 guide
- Also recommend that all garden gates, especially rear access gates are key lockable from both sides.

### **Dorset & Wiltshire Fire & Rescue Service – comments:**

- Would need to be designed and built to meet current Building Regulation requirements
- Assessment of this proposal in respect of Building Control matters will be made during formal consultation
- Consideration should be given to ensure access to the site, for the purpose of fire fighting, is adequate for the size and nature of the development
- Consideration should be given to the National Guidance Document on the Provision of Water for Fire Fighting and the specific advice of this Authority on the location of fire hydrants

**Natural England** - No comments to make – Standing Advice on protected species should be applied

### **Wessex Water – No objection – can advise the following information for the applicant:**

- There are no known Wessex Water Assets within the proposed site boundary
- Wessex Water will accommodate domestic type foul flows in the public foul sewer with connections made on a size for size basis, Developers fund the cost of connecting to the nearest 'size for size' sewer. The minimum diameter receiving sewer to meet size for size principles for a development of this magnitude is 150mm
- The nearest public foul sewer of suitable size or greater is the 150mm diameter on North Street
- There is limited capacity within the downstream network and cumulative development in this area may necessitate improvements to accommodate the additional foul flows
- Therefore, a capacity appraisal and detailed process review will be required to understand full impacts of the additional foul flows, this will also identify, what / if



any, improvement works necessary to accommodate any additional loading in the system and at the treatment works.

- They do not have capacity improvement schemes readily prepared for sites that do not have planning permission. Upon any grant of planning permission for this site, it will be necessary to undertake a modelling assessment and, if it is deemed necessary, plan, design and construct a scheme of capital works to meet the catchment growth
- Should this be the case, we advise that it will be necessary to reach agreement with both the applicant and the Local Planning Authority upon the timetable if a scheme of capacity works is required. In that circumstance the development should not proceed until Wessex Water has confirmed that capacity can be made available for these new connections.
- The point of connection to the public network is by application and agreement with Wessex Water.

*[Officer Comment: The applicant's Flood Risk Assessment acknowledges that further discussion will be required with WW to ensure that the foul drainage system is resilient. This can be secured by means of planning condition.]*

**WPA Consultants Ltd - Comments:**

- The site investigation and risk assessment does not indicate that there are any contamination issues requiring further investigation
- A watching brief should be maintained under a planning condition

**DC - Environmental Health** – No objection, subject to mitigation measures advised by the applicant's noise report

**DC - Flood Risk Management Team** – No objection, subject to conditions

**DC - Highway Authority** - No objection, subject to condition.

**DC - Housing Enabling Team Leader** – Comments [See Section 16 below]

**DC - Mineral Planning Authority** – No objection, subject to condition

**DC – Natural Environment Team** – No objection, subject to compliance with the agreed Biodiversity Plan and securing the delivery of nutrient neutrality mitigation measures

**DC - Planning Obligations Manager** – comments

- On the understanding that the phase is CIL liable, no comment from this perspective
- There will be a need for a s106 drafted to secure the affordable housing

**DC – Senior Conservation Officer** – Unable to support [See Section 16 below]

**DC – Senior Landscape Architect** – Further to review of the amendments I have only the following comments to make:

- Full Planting Plan with detailed specification and maintenance information has not been provided and is required to ensure the landscape strategy is developed appropriately
- Layout Plan including paving material information has not been provided. I am particularly interested in driveways and courtyard parking areas and encourage the use of permeable paving within these areas

*[Officer Comment: The above can be secured by means of planning condition.]*

**DC – Senior Urban Design Officer – Comments:**

The applicants have addressed the concerns that I had regarding the design and materials used on some of the dwellings and have made necessary tweaks to the layout to a point where I can remove my objection.

**Charminster Parish Council:** Objection raised at the meeting in July 2023:

- The Parish Council objected to the application on 9th February 2021 continues to strongly object for the reasons stated at the time and further information detailed below
- Would like to reference the recent Appeal dismissed for land South of Westleaze, Charminster and the points raised which we reference made regarding open landscape playing an identifiable role in framing the Charminster conservation zone etc. See extract below:

*“Charminster Conservation Area:*

- 22. Wolfeton House lies within the Charminster Conservation Area, which also includes the historic core of this settlement and the site of the deserted Medieval Settlement of Wolfeton, as well as large undeveloped areas. Within the Conservation Area Appraisal, West Hill and the A352 ribbon, the village core and East Hill are grouped under sub-area (i), whilst Wolfeton House and its surrounds form sub-area (ii).*
- 23. Having regard to the presented evidence, I find that the special interest of Charminster Conservation Area is primarily derived from the well-preserved layout of the village, with its rich collection of historic buildings, and its relationship with the Wolfeton estate, but also its rich archaeological heritage. The high quality landscapes and features adjacent to and within the Conservation Area, in particular the river and mill features, water meadows, mature trees and green spaces also make significant contributions to the special interest of this designated heritage asset.*
- 24. Within sub-area (ii), East Hill is characterised by its sense of enclosure, which is provided by the built forms and boundary walls lining the road, as well as the mature vegetation. This contrasts with the changing character to the southern end of East Hill which becomes distinctly more agricultural. Although they may not be publicly accessible, views out in this location constitute a key aspect of the Conservation Area’s character.*
- 25. By virtue of its undeveloped character, the land to the east and west of sub-area (ii) contributes positively to its significance and the special interest of the Conservation Area as a whole, by demarcating the historic*

*settlement of Wolfeton and preserving a degree of separation from the settlement of Charminster. This open landscape also plays an identifiable role in framing the rural setting of the Wolfeton complex and the Charminster Conservation Area.”*

Objection raised at the meeting in May 2022:

- Whilst members felt the revised scheme was an improvement in many ways and understood what the applicants were trying to achieve, they felt the proposed development was still very impactful on the local landscape. For some this meant the site should not be developed.
- There were also concerns about traffic (including how the restriction in Wanchard Lane would work), pedestrian safety in Wanchard Lane, the relationship between some existing properties and the new ones, and the massing of development on the skyline
- On the other hand the Parish Council appreciated the quality of the properties built by Wyatt Homes and their existing track record
- It was proposed the Parish Council object on the grounds of the damage to the landscape in close proximity to the conservation area and the incremental increase in traffic on top of other recent increases. Also, on the grounds that there is no footway being proposed along Wanchard Lane, mixing pedestrians with vehicles. The Parish Council also has concerns about the significant effect the development will have on Soder Hill/Drakes Lane in terms of increased traffic using the road

Objection raised at the meeting in February 2021:

- The Parish Council unanimously objected to the application on the following grounds:
- Although the Parish Council has supported Phase 1, 2 and 3 and it supports the quality of the developer, members believe that developing on the other side of Wanchard Lane is a step too far
- The area proposed for development is outside the defined development boundary and contiguous with the conservation area
- The proposal has an unacceptable effect on the Charminster conservation area, including dwellings closest to the development
- The proposal is unacceptably intrusive in the landscape particularly when viewed from the conservation area
- The views from various locations across the village are carefully chosen to mislead the impact of the development from across the valley
- The development is unacceptably intrusive against the skyline
- The concentration of social housing within specific area of the proposal does not follow current guidance for mixing it throughout the site
- The site will add further traffic to the Soder Hill/Drakes Lane heading northwards and hence is unacceptable on highways grounds
- There is other land which has less impact on the existing structure and layout of the village
- The impact of building close to a major industrial facility, the highway depot, has not been sufficiently assessed

- Concerns about drainage and sewage from the site. North Street is already affected by issues with flooding due to surface run-off and sewage regularly overflows into resident's gardens
- Overlooking of neighbours in adjacent properties often at first floor level
- The cumulative scale of the proposals
- Wider infrastructure provision, particularly middle school and secondary school as well as doctors, dentists and bus services.

### **Representations received**

Support has been received from one residential property, including the following comments:

- Developer has made significant improvements to the layout and incorporated many of the local residents' concerns
- Suggest reducing the central green size to provide scope to enlarge gardens
- Biggest concern is how to provide affordable local houses for local people
- Dorset Highways should consult with local residents and Parish Council on proposed traffic plans linked to this and previous phases of Charminster Farm development

Objections and comments from 22 residential properties have been received, along with comments from the Dorset Ramblers. The objections/comments raise the following concerns:

- Phases 1, 2 and 3 of Charminster Farm have already provided more than enough new homes in this area and for West Dorset
- Site is outside of current development boundary of Charminster
- No new development should be allowed until new Dorset Local Plan is adopted
- Continued urbanisation will result in Charminster becoming a suburb of Dorchester
- Loss of green field and green views - valued open rural countryside within the village
- Will soon become over-developed thereby destroying village life and rural feel
- Increased pressure on local services – already stretched with recent developments
- Local school is oversubscribed with children
- Health services are under-provided
- Current bus service is inadequate
- Additional infrastructure is needed
- Proposal offers no benefits to the village
- Homes will not be affordable to many
- Negative impact on Conservation Area and historic character of village
- Site is on sloping land, very easily seen from footpaths and public viewpoints
- Impact on adjacent wooded area – should not be relied upon to screen proposal
- Potential for fly tipping and trespass
- Highly likely to lead to further building along the ridge northwards towards Sodern/Drakes Lane
- If the development goes ahead, there should be a pedestrian link from the public right of way west of the site to the development

- Loss of privacy
- Loss of light
- Overbearing impact
- Light and noise pollution
- Subsidence hazard
- Next to a Council Depot with heavy vehicle movements, noise, smells and light
- Increased traffic and pollution
- Small narrow village roads, with blind bends, often no footways, and already struggling with the volume of traffic
- Inadequate to accept any further large-scale volume of traffic
- Speeding and unsafe highway conditions
- Pedestrians are put in danger due to the poor provision of suitable pavements
- Already too dangerous for pedestrians, cyclists and horse riders etc
- Routes to Dorchester are unsafe for cyclists
- Proposed changes to road layout will impact on existing neighbouring access and parking – loss of off-street parking
- To change Wanchard Lane from being a two-way road to a one-way road will have disastrous rat-running impacts on residents in Phase 3, 2 and 1 and in Weir View
- Future improvements to pedestrian safety require changes to the junction between Wanchard Lane and North Street that are part of the current application
- Loss of wildlife habitat
- Current foul water system in North Street is insufficient for the existing properties and regularly floods foul water into properties
- Lack of surface water drainage on North Street as well as high groundwater levels in times of rain
- Proposed development would increase flood risks
- Homes are not designed to include sustainable measures
- Insufficient garden sizes
- Geological constraints due to the steep fall to street level - subsidence hazard
- Amended plans reducing dwellings from 41 to 30 do not overcome previous objections

