



Northern Area Planning Committee

Date: Tuesday, 5 November 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 224877 - john.miles@dorsetcouncil.gov.uk

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

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Agenda

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

3. MINUTES 5 - 16

To confirm the minutes of the meeting held on Tuesday 1st October 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 1st November 2024.

5. P/OUT/2023/06654 - LAND AT SANDWAYS FARM, NEW ROAD, BOURTON 17 - 46

Demolition of barns & erection of up to 30no. dwellings & provision of site for village hall with parking area, wildlife area, attenuation pond & public open space (outline application to determine access only).

6. P/RES/2023/05407 - LAND SOUTH OF A30 AND EAST OF SHAFTESBURY, SALISBURY ROAD, SHAFTESBURY, DORSET 47 - 64

Erect 107 No. dwellings (reduced from 115), garages and electricity substation. Form roads, car parking, public open space and carry out ancillary development. (Reserved Matters application to determine access (in relation to accessibility and circulation within the site), appearance, landscaping, layout and scale; following the grant of Outline Planning Permission No. APP/D1265/W/20/3259308 (LPA Ref. 2/2018/1773/OUT).

7. P/FUL/2024/03951 - SHORTWOOD FARM, HAMMOND STREET FROM BROCKHAMPTON BRIDGE, MAPPOWDER, DT10 2EW 65 - 80

Construction of a slurry lagoon with 1.3m high fence.

8. P/LBC/2024/04880 - WILKINS FARM, BOZLEY HILL, CANN, SP7 0BH 81 - 88

Retain work to the roof and the structural steel beam in the cellar.

9. 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.

10. 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 x 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 1 OCTOBER 2024

Present: Cllrs Richard Crabb (Chair), Barrie Cooper, Les Fry, Sherry Jespersen, Rory Major, Val Potheary, Belinda Ridout and Carl Woode

Apologies: Cllrs David Taylor, Jack Jeanes, Carole Jones and James Vitali

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

Jim Bennett (Senior Planning Officer), Philip Crowther (Legal Business Partner - Regulatory), Enrico Dimarino (Engineer (Development Liaison)), Joshua Kennedy (Democratic Services Officer), Claire Lewis (Planning Officer), Pete Markham (Planning Officer), Hannah Smith (Development Management Area Manager (North)), Jennie Roberts (Senior Planning Officer) and Megan Rochester (Democratic Services Officer).

2. Declarations of Interest

Cllr Val Potheary made a declaration in respect of agenda item 8 and 9, that she would not take part in the debate or vote but would speak as the Local Ward Member and would withdraw from the meeting once she had made her representation.

3. Registration for public speaking and statements

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

4. Planning Applications

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

5. P/FUL/2024/01856 - Land at Mampitts Lane, Mampitts Lane, Shaftesbury, SP7 8GL

The Case Officer updated members that there had been an additional amendment to condition 6.

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members. Members were informed that the application had been

resubmitted to address the previous reasons for refusal. Photographs of the proposed block and floor plans, montages of the proposed scheme and images of the surrounding area were shown. The proposal was modest and had carefully utilised the space whilst ensuring the retention of the open green space, hedgerows and trees to mitigate visual impacts. The Case Officer discussed the proposed floor plans in further detail, highlighting that the first-floor plan would have been for flexible use and provided an outdoor seating area. Parking arrangements were also discussed and had been considered to be adequate and would not have had any adverse impacts on road safety. The Case Officer informed members that if the application were to be approved, the scheduled Cabinet meeting in October would determine whether the scheme before members today or the previously approved scheme would be most appropriate and approved. Each scheme should have been considered on its own merit and therefore, was not a consideration for members of the Northern Area Planning Committee.

The location was sustainable, and the proposal was deemed acceptable in terms of its scale, layout, design and landscaping. It was compatible with its surroundings and would not have had any negative impacts on amenity. The development would have provided a much-needed community facility. It complied with the policies of the development plan and there were no material considerations which would have warranted refusal of the application. The recommendation was to grant subject to conditions set out in the officer's report.

Public Participation

Mr Yeo spoke in objection to the proposal. He made members aware that he was a town councillor and a trustee of Mampitts Charity Plus but was speaking in his own personal capacity. Mr Yeo did not feel as though the application had been submitted lawfully as it had never been presented to a town council meeting and therefore was not considered to be lawful. He didn't feel as though it complied with the section 106 agreement of the whole estate and was not a sustainable development. Parking had not changed, and he felt that it was dangerous and would have encouraged illegal parking. To conclude, Mr Yeo felt that the building was a poor use of the site, it didn't meet the needs of local residents and in his opinion was an unlawful application. He hoped members would refuse.

Mr Larrington-White also spoke in objection and explained that he lived near to the proposed site and currently enjoyed looking at the green from his property. He felt that the creation of a community hall would create an increase in urbanisation. This was not what residents wanted and he strongly objected. Mr Larrington-White also highlighted parking and traffic in the area which he felt would have been worsened by the proposal. To conclude, he highlighted that none of the councillors involved lived near the site and did not feel as though the proposal was for local residents. He urged the committee to refuse.