Total - Objections	Total - No Objections	Total - Comments
31	1	7

Petitions Objecting	Petitions Supporting
1	

### Relevant Policies

West Dorset, Weymouth and Portland Local Plan (2015)  
INT1- Presumption in favour of Sustainable Development

ENV 1 – Landscape, Seascape and Sites of Geological Interest  
ENV 2 – Wildlife and Habitats  
ENV 3 – Green Infrastructure Network  
ENV 4 – Heritage Assets  
ENV 5 – Flood Risk  
ENV 8 – Agricultural and Farming Land Resilience  
ENV 9 – Pollution and Contaminated Land  
ENV 10 – The Landscape and Townscape Setting  
ENV 11 – The Pattern of Streets and Spaces  
ENV 12 – The Design and Positioning of Buildings  
ENV 13 – Achieving High Levels of Environmental Performance  
ENV 15 – Efficient and Appropriate Use of Land  
ENV 16 – Amenity  
SUS 1 – The Level of Economic and Housing Growth  
SUS 2 – Distribution of Development  
HOUS 1 – Affordable Housing  
HOUS 3 - Open Market Housing Mix  
COM 1 – Making Sure New Development Includes Suitable Provision for Community Infrastructure  
COM 7 – Creating a Safe and Efficient Transport Network  
COM 9 – Parking Standards in New Development  
COM 10 – The Provision of Utilities Service Infrastructure

#### National Planning Policy Framework (2023)

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

#### Dorset Council Local Plan (Consultation version January 2021)

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

#### Relevant Policies:

DEV3: Growth in the central Dorset functional area  
DEV6: Development at villages with development boundaries in rural Dorset  
ENV1: Green infrastructure: strategic approach  
ENV2: Habitats and species

ENV4: Landscape  
ENV5: Heritage Assets  
ENV7: Achieving high quality design  
ENV8: The landscape and townscape context  
ENV11: Amenity  
ENV13: Flood risk  
ENV14: Sustainable drainage systems (SuDs)  
HOUS1: Housing Mix  
HOUS2: Affordable housing  
COM4: Recreation, sports facilities and open space  
COM8: Parking standards in new development  
COM12: The provision of utilities service infrastructure  
DOR14: Land to the West of Charminster

#### Other material considerations

National Character Areas (NCA) Profile: 134 Dorset Downs and Cranborne Chase  
Dorset Landscape Character Type – Chalk Valley & Downland  
West Dorset Landscape Character Assessment 2009 – Cerne and Piddle Valleys and Chalk Downland  
West Dorset, Weymouth and Portland Strategic Landscape and Heritage Study Stage 2 Assessment 2018  
Cerne Abbas, Charminster, Sydling St Nicholas and Godmanstone Conservation Area Appraisal 2007  
West Dorset Design and Sustainable Development Planning Guidelines 2009  
West Dorset Planning Obligations SPD 2010  
Bournemouth, Poole and Dorset Residential Car Parking Study Residential Car Parking Provision, Local Guidance for Dorset 2011  
Bournemouth, Dorset and Poole Minerals Strategy 2014  
Nitrogen Reduction in Poole Harbour SPD 2017

#### **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.

#### **Public Sector Equalities Duty**

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

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

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

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

The site is outside of the Charminster defined development boundary. However, as set out in Section 16 below, it is considered that the site is in a sustainable location in terms of access to services.

The proposed change in land use will not result in any disadvantage to people due to their protected characteristics. The form of development proposed will provide housing and a footpath connection to an improved junction crossing at Wanchard Lane. This ensures that the needs of some people with disabilities or mobility impairments or pushing buggies are met, whilst accepting that the existing steep topography will inevitably still present challenges for some. Access arrangements to the new housing would be subject to the requisite standards applied by Building Regulations.

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

### Financial benefits

What	Amount / value
Material Considerations	
Affordable housing	10 dwellings on-site: 33% of total dwellings, and financial contribution to be also provided in lieu of 35% policy requirement.
Quantum of greenspace	Public open space will be provided within the middle of the site
Contributions	Proposed development is CIL liable
Employment created during construction phase	The proposal would assist in creating/maintaining construction jobs
Spending in local economy by residents of proposed dwellings	New residents will contribute to the local economy through additional expenditure.
Non Material Considerations	
Contributions to Council Tax Revenue	According to the appropriate charging bands



## **Climate Implications**

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.

A Sustainability and Climate Statement has been provided by the applicant which outlines a fabric first approach to maximise energy efficiency and the use of renewable and low carbon technology to minimise energy consumption.

The masonry specification along with high levels of insulation will deliver homes with effective insulation and a high level of thermal mass that enables each home to retain heat during cold periods and conversely resist overheating during warm periods. Appropriate ventilation based on SAP calculations will further minimise the risk of summer overheating.

Dwellings will be designed to allow sufficient natural daylight to penetrate principle living rooms, to minimise the need for artificial lighting and to take advantage of passive solar gain where possible.

The incorporation of renewable / low carbon energy sources including air source heat pumps and EV charging facilities, along with energy efficient lighting and white goods will help to minimise energy consumption and overall resulting emissions.

Sustainable materials and construction methods will be used wherever possible and practicable as well as reusing existing materials on site to reduce the environmental impact of the scheme. All proposed dwellings will include water conservation measures.

## **Planning Assessment**

The main issues of this proposal are considered to be:

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

## **Principle of development**

The spatial strategy in the Local Plan is set out in Policy SUS2, which aims to distribute development in accordance with a settlement hierarchy that focuses a greater proportion of development at larger and more sustainable settlements. This has a three-tiered approach, with the main towns of Weymouth and Dorchester as the highest

priority locations for new development and elsewhere, the market/coastal towns and the village of Crossways being a focus for future development at the second tier in the hierarchy. Charminster sits within the “third tier” of the spatial strategy, which states that: *“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. Settlements with no defined development boundary may also have some growth to meet their local needs.”*

The site is adjacent to but outside of the Charminster defined development boundary, and the proposed development (not being exclusively for affordable housing or rural workers housing) is not of a form supported by paragraph (iii) of Policy SUS2. The proposal is therefore contrary to policy SUS2.

Whilst the application site is outside the defined development boundary (DDB), it sits close to the recently built Charminster Farm Phase 1 (70 dwellings) and Phase 2 (52 dwellings), which have now been completed and occupied. Phase 3 (82 dwellings) is also further to the west. All these earlier sites lie outside the DDB in the adopted Local Plan, but were included in the Preferred Options Consultation document (2018).

Charminster has a bus service and good cycle/pedestrian links to Dorchester. It has various community facilities and services including two village/community halls, a first school, a small post office/convenience store, two public houses, a church and some employment facilities. The site is within walking distance of the above village facilities, and is also near to a Council local depot and a small industrial estate, which may provide some local employment opportunities - albeit at a limited scale. There is generally good footway provision to these facilities, with the exception of West Hill/East Hill towards the post office/convenience store, although there is an alternative public footpath route via Mill Lane that could be utilised by some. Having regard to all the above, and noting that 82 dwellings were recently granted further west at the settlement edge, the current proposal site is considered to be a sustainable location for the provision of 30 dwellings.

Following the latest 2021 Census, the ONS has recorded Charminster as having a population of 1,732. The ONS records a 2011 Census figure of 1,366, meaning that the population of the village has increased by approx. 27% between 2011-2021. This increase can probably be largely attributed to the completion within this period of Phase 1 (70 dwellings) and Phase 2 (52 dwellings). It is also noted that Phase 3 (82 dwellings) is near completion, which will increase the population further and possibly amounting to an approx. 40% increase from 2011. The current proposed Phase 4 would provide a further 30 dwellings.

Part of the criteria in Policy SUS2 is that where development takes place in the settlements in the rural third tier of the spatial strategy, this will *“take place at an appropriate scale to the size of the settlement.”* The Local Plan does not set any figure for the level of growth at the third tier of the spatial strategy. As such, there is a need to make this assessment on a case-by-case basis bearing in mind the settlement concerned. As set out above, the village has various services and facilities and as such, is a sustainable location. It is accepted that in recent years, the population of

Charminster has increased significantly as also outlined above. However, the current proposed provision of an additional 30 dwellings is considered to be reasonably proportionate to the settlement size and facilities.

Dorset Council published the new Local Plan Options Consultation document in January 2021, with the public consultation concluding in March 2021. The responses have now been summarised by the Council and an updated Local Development Scheme has now been published. Initial scoping and early engagement will take place in September 2024, before the bulk of the new Local Plan work beginning in November. There would be further engagement exercises in both 2025 and 2026, before submission for examination in November 2026. Subject to the result of this examination, adoption of the new Local Plan would be in May 2027.

As part of the new Local Plan process, the first Council-wide 'call for sites' commenced in October 2019 to identify sites that may have potential for development over the next 15 years and beyond. The application site was submitted for consideration and Dorset Council published its first Strategic Housing Land Availability Assessment (SHLAA) in September 2020. Although the SHLAA is a technical study to inform future policy development and is thus not a planning policy document, it indicates that the application site (SHLAA Ref: LA/CHTR/013) is potentially suitable for residential development. The SHLAA summarises that the site is adjacent to residential development and within walking distance of the school, but also adjacent to the Conservation Area with the potential for a negative impact. The site is relatively well hidden from wider views by the surrounding existing buildings and vegetation, except from the opposite side of the River Cerne valley. It is therefore a potentially developable site, subject to evaluation of heritage and visual impacts.

The site was subsequently included as a draft residential allocation in the 2021 Council-wide Options Consultation document, as part of DOR14: Land to the west of Charminster. While only limited weight can be afforded to this emerging plan, given its early stage of consultation, it does however outline a direction of travel regarding potential future development locations in Charminster.

### *Housing Land Supply*

The revised National Planning Policy Framework (NPPF) 2023 introduced a reduced housing land supply requirement for local planning authorities that have met certain criteria as set out in paragraph 266 of the NPPF. This relaxes the requirement to demonstrate 5 years' worth of deliverable housing sites for Local Planning Authorities that meet certain requirements. As concluded in a recent appeal decision at Marnhull (planning ref. P/OUT/2023/00627), Dorset Council does not currently benefit from the provisions of paragraph 226 and therefore must demonstrate a five-year supply. In the West Dorset, Weymouth & Portland/North Dorset area, the published supply position of 5.28 years means the tilted balance in paragraph 11 of the NPPF is not engaged. The delivery of additional housing against the housing requirement should however be given weight in planning decisions as should the conclusions of the recent appeal decision at Marnhull.

The NPPF requires Local Planning Authorities to identify and update annually their supply of deliverable housing sites, in order to do this LPA's can prepare an annual position statement (APS). Dorset Council has recently submitted an APS to the Planning Inspectorate (PINS) for review and PINS is expected to issue their recommendations on this in October later this year.