Mr Glennon also lived on Maple Road and spoke in objection. In his representation, he felt that the Town Council had ignored resident views, and a two-storey building would have been detrimental to local residents. He felt that if approved, the development would have urbanised the village green and contributed to illegal parking. Only minor changes had been made from the

previously refused application. Mr Glennon referred to the scheme that was approved in March 2024 and urged the committee to refuse a poorly cobbled together town council application.

Mr Hollingshead spoke in support of the proposal. He referred to the previous application which had been considered in March 2024 and highlighted the reasons for refusal based on the grounds that the layout would have created urbanisation of the site. He referred to comments raised by the Highways team and felt that the proposal was exciting and visually pleasing. It reflected the wishes of the community, and it should have been granted.

Ms Elmendorff also spoke in support. She noted that views from residents had been considered and highlighted some which had been made. Particularly that residents felt as though it was an excellent project and were looking forward to the development of the site. The community hub would've created a good open space with all profits contributing to numerous charities. It would've created a safe space for all people and provided jobs for young people. Ms Elmendorff also discussed how the café would've supported local efforts in sustainability through the use of local produce. She hoped members would support the officer recommendation.

Cllr Virginia Edwyn-Jones spoke on behalf of Shaftesbury Town Council. Together they formulated a questionnaire which was circulated to all Shaftesbury households which identified clear requests. Residents wanted a social hub and a café. The Town Council briefed the architect and formulated a design which echoed the essence of the existing development. Cllr Edwyn-Jones also referred to car parking and hoped the committee would vote for approval, supporting the officer's recommendation.

Members questions and comments

- Clarification regarding whether the bollards were part of the scheme or not.
- Members noted that there had been several objections raised, therefore sought clarification that the proposed application was lawful and complied with policies.
- Members were aware that the application was previously presented at committee in March and remembered it well. They felt that the initial concerns had been addressed and felt that the proposal had a good layout and was a natural surveillance of the area. They could not have seen any planning reasons to warrant refusal.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, a motion to **APPROVE** the officer's recommendation to **GRANT** planning permission as recommended, was proposed by Cllr Belinda Rideout, and seconded by Cllr Les Fry.

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

6. **P/OUT/2023/05838 - Kentom House, Bay Lane, Gillingham, Dorset, SP8 4ER**

The Case Officer provided members with the following update:

- The annual position statement had fixed the land supply to 5.02 years.

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site as well as important heritage assets and explained the proposal and relevant planning policies to members. Photographs of the indicative site plan, site boundaries and views from within the proposed site and surrounding areas were shown. Members were informed that the site wasn't within the conservation area and there were no Tree Protection Orders on site. Details of the topographical survey were provided, and the Case Officer referred to the existing and proposed site access and road layout. Comments had been raised by the Highways team in which they had identified that the access road was narrow but had been deemed acceptable subject to conditions. To conclude the presentation, the officer identified key issues such as the principle of development being within the settlement boundary, character and appearance, living conditions, flood risk, highways safety and parking. The Case Officer's recommendation was to grant subject to conditions.

Public Participation

Local residents spoke in objection to the proposal. They highlighted the congestion issues which had been an ongoing problem, particularly due to school traffic and were concerned that further development would have contributed negatively to an already busy lane which was not easily passable. Both Mr Ward and Mr Savoy were also concerned regarding difficult areas for access as well as highlighting issues surrounding inadequate drainage systems. Public objectors hoped that members would refuse the application.

Mr Grimwood thanked the committee for allowing him to speak and spoke in support of the proposal. He had visited the site for several years and felt that the proposal would have been a result of gentle infilling. There were no adverse impacts on the character of the area and was pleased to see that the proposed properties would have been set back from the road, providing ample off-site parking. Mr Grimwood did highlight the traffic movements, however, did not feel as though the proposal would have caused an increase in parking. Therefore, he hoped members would support the officer recommendation.

Mr Baimbridge spoke as the agent and thanked the officers for their report. He highlighted that there had been no objections from technical consultees or the Case Officer. The Highways authority was satisfied with the proposal and the plans submitted were indicative which demonstrated the accommodation of three dwellings. The agent felt as though the proposal was an effective use of the land and was in keeping with Bay Lane. Mr Baimbridge referred to the loss of the fruit trees and orchard, however, noted that it was not a reason for refusal. It was a small site with a particular interest to contribute to housing land supply and complied with Local Plans and the NPPF. He respectfully requested the committee to approve.