As part of the submitted APS the Council has sought to change to a single Dorset Housing Land Supply Position rather than the current situation which goes by individual position statements for each of the legacy authorities that now make up Dorset Council. As set out within the APS, Dorset Council believes it can demonstrate a deliverable supply of new homes equivalent to 5.24 years across the entire Dorset Council area (or 5.32 years if PINS includes the land north and east of the Blandford Bypass, Blandford Forum which has recently been approved). Whilst PINS have acknowledged receipt, there is no decision on this matter at this point in time. It is also of note that the current Government consultation on changes to the NPPF propose to remove the ability for LPA's to fix their land supply.

#### *Conclusion – principal of development*

The proposed development, by reason of its location outside the defined development boundary, is contrary to policy SUS2 of the Local Plan. The proposal is also considered at a time when the Council is delivering a sufficient supply of new homes. However, in light of the current overall context outlined above, in terms of access to/impact upon services and facilities the proposed location and scale of development is nonetheless considered to be sustainable. In order to determine whether the proposed development is acceptable in principle, all other relevant material planning considerations are properly assessed as set out below. This is necessary to determine if the proposal complies with the Local Plan and the NPPF as a whole.

#### **Affordable Housing**

There is a significant need for quality affordable family housing in Dorset, particularly for rented homes. Where open market housing is proposed in West Dorset, Policy requires 35% affordable housing on site. The percentage of Affordable homes being offered would be policy compliant at ten dwellings (33%), subject to a 0.5 dwelling equivalent financial contribution in lieu of a full 35% on-site provision. The affordable housing provision can be secured through an appropriate Section 106 agreement. The applicant's Draft Heads of Terms advises that no less than 7 of the Affordable Housing Units shall be Affordable Rented Units and no more than 3 shall be Shared Ownership Units, unless otherwise agreed with the Council. This would meet Local Plan Policy HOUS1 requirements.

The Council's Housing Enabling Team (HET) remains concerned regarding the Affordable Housing being located in one area, and that eight out of ten properties being offered are flats. While the limited inclusion of two-bedroom flats can be appropriate for the needs of some applicants on the Housing Register, as a norm two-bedroom accommodation is required by families. The HET also commented that in providing affordable homes as two-bedroom flats, the proposal adheres to the spirit of the Local

Plan, but does not provide a balanced or equitable mix of accommodation. To be a more unified scheme and to more accurately reflect the needs of the housing register, the balance of family houses needs to be increased, providing outside space which would be more appropriate as family homes, integrated across the development.

However, the case officer notes that all four proposed one-bedroomed Affordable units would be served with their own direct access to private amenity space. While the four two-bed affordable units above on the first floor would not have their own private amenity space, they are within easy reach of the central open space area provided for the wider development. It is also considered that all these units would be provided with sufficient internal living space. Whilst the flatted layout inevitably differs from the open market dwellings, they are of similar two storey height. Additionally, the traditional design features and the maisonette layouts, comprising dual frontages and several private entrance doors, would give a similar visual appearance to the other dwellings. The proposed layout was also further amended to create a perimeter block, to remove the need for a turning head and to ensure that the Affordable Housing is sufficiently integrated with the rest of the scheme.

The proposal also includes two Affordable three-bed semi-detached dwellings. It is considered that these dwellings would be provided with sufficient internal living space and private amenity space. They would be sited alongside some detached open market dwellings forming the southern streetscene, along with a pair of open market two-bed semi-detached units to the rear, with the affordable flats/maisonettes on the other side to the east. The case officer considers that this layout and design would provide a sufficiently tenure-blind appearance and in light of all the above, the proposal complies with Local Plan Policy HOUS1.

### **Impact on character of area, including surrounding landscape and heritage assets**

The proposed development site adjoins Charminster Conservation Area (CA), the boundary of which runs along most of its eastern and southeastern boundary. Due to its elevation, the site is also within the setting of the Listed Buildings of Haydon Farmhouse (Grade II – southeast of the site on the opposite side of North Street) and the Parish Church of St Mary (Grade I – approx. 170m southeast of the application site). Views of the proposal site from the opposite valley east of the River Cerne (including from Public Right of Way S14/2) includes the Dorset National Landscape (AONB) on a higher background approx. 950m to the southwest.

It is accepted that the current proposal site has a different context to the previous Charminster Farm development phases, due to its proximity to the Conservation Area and its elevated location on the River Cerne valley – where wider views are possible, particularly along PROW 14/2.

In order to mitigate the landscape and visual impact, and in response to the initial objections raised by the Council's Senior Landscape Architect and Senior Urban Design Officer, the quantum of development has been reduced from the initial 41 dwelling submission to 30 dwellings now proposed. This can be appreciated in the amended photomontages, including from within the adjacent Conservation Area, the grounds of St

Mary's Church and the opposite site of the valley. The heights of the dwellings on the highest section of land facing the valley have been reduced to 1.5 storey, and the roof pitches of many of the other dwellings have also been reduced. The provision of additional tree planting and a central green open space also assists in diluting the development from the abovementioned wider views. This provides a more loose and open form of development to reflect the rural edge setting. The design of new properties would now settle into the elevated landscape rather than being overly prominent.

The dwellings would be provided with an improved variety of external materials (including stone, flint and render elevations) that now significantly breaks up the amount of red brick. This is supported, as render, rough cast stone and flint are the most common building materials in the village. Roof tiles would now mainly consist of slate, which also reduces the visual impact, particularly from across the valley. This is also supported, as the use of red and plain roof tiles in the village is limited. Where brick has been used in the village, it is multi stock and muted, or in some cases more of a buff colour. Front boundary treatments mainly consist of hedge/shrub planting and the use of brick walls is limited. The precise external material specification can be secured by means of planning condition, to ensure that the final appearance respects the surrounding historic vernacular and local distinctiveness.

The proposed layout of 30 dwellings across the site, including a number of detached dwellings, will inevitably lead to a somewhat suburban appearance. However, terraced and semi-detached dwellings are also provided to reflect the more historic dwelling patterns. The current proposed variety of building designs and architectural elements is not considered to be excessive or incongruent. The designs are traditional and domestic in character and scale, with some references to the vernacular architecture and materials found in the village. The designs provide an appropriate balance of architectural variety and interest that does not lead to incoherence.

It must also be noted that from viewpoints along s14/2 (along the eastern side of the valley), previous phases of Charminster Farm are partially viewed beyond the site ridgeline to the south and west. Two storey red roof tiles are particularly visually prominent within Charminster Farm Phase 2 which, along with the Council depot facility, forms the immediate backdrop beyond the current proposal site to the west. As seen at further distance away to the north along Haydon Hill Close and Highfield Close, grey/slate roof tiles settle more easily into local views. This would now be replicated by the current proposal, as it consists predominantly of slate roofs. Along Haydon Hill, modern development up to 2.5 storey in height is located on the lower levels of the valley (within Hawdon Hill Close), and lower bungalow/1 ½ storey development exists on the higher levels on Highfield Close. This height reduction towards the higher valley ground is also now reflected in the current proposal.

The amended Landscape and Visual Appraisal assesses the visual effects from PROW 14/2 as being moderate adverse at completion, reducing to minor adverse after 10 years. However, as set out above, the large greenspace and low density of development now proposed is considered to form an appropriate village extension. The

value of the central open space is seen in the photomontage as it visually connects to the wider landscape. The proposal would also be visible in closer range along PRow – S14/29 (which runs immediately behind and along the western site boundary between its hedgerow and the Council depot) and from along Wanchard Lane. However, given the proximity to existing development, including recently constructed dwellings in previous phases, this would not lead to an adverse visual impact. The proposal would therefore not detract from the surrounding local landscape and therefore complies with Policy ENV1 of the Local Plan.

It is considered that the scale and design of the current proposed development has been informed by the character of the site and its surroundings and contributes positively to the maintenance and enhancement of local identity and distinctiveness. The overall design is high quality and the scale, mass, and materials used complements and respects the character of the surrounding area. In this respect, the proposal complies with the applicable urban design requirements of the Local Plan.

Full landscape plans with specification and maintenance information have not been provided at this stage. However, a comparison of the Illustrative Landscape Strategy Plan alongside the other submitted plans has not identified any fundamental conflicts or discrepancies between the proposed landscaping and the proposed development. As such, it is considered that the landscape strategy as indicated can be delivered in practice. However, this is subject to pre-commencement planning conditions requiring submission of a detailed planting scheme to protect existing planting, reflect local character, create a sense of place, enhance biodiversity and mitigate the landscape and visual impact of the scheme. This scheme should include a maintenance and management plan. The planting information should also include native species and a grid of medium/large standard native tree varieties and understorey, to provide a substantial buffer on the northern and western site boundaries.

An amended arboricultural assessment, method statement and tree protection plan has been provided. The proposed development will require partial removal of two sections of hedgerow to facilitate the vehicular access from Wanchard Lane, which will be replaced with new planting elsewhere within the site. Incursion into the root protection area of one tree will be mitigated by no-dig surfacing measures. All proposed tree protection measures (including protective fencing) can be secured by means of planning condition. It is therefore considered that the proposed works can be implemented without any long-term detrimental impact on tree health.

#### *Impact on Heritage Assets*

Within lower areas of the site close to North Street, it is considered appropriate to slightly intensify development. This is however adjacent to the Charminster Conservation Area (CA) boundary, meaning that the scale and design must reflect the village settlement pattern and the special character of the CA as much as possible. The mitigation planting along the site boundaries and adjacent the CA has been increased to reduce the visual impact of the development from across the valley and in more

closer views along the CA - including northwest from the grounds of the Grade I Listed St Mary's Church and from Haydon Farmhouse (Grade II).

Taking into account their respective settings which contribute to their significance, the Council's Senior Conservation Officer does not consider that the proposal will result in harm to the significance of the Parish Church of St Mary (Grade I), or Haydon Farmhouse (Grade II) which is to the northwest of the church closer towards the proposal site.

The undeveloped proposal site contributes to the appreciation and understanding of the historic linear development pattern along North Street, within the CA. This is particularly appreciable in views from the east side of the valley along PRow S14/2, with the CA and historic development sited below the undeveloped proposal site. The current proposed site layout still somewhat departs from this linear pattern by reason of its crescent form. That being said, the proposed central open space within this development form is of substantial size and, as already set out above, assists in providing a more open character and a looser form of development.

Plot 12 to the northeast nearest the Conservation Area has been reduced in scale to 1.5 storey, and would have modest pitched roof dormers immediately above the lowered eaves level. The row of six dwellings on the highest western end of the site have also been reduced to 1.5 storey, albeit some include larger front gable ends. Although the other proposed dwellings are two storey in form, many of their roof pitches have been reduced and many also have eaves levels near or immediately above the first floor windows, which reflects many of the historic dwelling forms within the CA. It is therefore considered that the proposal has minimised the impact on the CA as much as possible, whilst also ensuring an efficient use of land in terms of the delivery of housing.

It is nonetheless considered that purely by virtue of the current undeveloped nature of the proposal site and the residual extent of visibility from within the CA, the current proposed 30 dwellings will still result in less than substantial harm to the significance of the CA as a designated Heritage Asset. Any harm to Heritage Assets must be given great weight and then weighed against any public benefits arising from the scheme. The delivery of housing can be considered to form a public benefit and this matter is assessed in the overall planning balance section conclusion below.

An Archaeological Desk Based Assessment has been provided and the Council's Senior Archaeologist has confirmed that no further works are considered necessary pre-determination or as a condition of planning permission, as the proposed development of this area is unlikely to have a significant archaeological impact.

### **Impact on residential amenity**

A number of proposed dwellings would face existing dwellings. The Council's adopted Design Supplementary Planning Document advises in Para 7.5.2 that 20m between facing buildings will normally give good privacy between the rear of buildings. Of particular note however is that the proposal site is significantly more elevated than the



neighbouring dwellings along North Street. This increases the on-the-ground impact of the proposed development on these neighbours.

The separation distances from the proposed two-storey Unit 17-20 building would be sited approx. 28-32m from the garden area of the two storey detached dwelling of No. 15 North Street to the east. The proposed Unit 21-24 buildings would be sited approx. 36m from this neighbour's elevation and first floor external balcony area at its northern end. These separation distances are considered sufficient to avoid adverse impact upon this neighbour in terms of loss of light, outlook, privacy and overbearing effects.

The north-south pedestrian pathway from Wanchard Lane through the proposed public open space would be approximately 11m at its closest point from the habitable rooms of No. 15. The separation distances increase further north as the path turns away northwest towards Units 21-24. A buffer of tree planting would be planted within the site, together with a scrub buffer along the site boundary. The planting would assist in mitigating overlooking towards No. 15. The pre-commencement landscaping condition would require precise details of the locations and specifications, to ensure that the mitigation would avoid any adverse loss of residential amenity, including potential overshadowing impacts.

The rear elevation of the proposed detached Unit 12 dormer bungalow dwelling would be sited approx. 35m from the front elevations of the two storey terraced dwellings of Nos 20-22 North Street to the east. These separation distances are also considered sufficient to avoid adverse impacts upon the amenities of these neighbours.

The rear elevations of four detached dwellings (Units 8-11) would face the side elevation of the detached split-level dwelling of No. 24a North Street to the north. This neighbour contains no side elevation windows facing the proposal site and given the width and depth of its rear garden along with the separation distances of approximately 21m-24m to its garden boundary, it is considered that no adverse impact on this neighbour's amenity would arise.

It is considered that the separation distances to the other nearby dwellings would be sufficient to avoid material harm to residential amenity.

The Council's Environmental Health Officer raised no objection, subject to mitigation measures advised by the applicant's noise report. This requires acoustic ventilation to ensure that fresh air flow can be achieved without the need for opening windows. This can be secured by means of planning condition.

The application includes an Air Quality Assessment report, which assesses potential construction phase air quality impacts from fugitive dust emissions as a result of earthworks, construction and trackout activities. It advises that the use of good practice control measures would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable level. Based on the assessment results, the report concludes that air quality is not considered a constraint for the proposed development.

The case officer considers that it is necessary to impose a pre-commencement condition requiring the submission of a Construction Traffic and Environment Management Plan, so that the suggested mitigation measures can be agreed in detail and secured to protect the amenity of the area during construction. This approach is also consistent with the nearby Phase 3 construction. It is also considered necessary to impose a condition limiting construction hours to the hours of 8.00 am to 6.00 pm Monday to Friday, and 8.00 am to 1.00 pm on Saturdays, with no construction works at any time on Sundays or Bank Holidays.

It is considered that the separation distances between the proposed dwellings would be sufficient to avoid adverse impacts on future occupiers, and that sufficient amenity space will be provided.

In light of all the above and subject to the conditions as outlined, it is considered that the proposed development would comply with the amenity requirements of Policy ENV16 of the Local Plan.

### **Impact on highway capacity and safety**

The proposal would provide a total of 62 allocated spaces, 21 garage spaces and seven dedicated visitor spaces - either on-street or within a dedicated parking bay. Space for secure cycle parking will be provided within the curtilage of each dwelling. 2m footways will be provided throughout and will link with Wanchard Lane to the east via a dedicated footpath, and to the west via footways abutting the vehicular site access. Swept path analysis has been undertaken to demonstrate that a large refuse vehicle is able to manoeuvre through the site.

The proposal includes a restriction to the east of the proposed site access off Wanchard Lane to limit traffic flow to westbound movements only. This arrangement will significantly reduce the number of vehicular movements out of Wanchard Lane onto A352 North Street, which has limited visibility, as only the existing residential dwellings fronting the eastern end of the street will in future be able to exit via this junction. All outbound traffic from origins west of the new restriction on Wanchard Lane, including the proposed development, would instead use the new street linking Wanchard Lane with the A37 through the consented Charminster Farm Phase 3 residential scheme south of Wanchard Lane (WD/D/19/003097).

The above highway works include the following:

- One way and no entry signs to be installed;
- New verge to be provided within redundant carriageway;
- Dropped kerbs to facilitate access for active travel users across Wanchard Lane;
- Raised table to be installed at uncontrolled pedestrian crossing adjacent site entrance;

- Proposed footpath from this raised table to connect into existing Public Right of Way S14/30 to the south;
- Wanchard Lane/A352 junction to be remodelled to reduce turning speeds and improve visibility for vehicles;
- New uncontrolled crossing to facilitate pedestrians to cross A352 south of Wanchard Lane; and
- New crossing facilities for pedestrians on both Wanchard Lane and A352 North Street

The Council's Highway Authority has assessed the impact on highway safety and capacity, and requested a survey plan clearly showing the available vehicular visibility splays from a 2.4m driver position at the access onto North Street. This has now been provided and the Highway Authority has now raised no objection, subject to provision of the visibility splay areas prior to occupation of the development. The off-site highways improvement works can also be secured by means of planning condition. The Wanchard Lane/A352 junction remodelling, including the pedestrian crossing, would likely remove the existing off-street car parking at this location. However, the proposed works include a remodelled vehicular access to No. 15 North Street off Wanchard Lane, which would allow for additional parking space for this dwelling.

### **Flood risk and drainage**

The proposal site is within Flood Zone 1 (low risk of fluvial flooding), as indicated by the Environment Agency's (EA) indicative flood maps. According to the EA's Risk of Flooding from Surface Water mapping, the site is not directly affected by theoretical surface water flood risk up to the 1-in-1000 year rainfall event. Nearby, flood zones 2 & 3 (medium to high probability of fluvial flood risk) are found approximately 80m away at the nearest point to the east of the site - due to the proximity of the nearby River Cerne, which flows north to south. The EA's mapping also shows significant surface water flood risk off site to the east of the site along the length of the River Cerne.

No ground water emergence is expected. However, ground water is likely to be raised during winter periods, due to connectivity with the River Cerne and the underlying chalk geology. Equally, it is likely that ground water migrates towards this area and so even if ground water levels are not high, there may be seepage through the chalk, especially following storms. Whilst prevailing flood risk to the site is considered low, Charminster itself and surrounding areas have experienced flooding on a number of occasions. Consultation comments received from nearby residents highlight concerns over existing surface water and groundwater flooding on North Street.

A Flood Risk Assessment and Drainage Strategy has been provided, along with a Geophysical Survey of the ground conditions to support the proposed drainage strategy. Soakaways will not be located within areas underlain by potential dissolution features, as identified by the geophysical survey. The on-site attenuation for this proposed development will be sized to offer flood protection for the development and its downstream catchment throughout its lifetime, with the upper end allowance of 40% being utilised to present a worst-case scenario. The application of permeable driveways

(loose stone/gravel) and individual on-plot soakaways will also be prioritised to manage surface water runoff at source. Any residual dwellings unable to accommodate on-plot soakaways (due to topography, offsets from buildings or structures to deal with the level differences etc) will drain, together with the extents of public highway, towards new above ground features (including a rain garden/swale along the eastern open space boundary) and private belowground communal soakaways.

The applicant has also completed a ground assessment report of the slope stability in relation to soakaway-based drainage and has concluded that soakaway drainage will not cause slope instability. The report states that despite the relatively large fall in elevation between the site and North Street, the proposed soakaways in the lower eastern part of the site are considered to be too distant from the road to have any adverse effect on the bank or retaining walls adjacent to the road, as long as the soakaways are at sufficient depth and distance from the crest of the slope.

As all development runoff intercepted by the drainage strategy will be disposed of via infiltration, the residual greenfield runoff volume will be almost entirely mitigated by the proposals. This will reduce the residual rate and volume of surface water runoff that is received by North Street, offering a reduced flood risk at North Street and betterment to properties in the downstream catchment.

The Council's Flood Risk Management Team (FRMT) initially raised holding objections, requesting additional information. In response, the applicant, amongst other things, carried out a geophysical survey, which identified the areas within the site that are at highest risk of solution features within the chalk bedrock. Following the submission of this additional information and some other amendments, the FRMT have now commented that they have been provided with the necessary detail and assurances to substantiate the proposed surface water strategy.

The FRMT's holding objection has therefore been withdrawn, subject to a pre-commencement condition requiring the submission of a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and which includes clarification of how surface water is to be managed during construction. The finalised design should observe any recommendations made following the proposed 'confirmatory physical ground investigation' as advised by the applicant's consultant.

The FRMT also recommend a further pre-commencement condition requiring the submission of details of maintenance and management of both the surface water sustainable drainage scheme and any receiving system. Once agreed, the scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. This should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime. The pre-commencement landscaping condition would confirm the proposed surfacing specification, to ensure a sufficient provision of permeable features.

## Ecology and biodiversity

The applicant has recently provided a Biodiversity Plan to accord with the revised proposal. This has been agreed upon by the Council's Natural Environment Team who issued a Certificate of Approval in March 2024. The implementation in full of the approved BP will ensure compliance with wildlife legislation, the biodiversity paragraphs of the NPPF and the Natural England Protected Species Standing Advice, and its implementation in full can be conditioned to any permission.

Key habitat of the wooded copse and individual trees are being retained. No lighting will be directed towards the copse, nor towards any part of the hedgerows or vegetated boundaries on site. A pre-commencement planning condition is necessary to require the submission of full details of the final proposed lighting scheme for the whole development. A buffer strip of 2m protecting the hedgerow will be maintained after construction. To mitigate for the loss of improved grassland, wildflower areas and scrub of a higher distinctiveness will be created within the public open space serving the scheme. No off-site biodiversity compensation measures are required.