Members questions and comments

- Clarification regarding whether the Highways department consider visitor parking when conducting their assessments.
- Concerns regarding offsite parking and whether there would have been impacts on the visibility splays.
- The proposal provided sufficient off-street parking.
- Cllr Jespersen noted the officer view, however, did feel as though the proposal was an overdevelopment of the site. She also highlighted biodiversity mitigation and was not convinced that the site access wouldn't have been impacted by further development. Cllr Jespersen did not feel as though this was a good scheme.
- Members noted the large scale of the proposal. However, noted that it was not for consideration.
- Cllr Rideout understood the concerns of the local residents and other members, however, did feel as though it was sustainable location with adequate parking and there were no issues raised from Highways colleagues. Therefore, there were no substantive reasons to refuse.
- Members considered the biodiversity impacts due to the loss of the orchard.
- Comments regarding additional conditions which incorporated loss of trees and biodiversity.

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 Les Fry, and seconded by Cllr Rory Major.

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

7. P/FUL/2024/01781 - Site adjacent Plant World Nurseries, Kendall Lane, Milton on Stour, Gillingham, SP8 5QA

The Case Officer provided members with an update in respect of 5-year housing land supply.

- The annual position statement had fixed the land supply to 5.02 years.

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members. Photographs of the proposed layout, elevations and floor plans were shown. Images of views along cycle paths were also included which identified that there was no street lighting. The presentation aided members in identifying the existing access as well as the location of the proposed dwellings. Details of the visibility splays and proposed building materials were also provided, highlighting a traditional design had been considered. A non-designated heritage asset had been identified in the Gillingham neighbourhood plan as well as nearby listed buildings. The Case Officer also discussed a number of mature trees and hedgerows on the site which acted as a screen to the proposed site from the

surrounding area, noting that tree officers were concerned that there had been no details for mitigation for loss of trees. Members were also informed of the tree constraints plan in which there were a number of trees in the area of which the houses were proposed.

The planning considerations were set out, highlighting that the proposal was outside the development boundary contrary to the settlement boundary. It was not considered to be acceptable, and the proposal had not demonstrated that the development would have been acceptable in relation to trees. The benefit of proposal was the provision of 7 dwellings, 3 of which would have been first homes however this did not outweigh the unsustainable location, contrary to the spatial strategy. The Officer's recommendation was to refuse for the following reasons:

- principle of the proposed development was unacceptable, as the site was located outside of any settlement boundary, therefore it was an unsustainable location.
- In the absence of a mitigation scheme for the loss of trees on the site, it had not been possible to properly assess the impact of the proposed development on the trees.

Public Participation

Mr Williams thanked the committee for the opportunity to speak. The agent referred to previous council in which the location was unsustainable, however, he felt the policy was out of date and the proposal was now situated in what he considered to be a sustainable location. Mr Williams discussed the direct pavement and cycle way links which would have ensured connectivity. There was also a tree mitigation proposal which would have limited loss. The agent was pleased that the town council and a lot of local residents supported the proposal, and they were happy to accept any conditions the committee felt necessary. Mr Williams hoped the committee would support the proposal.

Cllr Hurst spoke in support of the proposal. She felt that the argument that the site was in an unsustainable location was proven and it did not negatively impact the character and appearance of the area. In addition to this, Cllr Hurst felt that the proposed design and materials were sympathetic, and it was well screened, mitigating impacts on the surrounding area. There was a severe housing need and a shortage of building land. She felt that the locally rare brown field site was large enough for the proposed works and addressed comments raised in the officer's presentation regarding trees on site. Cllr Hurst also highlighted the site access and the number of amenities which were in walking distance. She hoped members would support the application.

The Local Ward member made a representation in support of the proposal. She highlighted the need to deliver housing and referred to section 5 of the NPPF which stated that the sufficient supply of homes should be delivered. The proposal would have provided 3 affordable homes which were well screened and within a lovely village with an excellent school, however, there were no homes for young families. Cllr Potheary noted that the site was outside the settlement boundary and highlighted that local amenities were walking distance. The Local Ward member hoped the committee would support the proposal.

Members questions and comments

- Clarification regarding location of local amenities such as doctor surgeries in comparison to the proposed site.
- Sought confirmation on the definition of first homes
- Members noted that the inclusion of first homes would have been a benefit to the scheme as it catered to a specific market, and it would not have impacted residents on the housing register.
- Pleased that there were close local connections between the site and local amenities.
- Cllr Woode declared an interest to agenda item 8, in which he had made comments in consultation response, however he was setting out the Town Council's view and was not pre-determined. Therefore, he would take part in the debate and vote.
- Further information regarding the grading of trees on site.
- Additional condition for a mitigation plan to protect trees on the site.
- Contrary to policy which the committee have fought to uphold. The Local Plan had set out clearly the policies and it had not been supported by the housing enabling team.
- Cllr Jespersen noted the benefits of the proposal, highlighting that it would have delivered 7 new homes, there was a regular bus service and cycle path, however, it was not considered to be within a sustainable location and was outside the settlement boundary. She emphasized the importance of following the policies set by Dorset Council and the proposal went against them.
- Cllr Rideout felt that the location was fairly sustainable and was pleased to see the inclusion of several first homes proposed. The proposal had been well designed and would have met the needs of local residents. However, if members were minded approving, they requested further detail on the provision of a tree mitigation plan.
- Clarification regarding the provision of sustainable materials such as charging points and solar panels.
- Cllr Fry informed the committee that he would have been voting against the proposal due to it going against policy, however, he did not dislike the application.