Enhancement measures will include boundary hedgerow (away from Wanchard Lane) enhanced with additional native small tree and shrub planting. 50% of all new houses will include integrated bat boxes, tubes or blocks, and bird boxes. Any new fencing within the development must include hedgehog gravel boards/holes. Two bee bricks per dwelling must be included on a south-facing wall.

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.

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 (AA) to be undertaken for consultation with Natural England. Natural England has confirmed that, subject to sufficient funding being secured to ensure the delivery of all necessary mitigation measures, they agree with the conclusions reached in the AA that the proposal will not result in adverse effects, either alone or in combination, on the integrity of the Poole Harbour catchment.

Up until recently, the delivery of such mitigation has been funded through the standard CIL (Community Infrastructure Levy) contributions. From 31 July 2024 this has changed and the onus for provision of mitigation has now shifted to the developer with the following approaches potentially being acceptable:

1. Delivery of sufficient nitrogen mitigation on site as part of the open space within the development. This can also assist with the delivery of Biodiversity Net Gain.
2. Delivery of mitigation off-site but on land under the control of a developer.

3. Provision of new WWTW to be managed by a NAV water company<sup>4</sup> (only likely to be suitable for a larger development site).
4. The purchase of nutrient credits from a certified third-party mitigation provider such as Natural England's Lyscombe Farm mitigation project.
5. The purchase of nutrient credits from Dorset Council (when available).

In this instance, the applicant has confirmed their commitment to the delivery of the necessary mitigation to achieve nutrient neutrality for this development, and that they intend to do so through the following means:

- i) Purchase of credits from Natural England through the Lyscombe Farm mitigation scheme (which is now open), to be secured through a planning condition; or
- ii) Provision of off-site mitigation on land within the applicant's control, to be secured through a S106 agreement; or
- iii) A combination of i) and ii) above.

The exact method of mitigation will need to be agreed prior to the application being determined in order that this can then be secured through the appropriate mechanism.

### **Impact on infrastructure**

The proposal would meet the Local Plan 35% affordable housing requirement through the provision of 10 dwellings on site and a financial contribution of £32,430 towards off-site provision equivalent to 0.5 dwellings. This can be secured by means of S106 agreement. The applicant has provided draft Heads of Terms to include the above, along with securing the provision of the informal open space in the central part of site and its transfer to either a Management Company or Charminster Parish Council. The applicant will provide a contribution of £15 per square metre of open space for open space maintenance, if it is transferred to the Parish Council.

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 such infrastructure will be made as part of the CIL contributions.

### **Planning balance and conclusion**

Local Plan Policy INT1 states that there will be a presumption in favour of sustainable development that will improve the economic, social and environmental conditions in the area. Where relevant policies are out of date at the time of making the decision, the following matters will be taken into account:

- the extent to which the proposal positively contributes to the strategic objectives of the local plan;
- whether specific policies in that National Planning Policy Framework indicate that development should be restricted; and
- whether the adverse impacts of granting permission could significantly outweigh the benefits.

The proposed development, by reason of its location in the countryside outside the defined development boundary of Charminster village, is contrary to policy SUS2 of the Local Plan. Whilst the Local Plan is more than five years old, its most relevant policies remain in strong accordance with the current NPPF. The proposal is also considered at a time when the Council is delivering a sufficient supply of new homes for the Local Plan area. However, in light of the current context overall as outlined above, the proposed location and scale of development is nonetheless considered to be sustainable in terms of its access to and impact upon local services and infrastructure. The proposal is also in compliance with the relevant design, landscape and other technical requirements of the Local Plan. The weight that can be attached to the policy SUS2 spatial strategy conflict is therefore limited.

It has already been established that the current provision of 30 dwellings has minimised the impact on the Conservation Area (CA) as much as possible, whilst also ensuring an efficient use of land in terms of the delivery of housing. The residual less than substantial harm to the significance and setting of the village Conservation Area must then be weighed against the public benefits of the proposal, as required by Local Plan Policy ENV4 and the NPPF – which also states that great weight must be attributed to the conservation of heritage assets. The benefits that can be associated with the proposed supply of housing (including the on-site provision of ten affordable dwellings), and the local economy benefit from provision of jobs during construction and future residential expenditure, are in this case of substantial weight. Given the extent and nature of harm as already outlined further above, these public benefits outweigh the identified less than substantial harm to the Conservation Area.

Whilst the proposal is contrary to the Local Plan spatial strategy, the harm arising from this is limited and it accords with the other relevant policies and provisions of the Local Plan and the NPPF. In light of all the above, in this instance the material considerations indicate that planning permission should be granted.

### **Recommendation**

Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to:

- A) Approve, subject to the conditions set out below and 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 10 Affordable dwellings on site;
- financial contribution of £32,430 towards off-site provision equivalent to 0.5 Affordable dwellings;
- provision of the informal open space in the central part of site, and its transfer to either a Management Company or Charminster Parish Council; and
- in the event that the applicant is unable or chooses not to secure nutrient mitigation credits, then provision of an off-site nutrient mitigation scheme.

Or,

- B) Refuse permission if the agreement is not completed by 3 March 2025 (6 months from the date of committee) 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:*

- Location Plan (drawing no. LP.01 Rev P1)
- Site Layout Plan (drawing no. 161\_DI\_10.9)
- Scheme Masterplan (drawing no. 161\_DA\_12.4)
- Affordable Housing Plan (drawing no. 161\_DI\_14.2)
- Boundary Materials Plan (drawing no. 161\_DI\_12.4)
- Roof Plan (drawing no. 161\_DI\_15.2)
- Parking Layout Plan (drawing no. 161\_DI\_13.2)
- Site Sections (drawing no. 161\_DI\_16.3)
- Proposed On-Site Levels Plan (drawing no. 01-PHL-101 Rev B)
- Preliminary Drainage Cross-Sections (drawing no. 01-PDL-102 Rev E)
- Preliminary Drainage Layout (drawing no. 01-PDL-101 Rev D)

House types:

- 2-799-Beaminster-B-Cottage-Variant (drawing no. Bea-B-C-V Rev A)
- 3-1136-Glanvilles-B-Cottage (drawing no. Gla-B-C)
- 3-1136-Glanvilles-BF-Cottage (drawing no. Gla-BF-C Rev A)
- 3-1136-Glanvilles-BS-Cottage (drawing no. Gla-BS-C Rev A)
- 3-1207-Ibberton-BFS-Informal2 (drawing no. Ibb-BFS-12)
- 3-1349-Knowlton-BF-Cottage-Variant (drawing no. Kno-BF-C-V)



- 3-1350-Special 4-B-Cottage (drawing no. Special 4-B-C Rev A)
- 3-1150-Special 4-BFS-Cottage (drawing no. Special 4-BFS-C)
- 3-1350-Charminster IV-Terrace-BF-Cottage (drawing no. Terr-BF-C)
- 3-1363-Special3-BF-C Cottage (drawing no. Special3-BF-C)
- 3-1207-Ibberton-BFS-Informal1-Variant (drawing no. Ibb-BFS-I1-V)
- 3-1460-Special1-B-Cottage-Variant (drawing no. Special1-B-C-V)
- 3-5-894-HA-R-Variant (drawing no. 894-HA-R-V)
- 4-1360-Lytchett-BS-Informal2-Variant (Lyt-BS-12-V)
- 4-1403-Morden-BFS-Informal-Variant (drawing no. Mor-BFS-I-V Rev A)
- 4-1403-Morden-BS-Informal-Variant (drawing no. Mor-BS-I-V Rev A)
- 4-1569-Regis-BS-Cottage (drawing no. Reg-BS-C Rev A)
- 4-1669-Silton-BS-Cottage (drawing no. Sil-BS-C Rev A)
- 4-1771-Special2-BF-Cottage (drawing no. Special2-BF-C)
- Flat Block Type 3-HA-BF-V (drawing no. FBT 3-HA-BF-V Rev B)
- Flat Block Type 3-HA-BFR-V (drawing no. FBT 3-HA-BFR-V Rev B)
- Triple Garage 2-B-Variant (drawing no. TrG2-B-V)
- Twin Garage 2-B (drawing no. TwG2-B)
- Double Garage 2-B (drawing no. DG2-B)
- Twin Garage 2-B (drawing no. TwG2-B)
- Single Garage 2-B (drawing no. SG2-B)
- Bin Store-B (drawing no. BS-B)

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

3. No development shall commence 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 finalised design should observe any recommendations made following the proposed 'confirmatory physical ground investigation' as advised by Wilson Bailey Partnership (20/04/2023.) The surface water scheme shall be fully implemented in accordance with the agreed 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.

4. No development shall commence until details of maintenance & 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 should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

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

5. Prior to the commencement of development details of a foul drainage scheme for the site shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed scheme.

Reason: To ensure adequate facilities are provided in the interests of flooding and pollution.

6. No development shall commence until a Construction Traffic and Environment Management Plan (CTEMP) is submitted to and approved in writing by the Planning Authority. The CTEMP must include:
  - construction vehicle details (number, size, type and frequency of movement)
  - a programme of construction works and anticipated deliveries
  - timings of deliveries so as to avoid, where possible, peak traffic periods
  - a framework for managing abnormal loads
  - contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
  - wheel cleaning facilities
  - vehicle cleaning facilities
  - Inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
  - a scheme of appropriate signing of vehicle route to the site
  - a route plan for all contractors and suppliers to be advised on
  - temporary traffic management measures where necessary.

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

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

7. Notwithstanding the details on the approved plans, prior to the commencement of any development hereby approved above damp proof course level, full specification details (including colour photographs) of all external facing materials (including the walls, roofs, windows, external doors and other external surfaces) shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

Reason: In the interests of visual and residential amenity and surrounding Heritage Assets.

8. Notwithstanding the approved illustrative landscape strategy (Drawing No. 813.14/411d HDA6), no development above damp-proof course level shall commence until full details of the hard and soft landscape proposals have been

submitted to and approved in writing by the Local Planning Authority (LPA). These details shall include: proposed finished levels or contours; planting plans; written specifications and schedules of plants noting species, planting sizes and proposed numbers/densities where appropriate; means of enclosure; all hard surfacing layouts and material specifications (including a sufficient provision of permeable features), and; implementation timetables. The landscaping scheme should reflect local character, create a sense of place, enhance biodiversity and mitigate the landscape and visual impact of the scheme. The scheme should also support the aims of the Illustrative Landscape Strategy and include native species and a grid of medium/large standard native tree varieties and understorey, to provide a substantial buffer on the northern and western site boundaries.

All hard and soft landscape works shall be carried out in accordance with the agreed landscaping scheme. The works shall be carried out in full prior to the completion of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Any trees or other plants indicated in the approved landscaping details which, within a period of ten 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. The hard landscape features shall be maintained in accordance with the details agreed by the Local Planning Authority for the lifetime of the development.

Reason: To ensure the provision of amenity afforded by appropriate landscape design and maintenance of existing and/or new landscape features.

9. The development hereby approved shall at all times be undertaken in accordance with the tree protection and mitigation measures as set out within the arboricultural assessment & method statement (17222-AA7-Phase4-CA and tree protection plan (Drawing No. 17222-8)).

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

10. The development hereby approved shall be undertaken in accordance with the ecological mitigation and net gain measures as set out in the Biodiversity Plan dated 08th February 2024 and agreed by Dorset Natural Environment Team on 19th March 2024.

Reason: To conserve and enhance biodiversity.

11. Prior to commencement of the development hereby approved above damp-proof course level, a scheme showing precise details of all external lighting (including appearance, supporting columns, siting, technical details, power, intensity, orientation and screening of the lamps) shall be submitted to and approved in writing by the Local Planning Authority. Any such scheme shall comply with the

Bat Conservation Trust lighting guidelines (Guidance Note 08/18 Bats and Artificial Lighting in the UK. Bats and the built environment series) and the mitigation requirements as set out in the agreed Biodiversity Plan. The approved scheme shall be implemented before the development is fully occupied and shall be permanently maintained thereafter. No other external lighting shall be installed on site without the prior approval, in writing, of the Local Planning Authority.

Reason: In the interests of the visual and residential amenity of the area, public safety, protected species and biodiversity.

12. The construction hours of the development hereby approved shall be limited to the hours of 8.00 am to 6.00 pm Monday to Friday, and 8.00 am to 1.00 pm on Saturdays, with no construction works at any time on Sundays or Bank Holidays.

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

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

Reason: In the interests of highway safety and capacity.

14. Before the development hereby approved is occupied or utilised the visibility splay areas shown on drawing number PHL-102 Rev F must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: In the interests of highway safety.

15. Prior to commencement of any works on site (other than those required by this condition), the first 15.0 metres of the proposed access road, including the junction with the existing public highway shall be completed to at least binder course level unless otherwise agreed in writing by the Local Planning Authority.

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

16. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on drawing number 01-SK-201 A must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: In the interests of highway safety.

17. Before the development hereby approved is occupied or utilised, the highway improvement works as shown on Drawing Number 0891-PHL-102F (contained within Appendix B of the Transport Assessment Addendum dated 17<sup>th</sup> February 2022) shall have first been carried out in accordance with a specification which shall first have been submitted to and agreed in writing by the Local Planning Authority:

Reason: The 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.

18. Prior to use or occupation of development hereby approved, a scheme showing details of the proposed cycle parking facilities shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved details 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.

19. The development hereby approved shall be undertaken in accordance with the noise mitigation measures as set out in the Noise Impact Assessment report (AC108294-1R3 March 2021).

Reason: In the interests of residential amenity.

20. Measures shall be taken to ensure the re-use on-site of all suitable sands or gravels raised during construction wherever viable, environmentally feasible and practicable to re-use them. Within 3 months of the substantial completion of groundworks a report setting out the quantum (or evidenced estimate) of material reused on site shall be submitted to the local planning authority.

Reason: To comply with national and local policy on mineral safeguarding and to ensure that any suitable materials raised during construction are put to their highest and best use, while minimising the need to import aggregate materials from beyond the site, in the interests of sustainability.

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

Reason: To ensure risks from contamination are minimised.

***[THE FOLLOWING CONDITION TO BE ADDED IN THE EVENT THAT NUTRIENT NEUTRALITY MITIGATION IS TO BE DELIVERED THROUGH NUTRIENT CREDITS:***

22. No development shall commence until the necessary nutrient mitigation credits to mitigate the impacts of the development on the Poole Harbour SPA and Ramsar have been secured from an accredited nutrient provider and a copy of the Nutrient Credit Certificate demonstrating that purchase, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that sufficient mitigation is provided against any impact which may arise from the development on the Poole Harbour SPA and Ramsar.

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

**UPDATE:**

This application was presented to the Area North Planning Committee on 16 July 2024, where the Committee resolved to grant consent in accordance with the case officer's recommendation, with the addition of a further condition to remove permitted development rights for Plot 75 in relation to extensions/enlargements of this dwelling, this was in the interests of safeguarding the setting of Maxgate, an adjacent Grade I listed property. Since this resolution was made the application has been referred to the Secretary of State for Transport (SoS) in view of the holding objections raised by Network Rail and National Highways, as set out in the Committee report. A response from the SoS has yet to be received.

In the meantime, the application is referred back to the Area North Planning Committee to address changes to the funding and delivery of nutrient mitigation for the Poole Harbour Catchment (HPC) area, since the above resolution was made.

Up until recently, the delivery of nitrogen nutrient neutrality mitigation for the HPC was through Community Infrastructure Levy (CIL) contributions and this was to be the case under the previous resolution to approve. On 31 July 2024, the means by which nutrient neutrality mitigation is to be funded and delivered was changed with the onus shifting to developers to secure nutrient mitigation for their development proposals. This applies to all undetermined qualifying applications within Poole Harbour's catchment, including the current application. Under this new regime mitigation can potentially be secured by one of the following means:

1. Delivery of sufficient nitrogen mitigation on site as part of the open space within the development. This can also assist with the delivery of Biodiversity Net Gain.
2. Delivery of mitigation off-site but on land under the control of a developer.
3. Provision of new WWTW to be managed by a NAV water company<sup>4</sup> (only likely to be suitable for a larger development site).

4. The purchase of nutrient credits from a certified third-party mitigation provider such as Natural England's Lyscombe Farm mitigation project.
5. The purchase of nutrient credits from Dorset Council (when available).

In this instance, the applicant has confirmed their commitment to the delivery of the necessary mitigation to achieve nutrient neutrality for this development through the acquisition of nutrient credits. A condition to secure the necessary nutrient credits is therefore proposed as part of the officer's recommendation to approve this application.

In all other respects the proposed development and officer recommendation remains unchanged from that previously presented to Committee. The following report is therefore unchanged from that previously presented with the exception of the addition of the two conditions referenced above to secure nutrient credits and to remove permitted development rights for Plot 75.

*Advisory note:-*

The NPPF requires Local Planning Authorities to identify and update annually their supply of deliverable housing sites, in order to do this LPA's can prepare an annual position statement (APS). Dorset Council has recently submitted an APS to the Planning Inspectorate (PINS) for review and PINS is expected to issue their recommendations on this in October later this year.

As part of the submitted APS the Council has sought to change to a single Dorset Housing Land Supply Position rather than the current situation which goes by individual position statements for each of the legacy authorities that now make up Dorset Council. As set out within the APS, Dorset Council believes it can demonstrate a deliverable supply of new homes equivalent to 5.24 years across the entire Dorset Council area (or 5.32 years if PINS includes the land north and east of the Blandford Bypass, Blandford Forum which has recently been approved). Whilst PINS has acknowledged receipt, there is no decision on this matter at this point in time. It is also of note that the current Government consultation on changes to the NPPF proposes to remove the ability for LPA's to fix their land supply.

## **1.0 Report for Scheme of Delegation:**

- 1.1 Referred to Planning Committee to address changes to the means by which the associated nutrient mitigation is to be funded and delivered following the Committee's previous resolution to approve the application. The requirement of the Council to consult with the Secretary of State for Transport should the LPA be minded to approve the application remains.

## **2.0 Summary of 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 permission if the agreement is not completed by 3 March 2025 (6 months from the date of committee) or such extended time as agreed 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**

<b>Issue</b>	<b>Conclusion</b>
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.

## 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
<b>Material Considerations</b>	
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.
<b>Non Material Considerations</b>	
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.
- 15.4 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.
- 15.5 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 Side 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 3-5m<sup>2</sup>. 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 22<sup>nd</sup> October and 4<sup>th</sup> 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 WDWPLP 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 permission if the agreement is not completed by 3 March 2025 (6 months from the date of committee) 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:

**Location Plan:** LP-001 Rev D; **Site Plans:** Sectors A-D - SP-001 Rev D; Sector A - SP-002 Rev C, Sector B - SP-003 Rev C, Sector C - SP-004 Rev C, Sector D - SP-005 Rev B, Roof Plan and House Types - SP-006 Rev E; **Street Scenes:** Sector A - SE-001, Sector B - SE-002, Sector C - SE-003 Rev A, Sector D - SE-004;

**Plot Drawings:**

**Sector A: Plots 1-4** - 01-04-P-001, 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 Rev A, 06-P-003; **Plots 7-16** - 07-16-P-001, 07-16-P-002, 07-16-P-003 Rev A; **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-001 Rev A, 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, 37-38-P-005; **Plots 34-36** - 34-36-P-001 Rev A, 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;

**Sector B: 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;

**Sector C: 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, 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; **Plot 75** - 75-P-001 Rev A, 75-P-002 Rev C, 75-P-003 Rev B, 75-P-004;

**76-77** - 76-77-P-001 Rev A, 76-77-P-002 Rev D, 76-77-P-003 Rev B; **Plot 78** – 78-P-001, 78-P-002 Rev A, 78-P-003; **Plots 79-82** - 79-82-P-001 Rev A, 79-82-P-002 Rev C, 79-82-P-003; **Plots 83-84** - 83-84-P-001, 83-84-P-002 Rev A, 83-84-P-003;

**Sector D: 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, 95-P-004 Rev A; **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-D19-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 Rev A; **Plot 108** - 108-P-001 Rev.A, 108-P-002 Rev A, 108-P-003;

**Roads & Drainage:** Preliminary Drainage Layout Sector A - 01-PDL-101 Rev C; Preliminary Drainage Layout Sector B - 01-PDL-102 Rev D; Preliminary Drainage Layout Sector C - 01-PDL-103 Rev E; Preliminary Drainage Layout Sector D - 01-PDL-104 Rev B; Preliminary Access Arrangement Paddock B - 0485-01-PHL-01 Rev H; Preliminary Access Arrangement Paddock D - 0485-01-PHL-02 Rev G; Preliminary Access Arrangement Paddock C - 0485-01-PHL-03 Rev I; Preliminary Access Arrangement Paddock A - 0485-01-PHL-04 Rev G; Preliminary Highway Surfacing Plan - 0485-01-PHL-101 Rev F; Preliminary Adoption Plan – 0485-01-PHL-102 Rev.F; Preliminary Levels Plan - Sheet 1 - 01-PHL-1001 Rev C; Preliminary Levels Plan Sheet 2 - 01-PHL-1002 Rev C; Preliminary Levels Plan Sheet 3 - 01-PHL-1003 Rev E; Preliminary Levels Plan Sheet 4 - 01-PHL-1004 Rev B; Road Profile Sheet 1 – 01-RP-101 Rev B; Road Profile Sheet 2 – 01-RP-102 Rev A; Road Profile Sheet 3 - 01-RP-103 Rev B; Highway Surfacing Plan - 01-PHL-101 Rev D;

**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

**Wetland Habitat Creation Plan:** 1168-R002 Rev P1; **Bat and Bird box plan** - SP-007 Rev A.

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 Site A, Site B, Site C and Site D (plan ref's: 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.