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 overturn the officer's recommendation and **GRANT** planning permission, was proposed by Cllr Belinda Rideout, and seconded by Cllr Rory Major.

Decision: To overturn the officer's recommendation and grant permission and delegate to the head of planning for the following reasons:

- The development would have provided 7 dwellings, including First Homes, there was a bus service and a cycle lane, the site was close to the school and doctors' surgery. The dwellings were well designed.

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

8. **P/FUL/2024/01782 - Plant World Nurseries, Kendall Lane, Milton On Stour, Gillingham, SP8 5QA**

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members. Photographs of the proposed elevations and floor plans were provided as well as details of the proposed site plan and constraints. Members were informed that the café was to be ancillary which would have been run by the applicant and the workshop was speculative development. Parking provision was also detailed, highlighting that two disabled parking spaces were proposed to be allocated for the café and two proposed for the workshop. The Case Officer referred to the tree protection plan which had identified those to be removed and those to be retained. Details of the visibility splays and existing site entrance were provided. The key planning considerations were considered to be acceptable. The proposal was for an employment site and had been supported by policy. If approved, it would have provided full time equivalent jobs. However, it was not considered to be appropriate in the countryside, nor was there an overriding need for the business within the proposed location. Therefore, the principle of the development was not acceptable. There were no impacts on neighbouring properties, and it was well screened from non-designated assets to the south. Highways were satisfied with the proposal, subject to conditions. The proposed ancillary café would have supported the nursery business and provided further employment opportunities at the site, whilst also providing a community hub for the village. In contrary, the officer's recommendation was to refuse.

Public Participation

Mr Hunt addressed the committee and explained that the garden centre had grown, offering customers full range of garden products and employed 70 full time and part time staff. However, it needed to grow further in order to thrive and be on par with completion. The applicant loved what he did however it was a harsh environment to thrive, let alone grow further. He discussed the need for small, traditional businesses and stated that it was a vocal point for the area. He was happy to accept conditions which would have helped to secure their future. Mr Hunt also explained that additional planting would have been carried out if approved.

Cllr Hurst addressed the committee and spoke in support. She stated the need for a community facility and supported the economic development of the area. Other similar businesses have café areas; therefore, this proposal was worthy of approval. It was a well screened site and would have been beautified with planting in its environment. Cllr Hurst felt that it was in the public interest and the benefits outweighed the harm.

The Local Ward member spoke in support and praised the applicant. She expressed that there was currently no meeting place for residents and the proposal offered further employment opportunities. There were numerous petitions to support and considered it to be important to allow for businesses to have a level playing field. There were no highways concerns nor were there any negative amenity issues. The scale and design were appropriate, and it accorded with sections 4, 7, 11, 20, 23, 24 and 25 of local plan. Cllr Potheary hoped the committee would support a growing business.

Members questions and comments

- Members felt that it was an interesting application, and it was important to allow business growth.
- It would have been ancillary to the business.
- It was noted that there was a lot of enthusiastic support for the proposal which had been supported by employment policies.
- Good use of a brown field site.

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 representations; and what they had heard at the meeting, a motion to overturn the officer's recommendation and **GRANT** planning permission, was proposed by Cllr Les Fry, and seconded by Cllr Sherry Jespersen.

Decision: To overturn the officer's recommendation and grant permission and delegate to the head of planning for the following reasons:

- The development would have provided local employment, is a brownfield site, and would support the local business by creating footfall.

9. P/HOU/2024/03857 - White Gates, 9 Church Hill, Shaftesbury, SP7 8QR

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. Images from within the site showed the relationship between the proposed dwelling and neighbouring property which represented good separation differences. Photographs of the existing site, particularly the existing elevations and proposed floor plans were shown which demonstrated the character and appearance of the area. Members were informed that the dwelling was set back from the main road and there were no concerns regarding the proposal causing overbearing issues to neighbourhood properties. There were no further impacts on biodiversity than the existing dwelling nor was there any additional flood risks. The Case Officer highlighted the existing and proposed roof plans, identifying the addition of dormer windows and noting that the increase in ridge height was less than a metre. The key planning considerations were discussed, particular detail was given to the design in which members were informed that the glazed aspect would have created an interesting focal point. The materials and design were considered to be acceptable. The impacts on local heritage assets and listed buildings were identified. The officer's recommendation was to grant subject to conditions set out in the report.

Public Participation

Cllr Edwyn-Jones spoke in objection to the proposal. She explained that the town council supported homeowners wherever possible however on this occasion they did not feel as though could support. They felt that the design had too much glazing which didn't conform with the character of the area and therefore would have no benefits to it. In addition to this, she also discussed concerns regarding impacts on the conservation area and the altered ridge height. Cllr Edwyn-Jones felt that the proposal was a major remodelling of the existing dwelling, and it was excessive and architecturally incoherent. The town council hoped members would have been inclined to refuse.