20. 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.

21. 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.

22. 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.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no enlargement(s) of the dwellinghouse referred to as Plot 75 on the approved plans hereby approved, permitted by Class A and Class B of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To protect the setting of the adjacent listed property.

24. No development shall commence until the necessary nutrient mitigation credits to mitigate the impacts of the development on the Poole Harbour SPA and Ramsar have been secured from an accredited nutrient provider and a copy of the Nutrient Credit Certificate demonstrating that purchase, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that sufficient mitigation is provided against any impact which may arise from the development on the Poole Harbour SPA and Ramsar.

**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. *This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development, and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties, it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.*
  3. *The applicant is advised 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](mailto:dli@dorsetcc.gov.uk), or in writing at Development team, Infrastructure Service, Dorset Council, County Hall, Dorchester, DT1 1XJ.*
  4. *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.*
  5. *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.*

6. *The highway improvements 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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<b>Application Number:</b>	P/OUT/2023/01413		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Land between Linden House and Rose Cottage Wavering Lane West Gillingham SP8 4NR		
<b>Proposal:</b>	Erection of 2no. dwellings with associated parking & amenity areas & a new vehicular access (outline application to determine access only)		
<b>Applicant name:</b>	Mr R Light		
<b>Case Officer:</b>	Steven Banks		
<b>Ward Member(s):</b>	Cllr Val Potheary, Cllr Belinda Ridout, and Cllr Carl Woode		
<b>Publicity expiry date:</b>	15 April 2023	<b>Officer site visit date:</b>	N/A
<b>Decision due date:</b>	10 November 2023	<b>Ext(s) of time:</b>	10 November 2023

**1.0** The application is referred to committee due to an objection from Gillingham Town Council.

**2.0 Summary of recommendation:**  
Grant planning permission subject to conditions.

- 3.0 Reason for the recommendation:**
- A significant and demonstrable adverse impact that would outweigh the benefits of the proposed development has not been identified.
  - The proposal would respect the character of the area.
  - The proposal would not have an unacceptable impact on highway safety or the efficiency of the transport network.
  - The proposal would not harm biodiversity.
  - An acceptable level of residential amenity would result.

**4.0 Key planning issues**

Issue	Conclusion
Principle	The location of the development is adjacent to but outside of the settlement boundary. Therefore, the principle of development is not in accordance with the spatial strategy in the local plan, but this would be outweighed by material considerations.
Financial Benefits	The proposal, by reason of its nature and scale, would make a small but still beneficial contribution to the economy.

Environmental Implications	The site is located outside of the settlement boundary but is located immediately adjacent to it and within easy access to facilities and services within Gillingham.
Amenity	<p>The application is in outline. However, the site could accommodate two dwellings of a size and in a position which would not introduce an overbearing or overshadowing effect which would cause material harm to the amenity of the occupiers of nearby properties.</p> <p>The application site could accommodate dwellings of a design and position that would not introduce an overlooking effect which would harm the amenity of the occupiers of nearby properties.</p>
Highways	The proposal, subject to the imposition of the recommended conditions on any permission, would not have an unacceptable impact on highway safety.
Biodiversity	<p>A document certifying that the Biodiversity Plan submitted by the applicant has been approved by the Dorset Natural Environment Team has been received.</p> <p>A biodiversity compensation payment of £610.80 shall be made. This has been agreed in a legal agreement, dated 26/09/2023.</p>
Noise pollution	The residential use of the proposed dwellings would not introduce noise that would harm residential amenity.
Public services and infrastructure	The proposed development, by reason of its scale, would not harm public services and infrastructure.
The provision of homes in Gillingham	The proposed would contribute to meeting the target of the provision of at least 2,000 homes, in Gillingham, during the period 2011 – 2031.

## 5.0 Description of Site

The application site is located on the northern edge of Gillingham and to the north of Wavering Lane West. The application site is located on land between development which falls within the envelope of the Gillingham Settlement Boundary. A hedge

runs along the boundary with Wavering Lane West. The site is undeveloped and, gently, falls from north to south and west to east.

## 6.0 Description of Development

Outline planning permission including access is sought for the development of two dwellings. An indicative, site plan shows a single access between Wavering Lane West and the application site, two dwellings, two garages, outdoor amenity space, fencing and an area for the parking and manoeuvring of vehicles.

Approval is sought for the matter of principle and access. Approval is not sought for the matters of appearance, landscaping, layout, and scale.

## 7.0 Relevant Planning History

2/1987/0876 - Decision: REF - Decision Date: 04/11/1987  
The development of three dwellings

2/1992/0325 - Decision: REF - Decision Date: 24/06/1992  
The development of one dwelling Appeal dismissed 14/10/1992

2/1997/0232 - Decision: REF - Decision Date: 21/07/1997  
The development of three dwellings

2/2011/0290/PLNG - Decision: REF - Decision Date: 26/04/2011  
Change of use from agricultural land to residential curtilage

## 8.0 List of Constraints

Outside of any settlement boundary

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

Historic Landfill Site - Wavering Lane - Distance: 203.7

Radon - Less than 1% - Distance: 0

## 9.0 Consultations

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

### Consultees

#### 1. Gillingham Town Council

*Gillingham Town Council recommend refusal of Application P/OUT/2023/01413 for the following reasons:*

*The site is outside of the settlement boundary in an area classed as open countryside where development should be restricted.*

*The site is situated off of a narrow lane and the proposal, as presented, will result in an increased danger to highway users.*

*The proposal will result in the loss of a hedgerow and associated wildlife habitats.*

*The application does not contribute to the recovery of nature, nor does it provide adequate biodiversity net gain.*

*The proposal is considered to be an overdevelopment of the site.*

*The public benefit of the proposal does not outweigh the loss of amenity.*

## **2. Dorset Council Highways**

No objection subject to the imposition of conditions, relating to access construction, manoeuvring and parking areas, cycle parking, gates, and visibility splays, on any permission and the attachment of informatives, relating to vehicle crossing construction and electric vehicle charging points, to any permission.

## **3. Dorset Council Building Control**

*There are no floor plans to make comment on.*

## **4. Dorset Council Environmental Services (Protection)**

No objection.

## **5. Dorset Council Trees**

Conditions, relating to soft landscaping, hard landscaping, tree and hedgerow protection, and landscape maintenance, should be imposed on any permission.

### **Representations received**

<b>Total - Objections</b>	<b>Total - No Objections</b>	<b>Total - Comments</b>
<b>5</b>	<b>0</b>	<b>0</b>

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

- Harm to highway safety
- Harm the character and appearance of the area
- Harm to biodiversity
- Harm public services and infrastructure
- Introduce a harmful overlooking effect which would harm the amenity of occupiers of Rose Cottage and 37 Bryony Gardens
- Introduce a harmful overshadowing effect which would harm the amenity of occupiers of Rose Cottage and 37 Bryony Gardens
- Harm views from 37 and 38 Bryony Gardens
- Contribute to noise and air pollution
- Set a precedent for development
- Reduce the value of 37 Bryony Gardens

It was also expressed that:

- The target for the development of dwellings in Gillingham has or will be met
- The principle of the proposed development taking place is not supported by the policy of the Local Plan

## 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

### North Dorset Local Plan Part 1 January 2016

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

Policy 1	-	Presumption In Favour of Sustainable Development
Policy 2	-	Core Spatial Strategy
Policy 3	-	Climate Change
Policy 4	-	The Natural Environment
Policy 7	-	Delivering Homes
Policy 17	-	Gillingham
Policy 20	-	The Countryside
Policy 23	-	Parking
Policy 24	-	Design
Policy 25	-	Amenity

### Gillingham Neighbourhood Plan made 27 July 2018

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

Policy 23	-	The Pattern and Shape of Development
Policy 24	-	Plots and Buildings
Policy 25	-	Hard and Soft Landscaping

## Material Considerations

National Planning Policy Statement (NPPF)

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

2	-	Achieving sustainable development
4	-	Decision-making
5	-	Delivering a sufficient supply of homes
11	-	Making effective use of land
12	-	Achieving well-designed and beautiful places
15	-	Conserving and enhancing the natural environment

## Other material considerations

### **Emerging Dorset Council Local Plan:**

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

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

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

The revised NPPF 2023 introduced a reduced housing land supply requirement for local planning authorities that have met certain criteria as set out in paragraph 266 of the NPPF. This relaxes the requirement to demonstrate 5 years' worth of deliverable housing sites for Local Planning authorities that meet certain requirements. Dorset Council does not currently benefit from the provisions of paragraph 226 and therefore must demonstrate a five year supply. In the North Dorset area, the published supply position of 5.02 years means the tilted balance in paragraph 11 of the NPPF is not engaged in any event. The delivery of additional housing against the housing requirement should however be given weight in planning decisions.

The NPPF requires Local Planning Authorities to identify and update annually their supply of deliverable housing sites, in order to do this LPA's can prepare an annual position statement (APS). Dorset Council has recently submitted an APS to the Planning Inspectorate (PINS) for review and PINS is expected to issue their recommendations on this in October later this year.

As part of the submitted APS the Council has sought to change to a single Dorset Housing Land Supply Position rather than the current situation which goes by individual position statements for each of the legacy authorities that now make up Dorset Council. As set out within the APS, Dorset Council believes it can demonstrate a deliverable supply of new homes equivalent to 5.24 years across the entire Dorset Council area (or 5.32 years if PINS includes the land north and east of the Blandford Bypass, Blandford Forum which has recently been approved). Whilst PINS have acknowledged receipt, there is no decision on this matter at this point in time. It is also of note that the current Government consultation on changes to the NPPF propose to remove the ability for LPA's to fix their land supply.

## **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.

Wavering Lane Bus stop can be found, approximately 786.72m from the application site, on the B3092. The public transport would provide access to facilities and services. A person with restricted mobility would need to reach the bus stop in order to access services and facilities.

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

#### **14.0 Financial benefits**

The proposed development, by reason of its nature and scale, would: Support and require a modest amount of labour from the construction industry during the phases of development; 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; house a small number of workers who might join the local labour force and make a slight contribution to the economic competitiveness of the area; and also, once occupied, result in a slight increase in the amount of Council Tax, which contributes to the delivery of services and investment, received by the Council. Therefore, the proposal, by reason of its nature and scale, would make a small but still beneficial contribution to the economy.