Members questions and comments

- Members felt that the proposal had been carefully designed and was well screened.

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 Belinda Rideout.

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

10. **P/FUL/2024/03916 - County Hall, Colliton Park, Dorchester, DT1 1XJ**

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. Members were informed that the proposal was a heritage asset at risk, a Victorian wall built on top of Roman ramparts, situated within the designated Dorchester conservation area. The retaining structure was tilting, cracking and bulging to the extent that the walls were at risk of collapse and were temporarily supported. To help preserve the historic wall, it would have been carefully dismantled and rebuilt to limit harm and the historic fabric would have been salvaged and reused wherever possible. It was agreed that if approved, careful supervised demolition by hand would be carried out as well as only agreed power tools. To ensure strict methodology, a detailed photographic record of the entire project would have been collected and submitted to the LPA and Historic England. Some supervision by archaeologists would have also been required and a sample panel would have been built and approved by conservation officers and remain in situ to be used as a benchmark for all subsequent workmanship. The proposal had been carefully considered and whilst there was harm resulting in the proposal, essential nature of works securing the longevity of the wall and public safety outweighed the harm. The officer's recommendation was to grant planning permission subject to conditions.

Public Participation

There was no public participation.

Members questions and comments

- Members noted the importance of preserving the wall and were pleased to see the proposal before them as the temporary support had been an eye sore. It was a great heritage asset which needed protecting and members were pleased to see the detail behind the proposal.

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 Les Fry, and seconded by Cllr Rory Major.

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

11. **P/LBC/2024/03235 - County Hall, Colliton Park, Dorchester, DT1 1XJ**

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 surrounding wall were shown, and the historic significance was highlighted. Details of nearby listed buildings were provided, showing the distances between them and the proposal. Sections of the historic wall were to be demolished and rebuilt to limit harm. This complied with paragraph 206 of the NPPF. The Case Officer noted that less than substantial harm would have resulted from the proposal. The recommendation was to grant listed building consent subject to conditions.

Public Participation

There was no public participation.

Members questions and comments

- There were no questions or comments.

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 Les Fry, and seconded by Cllr Belinda Rideout.

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

12. **Urgent items**

There were no urgent items.

13. **Exempt Business**

There was no exempt business.

Decision Sheet

Duration of meeting: 10.00 am - 1.50 pm

Chairman

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Agenda Item 5

Application Number:	P/OUT/2023/06654		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Land at Sandways Farm New Road Bourton		
Proposal:	Demolition of barns & erection of up to 30no. dwellings & provision of site for village hall with parking area, wildlife area, attenuation pond & public open space (outline application to determine access only)		
Applicant name:	T & A Land Ltd		
Case Officer:	Robert Lennis		
Ward Member(s):	Cllr Potheary, Cllr Woode, Cllr Rideout		
Publicity expiry date:	23 February 2024	Officer site visit date:	06 February 2024
Decision due date:	25 April 2024	Ext(s) of time:	08 November 2024

1.0 Reason for Committee Decision:

The application is reported to Committee as the Parish Council has a contrary view to that of your Officers.

2.0 Summary of recommendation: Grant

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

- A) Grant outline planning permission subject to the following conditions, 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.
- B) Refuse permission for the reasons set out below if the S106 legal agreement is not completed by 05/05/2025 or such extended time as agreed by the Head of Planning.

3.0 Reason for the recommendation:

As set out in section 16:

- The development would provide the public benefits sought by Bourton's Neighbourhood Plan, Policy 5 – New Village Hall. In particular, land to be

transferred to the Parish Council: approximately 0.3ha of land for a village hall and parking, 1.4ha amenity space, landscaping to augment the ecological value on the site including the creation of a small area for nature.

- The provision of six affordable housing units should be given significant weight.
- The development would provide ecological benefits as set out in the Biodiversity Plan and improve and extend the rights of way network as sought by BNP Policy 11: Footpaths and Bridleways.
- 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.
- Whilst the proposal would result in less than substantial harm to the setting of heritage assets, the public benefits of the scheme would outweigh the identified harm.
- The development could be designed to avoid any significant harm to neighbouring residential amenity.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development in the countryside is contrary to the Council's spatial strategy. However, Bourton Neighbourhood Plan Policy 5 is permissive of some development in this location to enable the delivery of land for a village hall and amenity space which are substantial benefits of this scheme.
Open market and affordable housing	Whilst the Council is able to demonstrate a five-year housing land supply, we are still obliged to support the Government objective of significantly boosting the supply of homes. There is still a high need of affordable housing across the Council; as such the 6no. affordable houses this development would deliver are seen as a significant benefit of this scheme.
Indicative layout	The proposed indicative layout of the proposal is supported by Officer. The applicant had engaged with Officers through pre-application discussion and addressed the concerns with regard to heritage assets and passive surveillance of the amenity space.
Impact on residential amenity	The illustrative layout shows that the proposed development could be designed in such a way to avoid any neighbour amenity issues.

Highway safety	A new vehicular and pedestrian access is proposed from New Road (C173) to serve the development site. The exact details of the highway, parking, etc, would be agreed at the reserved matters stage should outline permission be granted. The Highway Authority has raised no objections.
Heritage	The proposed scheme closely reflects Officer's advice sought at the pre-application state. Predicated on the suggested mitigating measures the public benefits would justify the less than substantial harm to the setting of the neighbouring grade II listed buildings, Sandways, and Sandways Farm
Landscape	The development of this site would be both visually and physically connected to the existing settlement and would not dominate or significantly influence landscape and visual character, nor be out of keeping with its surroundings or dominate key views having due regard to the setting of Cranbourne Chase National Landscape.
Flooding and drainage	The indicative layout shows how buildings could be arranged on site to avoid flood risk.
Biodiversity	The site does not support any irreplaceable habitats. The biodiversity plan indicated the proposal would bring a net benefit to the ecological value of the site.

5.0 Description of Site

The application site is located centrally within Bourton and is accessed off the New Road. The site is approximately 3.10 hectares in size and comprises two fields connected with a stream running between them. There is a disused agricultural barn with pig sties in the north-eastern section of the site adjacent to the main road, and a former hay barn in the lower field.

The application site is located outside of, but adjacent to, the settlement boundary of Bourton. The site is allocated for development in conjunction with a village hall as set out in Policy 5: New Village Hall of the Bourton Neighbourhood Plan (BNP).

There are two listed buildings located immediately northeast of the site, Sandways Farm (Grade II) and Sandways, 1-5 Main Road (Grade II).

The surrounding area is characterised by dwellings in a more linear pattern of development addressing the main road, with a largely undeveloped, agricultural character of open fields behind these dwellings.

6.0 Description of proposed development

Demolition of barns & erection of up to 30no. dwellings & provision of site for village hall with parking area, wildlife area, attenuation pond & public open space (outline application to determine access only).

7.0 Relevant Planning History

P/FUL/2021/04282 – Refused –

Demolition of barns, form new vehicular and pedestrian access, erection of 30 No. dwellings, construct village hall with parking area and provision of wildlife area, attenuation pond and public open space.

Refused for the following reasons:

- 1. The proposed development would have an adverse impact resulting in less than substantial harm to the setting of Sandways Farmhouse which is not outweighed by public benefits contrary to Bourton Neighbourhood Plan Policy 5, and Policy 5 of the adopted North Dorset Local Plan Part 1 (2016), and section 16 of the National Planning Policy Framework.*
- 2. The proposed development site is located in the countryside adjacent to settlement boundary designated for Bourton in the adopted Local Plan and would greatly exceed the area needed to deliver the aims of the Bourton Neighbourhood Plan Policy 5. As such, the proposed development would create a relatively isolated development which would introduce an unnecessary suburbanising effect into this countryside location and would not be addressing local needs contrary to Policies 2 and 5 of the Bourton Neighbourhood Plan, Policies 2, 6 and 20 of the adopted North Dorset Local Plan Part 1 (2016), and paragraphs 79 and 105 of the National Planning Policy Framework 2021.*
- 3. The proposed layout, appearance, and scale of the development fails to accord with the aims of Policies 5 and 8 of the Bourton Neighbourhood Plan, and is contrary to Policies 3, 7, 15 and 24 of the adopted North Dorset Local Plan Part 1 (2016), and paragraph 125 of the National Planning Policy Framework 2021.*
- 4. In the absence of completed and signed Section 106 legal agreement to secure affordable housing, and community benefits (relating to education, affordable housing, ownership of village hall, parking land, and public amenity area, construction and completion of village hall, libraries, public rights of way, and health care) the proposal would be contrary to Policies 4, 8, 13, 14 and 15 of the adopted North Dorset Local Plan Part 1 (January 2016), and paragraph 55 National Planning Policy Framework (2021).*

2/2017/1357/OUT – No decision issued -

Demolish agricultural buildings, carry out improvements to existing access points, provision of new access road and modification of existing access track. Develop land

for residential purposes and a new Village Hall with associated parking (outline application to determine access).

Reason for no decision issued:

- 1. The resolution to grant at by the Planning Committee was predicated on the completion of a Section 106 legal agreement. That S106 agreement was never completed.*

8.0 List of Constraints

SSSI impact risk zone;

- NE - SSSI (5km buffer): Dead Maid Quarry ;
- NE - SSSI (5km buffer): Heath Hill Farm ;
- NE - SSSI (5km buffer): Whitesheet Hill ;

Setting of Grade II listed building (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990).

Setting of the National Landscape - Name: Cranborne Chase & West Wiltshire Downs (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000).