#### **15.0 Environmental Implications**

The site is located outside the settlement boundary but is located immediately adjacent to it and within easy access to facilities and services within Gillingham.

The dwellings could be insulated to a standard which exceeds the requirement of building regulations.

It is likely that occupiers of the dwellings would be reliant on the national grid for energy. Some of this energy would be from non-renewable sources.

#### **16.0 Planning Assessment**

##### Principle

Policy 1 of the Local Plan sets out, in-line with the NPPF, a broad presumption in favour of sustainable development.

Policy 2 of the Local Plan contains the spatial strategy which directs new development towards the most sustainable locations. It is identified, in the core spatial strategy, that the four main towns, Blandford, Gillingham, Shaftesbury and Sturminster Newton, will be the main focus for growth. Stalbridge and the larger villages are identified at the second tier as the focus for growth to meet the local

needs outside of the four main towns. It is identified at the third tier, The Countryside, that outside the defined boundaries of the four main towns, Stalbridge and the larger villages, the remainder of the District will be subject to countryside policies where development will be strictly controlled unless it is required to enable essential rural needs to be met. The application site falls outside of any settlement boundary and therefore forms part of the countryside.

Policy 20 establishes that certain types of development are appropriate in the countryside. The types of development include: Renewable energy schemes; rural exception affordable housing sites, including small numbers of market homes; essential occupational dwellings; the re-use of existing rural buildings, primarily for economic development or community uses; rural tourist accommodation; and new non-commercial community facilities. For any other type of development, policy 20 permits development where it can be demonstrated that there is an overriding need for the development to be located in the countryside. It is proposed to construct two open market dwellings. This type of development is not identified as being appropriate in the countryside and an overriding need for the development to be located in the countryside has not been demonstrated.

The principle of the proposed development taking place, by reason of its location and nature, is not supported by the policies of the Local Plan.

Paragraph 11 of the NPPF requires decisions to apply a presumption in favour of sustainable development. It is identified in part d) of paragraph 11 that, amongst other things, this means:

Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

It is identified in footnote 8 of the NPPF that the reference to out-of-date includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites; or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. The current position is that, for the area covered by the North Dorset Local Plan Part 1, the 5 year housing land supply stands at 5.02 years and the delivery test stands at 75%.

In the recent appeal decision, APP/D1265/W/23/3323727, an inspector expressed that there is, at best, a 4.83 year supply. This is a snap shot in time and does not change the published figure of 5.02 years. However, some weight should be given to the appeal decision. Proposals for housing development in sustainable, locations outside of settlement boundaries, where there is no harm should be supported.

It is identified, in Policy 17 of the Local Plan, that at least 2,000 homes will be provided at Gillingham during the period 2011 – 2031. The figure is inclusive of infilling, as is proposed. The proposed would contribute to meeting the target of the provision of at least 2,000 homes.

The proposal, by reason of its scale and nature, would make a small contribution to ensuring that a sufficient number and range of homes are provided to meet the needs of present and future generations. The proposal, by reason of its location in close proximity to community facilities, services, and open spaces, would support the health and social and cultural well-being of the occupants.

### Economy

As identified above, the proposed development, by reason of its nature and scale, would: Support and require a modest amount of labour from the construction industry during the phases of development; 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; house a small number of workers who might join the local labour force and make a slight contribution to the economic competitiveness of the area; and also, once occupied, result in a slight increase in the amount of Council Tax, which contributes to the delivery of services and investment, received by the Council. Therefore, the proposal, by reason of its nature and scale, would make a small but still beneficial contribution to the economy.

### Location

It is expressed in the National Design Guide that walkable neighbourhoods are typically characterised by having local facilities within 10 minutes (up to 800m) walking distance of residential areas. Destinations such as schools and healthcare can be slightly further away. The site is well served by nearby public footpaths. Walking distances between the application site and: Wyke Primary School is approximately 1km; Gillingham School is approximately 1.5km; and the town centre is approximately 1.1km.

Wavering Lane West is relatively quiet as it is a no through road, with no roads off it after the junction for Rolls Bridge Way. After the application site are approximately 20 dwellings and as such this level of traffic is light which makes walking short distances along it appropriate. Nearby is the Route 25 of the National Cycle Network. This route runs from Bath to Bournemouth.

The distance between the proposed dwellings and facilities and services is such that occupiers of the proposed dwellings would be able to access facilities and services by means of travel other than the private car. In this respect, the proposal would allow for progress towards the lessening of climate change.

### Amenity

The application site could accommodate two dwellings of a size and in a position which would not introduce an overbearing or overshadowing effect which would cause material harm to the amenity of the occupiers of nearby properties.

The application site could accommodate dwellings of a design and position that would not introduce an overlooking effect which would harm the amenity of the occupiers of nearby properties.

The proposal could accord with Policy 25 of the NDLP which seeks to ensure that development proposals do not have a significant adverse effect on the living conditions of the occupiers of properties.

### Highways

It is identified in paragraph 115 of the NPPF that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Highway Authority did not object to the proposal, on either of these grounds, subject to the imposition of conditions on any planning permission. It is recommended that these conditions should be imposed on any planning permission. Neither did the Highway Authority object to the application, subject to imposition of, the recommended, conditions on any permission, on the grounds that there would be an insufficient level of parking serving the development. The proposal would, therefore, subject to the imposition of the recommended conditions, accord with policy 23 of the NDLP which, among other things, requires there to be a sufficient level of parking to serve developments. It is therefore concluded that the proposal should not be refused on highways grounds.

### Biodiversity

It is identified in the Biodiversity Plan, submitted as part of this application, that there would be a loss of 0.1 hectares of poor semi-improved grassland which triggers the need for a biodiversity compensation payment of £610.80. It is proposed that two bat boxes, two house sparrow nest boxes, and six bee bricks would be incorporated into the development.

A document certifying that the Biodiversity Plan submitted by the applicant has been approved by the Dorset Natural Environment Team has been received. It is therefore concluded, subject to the adherence to the Biodiversity Plan, which should be ensured through the imposition of a relevant condition on any planning permission, the proposal would accord with Policy 4 of the NDLP which requires an assessment of the impact that a development would have on protected, rare or scarce species and seeks, among other things, to ensure that biodiversity is conserved or enhanced.

It is identified, amongst other things, in paragraph 186 of the NPPF, that development resulting in the loss of irreplaceable habitats should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. Footnote 67 of the NPPF relates to exceptional reasons. The footnote reads as follows: For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

It is identified, in the submitted Biodiversity Plan that harm would result from the development. It is further identified that in order to ensure a biodiversity net gain,

amongst other things, a biodiversity compensation payment of £610.80 should be made. In this instance, the public benefit, of the supply of housing, would outweigh the loss of 0.1 hectares of poor semi-improved grassland.

Paragraph 122 of the Community Infrastructure Levy Regulations 2010 identifies that a planning obligation may only constitute reason for granting planning permission for the development if the obligation is—

(a)necessary to make the development acceptable in planning terms;

(b)directly related to the development; and

(c)fairly and reasonably related in scale and kind to the development.

The applicant has submitted a Unilateral Undertaking agreeing to pay the sum of £610.80. It is considered that the payment is necessary to make the development acceptable in planning terms, directly related to the development and fairly related in scale and kind to the development.

#### Character and appearance

The area to the west of the application site is characterised by residential properties which meet agricultural land. Two residential properties, which meet agricultural land, can be found to the east of the application site. A sprawling residential area can be found to the south of the site. The siting of two sympathetically designed dwellings, which could be achieved through appropriate conditions, within the application site, would not be at odds with the character of the area.

#### Other Matters Raised by Neighbours and Town Council

The residential use of two proposed dwellings would not introduce noise that would harm residential amenity.

Each application for planning permission is considered on its own merits. It is not considered that the proposed development would set a negative precedent.

The proposed development, by reason of its scale, would not harm public services and infrastructure.

The loss of view from an individual property and any impact the development would have on the value of a property are not a material planning considerations and therefore cannot be given any weight.

### **17.0 Conclusion**

The proposal would not comply with the development plan, taken as a whole. However, there are material considerations that outweigh the conflict in terms of the site's sustainable location and the contribution of the dwellings towards the required land supply. The recent Marnhull appeal has identified that the current land supply for the North Dorset Plan area is not over the required 5 years. This is an important material consideration.

For the reasons outlined and in view of there being no demonstrable harm, it is recommended that planning permission should be granted subject to conditions and the entering into a legal agreement to secure the biodiversity mitigation payment.

## 18.0 Recommendation

Planning permission should be granted subject to the following conditions.

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

22106 - 3 – Received 07/03/2023

22106-1 B – Received 15/03/2023

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

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

Reason: To ensure the satisfactory development of the site.

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

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

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

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

5. The measures set out within the approved Biodiversity Plan, certified by the Dorset Council Natural Environment Team, on 15/03/2023, 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.

6. Prior to the occupation of any of the development hereby approved the first 5.0m of the shared vehicular 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 occupation of any of the development hereby approved a scheme for the manoeuvring and parking of vehicles, which shall have been submitted to and approved in writing by the Local Planning Authority, shall have been completed in accordance with the approved details. Thereafter, these areas must be maintained, kept free from obstruction and made available for the manoeuvring and parking of vehicles in perpetuity.

Reason: In the interest of highway safety.

8. Prior to the occupation of any of the development hereby approved, a scheme for the storage of bicycles, which shall have been submitted to and approved in writing by the Local Planning Authority, shall have been completed in accordance with the approved details. Thereafter, the scheme shall be maintained, kept free from obstruction and made available for the storage of bicycles in perpetuity.

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

9. Any entrance gates must be set back a minimum distance of 5m from the edge of the carriageway and hung so that they can only open inwards. Thereafter, any gates must be maintained and kept free from obstruction.

Reason: In the interest of highway safety.

10. Prior to the occupation of the development hereby approved the visibility splay area as shown on drawing 22106 - 3 must have been cleared/excavated to level not exceeding 0.60m above the relative level of the adjacent carriageway. Thereafter, the visibility splay area must be maintained and kept free from obstruction in perpetuity.

Reason: In the interest of highway safety.

11. Prior to the commencement of any of the 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.

Informatives

1. This permission is subject to a unilateral undertaking, made pursuant to Section 106 of the Town and Country Planning Act 1990, dated 26/09/2023, relating to a biodiversity compensation payment of £610.80.

2. 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.

3. 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.

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 on 01305 221020, by email at [dorsethighways@dorsetcouncil.gov.uk](mailto:dorsethighways@dorsetcouncil.gov.uk), or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

5. The applicants attention is drawn to the need to the requirements of Building Regulations Approved Document S: Infrastructure for the charging of electric vehicles.