9.0 Consultations

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

Consultees comments:

Bourton Parish Council – Object:

1. Overview

a. The history of the Land at Sandways Farm site should be noted, especially since a proposed largescale development was refused permission in the late-1990s, as it was outside Bourton’s settlement boundary. The outline planning consent granted in 2019 was for the site for a new village hall and a small housing development (maximum 10 dwellings). Subsequently, upon acquiring the Sandways site in 2020/21, T&A Land applied for a larger development which included 30 dwellings and a fully constructed new Village Hall funded by the developer, on the site of the existing redundant barn. T&A Land’s previous application was supported by Bourton Parish Council and Village Hall trustees, since the new Hall and adjacent carpark were to be sited in a location which was strongly favoured by the village community via the Bourton NP validation vote in 2018 and an informal referendum held in 2019, and construction of the new Village Hall by the developer was effectively a ‘once in a lifetime opportunity’ for the village community.

b. T&A Land's current application includes the site for a new Village Hall in a far less acceptable location. The site is poorly placed down the hill, not along the roadside. Access would be much more challenging for Hall users who are old or disabled. Within the application's outline scheme, parking spaces adjacent to the Hall are limited. The car park spaces located away from the Hall are likely to be utilised by residents and those using the amenity space, making access to the Hall potentially difficult for individuals with mobility issues.

c. The offer contained within the current application is only for a plot for a new Hall, thereby presenting the community with the immense challenge of funding its construction, as well as the cost of maintaining the amenity space, wildlife area and an unrequested orchard. This could mean that the plot for the Hall will eventually be used, by default, for additional housing. The preferred site for the hall is on the site of the existing barn, where it will have much more appeal and therefore greater financial viability, and will be far more accessible to all members of the community. Having an adjacent carpark (roadside) will make its designation, for use by Hall users only, far simpler than for the current application, in which there is significant separation between the main carpark and the Hall site.

2. Bourton Parish Council's Assessment

*Bourton Parish Council has considered the latest Land at Sandways Farm planning application reference P/OUT/20232/06654 and **objects** to it, based on the planning grounds detailed below.*

3. Principle of Proposed Development

a. The application site is located in countryside outside Bourton's defined Settlement Boundary and would greatly exceed the area needed to deliver the aims of Policy 5 of Bourton's Neighbourhood Plan (NP). The latter allocated this site for a maximum of 10 dwellings and the site for a Village Hall. Development on the scale proposed within P/OUT/2023/06654 would constitute serious harm to the setting of the village. This would not be outweighed by the provision of the 'site for village hall', unlike the developer's previous application for the Sandways site which specified the full construction of a complete Village Hall at the developer's expense and in a location that met the needs of Village Hall Trustees and the village community.

b. The proposed development would be contrary to the DC Local Plan as follows:

i. LP Policy 2: Core Spatial Strategy. LP Policy 2 requires development to be focused on the four main towns in ND. The policy stresses that 'At Stalbridge and all the District's villages, the focus will be on meeting local (rather than strategic) needs'. On this basis, the current application fails to comply with Policy 2 as there is no local need for 30 dwellings on the Sandways site.

ii. LP Policy 6: Housing Distribution. The applicant fails to establish that there is an '...identified

local and essential rural need', as stipulated within Policy 6. The 2021 Annual Monitoring Report records that in the first 10 years of the 20-year Local Plan, there were 539 housing completions in Stalbridge & the villages, including 36 in Bourton. The latter figure has increased significantly, as housing completions on the Bourton Mill site have continued to progress and will increase further as a result of consent having been granted for 8 dwellings on the Voscombe Farm site.

iii. LP Policy 8: 'Affordable Housing'. LP Policy 8 states that for applications such as

P/OUT/20232/06654, the development should include 40% Affordable Houses (AH), which in this case should be 12 out of the proposed 30 dwellings; whereas, within this application only five of the dwellings are due to be AH, in spite of the Application document claiming that there would be 12 of them.

iv. Policy 20: The Countryside. Policy 20 reiterates that, 'Development in the countryside outside defined settlement boundaries will only be permitted if: (a) it is of a type appropriate in the countryside...; or (b) for any other type of development, it can be demonstrated that there is an 'overriding need' for it to be located in the countryside. There is no 'need' for housing on the application site, especially since it is outside Bourton's Settlement Boundary. Additionally, the 9 or 10 dwellings located immediately road-side within the proposed development would be in direct contravention of Policy 20, as they would be totally inappropriate in such a setting.

v. Policy 23: Parking. The parking for the Village Hall does not meet the requirements set out in LP Appendix C. This is compounded by the Hall being located within a suburban-type housing estate with minimal parking for the neighbouring dwellings hence the risk of the parking area being dominated by residents, their visitors and commercial vehicles.

c. Paragraph 8 of the NPPF (2023) sets out the three dimensions to sustainable development identified in the NPPF: economic, social and environmental objections. Taking each of these in turn:

i. Economic. Whilst there might be some short-term economic benefits arising from the proposal in the form of providing work for contractors and suppliers involved within the construction phase, the longer-term economic benefits of these additional dwellings would be negligible and would not compensate for the visual harm caused to the landscape and the rural setting of the village. If approved, this application would risk creating a dormitory village as there is no investment in infrastructure, nor employment opportunities.

ii. Social. Within the proposed 30 dwellings there would only be five which are affordable and/or constitute social housing. This element of NPPF also encourages 'fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being'. This application does nothing to promote such values. The creation of an orchard is as unnecessary as the attenuation pond and the amenity land has a significant gradient which will restrict its use as a playing field.

iii. Environmental. The proposed development would result in excessive harm to the character and beauty of the countryside, which would outweigh any perceived benefits. Given the absence of any public transport for Bourton's residents, there is also the threat that the 40-60 vehicles owned by future residents of the Sandways site would dramatically increase the village's carbon footprint.

4. Landscape and Heritage

a. The proposed development would result in harm to the setting of the adjacent Sandways Farmhouse. The proposal for 30 dwellings within the setting of this grade II listed property is not outweighed by public benefits, contrary to Bourton Neighbourhood Plan Policy 5, and Policy 5 of the adopted North Dorset Local Plan Part 1 (2016).

b. The siting of 10 dwellings roadside, including a terrace of six next to Sandways Farmhouse, would exacerbate the harm to this listed property and its agricultural setting, and create a seriously urban

impact, contrary to Bourton NP, Policy 1.a.: ‘All new development adjoining or close to the rural edges of the village shall be planned and designed to create a sensitive transition between village and countryside. Development shall take place within the existing Settlement Boundary or on allocated sites’.

c. The proposed 9 or 10 roadside dwellings would also seriously harm the relevant ‘important view of the countryside’, contrary to Bourton NP, Policy 1.b.: ‘Development shall not have a significantly adverse effect on important views of the countryside from the village or those towards the village, especially those identified on Map 2.’ T&A Land’s previous application for the Sandways site did not degrade the relevant countryside view since the Village Hall would have been positioned where the old barn is located with the Hall carpark adjacent to it, such that views to the South from the roadside would have been preserved.

d. NP Policy 2.b requires that, ‘All new development shall have regard to the spatial characteristics of the locality and shall secure adequate space and planting. Visually important open space between buildings and groups of buildings will be required to maintain an open aspect’. The proposal to front New Road to the west of Sandways Farmhouse with new housing situated immediately road-side fails to respect this policy and would give rise to a very urban aspect to this part of Bourton village.

e. The proposed site for the Village Hall does not flow into the open space making any public events taking place on the amenity space disjointed from the former.

5. Biodiversity. *Approval of this development would be in contravention of Bourton NP Policy 6: which, states that ‘Development proposals must ensure that local biodiversity will not be harmed either directly or indirectly’. The proposed development would have an adverse impact on local wildlife and biodiversity due to the wetland nature of the site’s lower field. Whilst a wildlife area was originally included in T&A Land’s original application, this has now been replaced with an orchard and attenuation pond, neither of which are appropriate since the former will require extensive management and the latter will pose risks to the safety of children.*

6. Community Engagement. *Contrary to NPPF (2023) paragraph 16, there has been a complete absence of engagement between DC planning officers, who have urged T&A Land to adopt the current site layout, and the local community, local organisations and/ or Bourton Parish Council as a statutory consultee.*

7. Conclusion. *The current application reverts to the proposal contained within Policy 5 of Bourton’s NP, whereby Bourton is gifted the site for a Village Hall. However, instead of the site being in exchange for permission to build up to 10 dwellings, the current application is proposing 30 houses in exchange for merely the site for a new Village Hall. The chances of Bourton Village Hall trustees ever being able to raise sufficient funds (probably in excess of £900K) to enable construction of a completed new Hall are non-existent, particularly since National Lottery funds are no longer granted for replacement village halls and Dorset Council is unlikely to have spare funds necessary to make a sizeable grant donation. Without a viable prospect for a new Village Hall being affordable, NP Policy 5 is no longer relevant and the application would therefore fail to comply with LP Policy 20 (‘Countryside’).*

8. Summary. *Bourton PC opposes this application on the grounds that the site lies outside Bourton's defined settlement boundary. Development of this site on the scale envisaged would be in contravention of Bourton's Adopted Neighbourhood Plan Policies 1, 2, 5 & 6 and Dorset Local Plan Policies 2, 5, 6, 8, 20 & 23. Unlike T&A Land's previous application which included a fully constructed new Village Hall as part of the proposed development, this latest application merely provides the site for a new Hall, and in a far less visible and therefore marketable location than was previously the case, hence the community benefit associated with this application is effectively non-existent.*

Silton PC – no response.

Somerset Council – no comments to make.

Wiltshire Council – no response.

Zeals PC – has raised object to the proposal and consider it to be overdevelopment in a small village, lacking infrastructure, and located in a flood plain.

Dorset Council (DC) - Education Officer – no response.

DC - Rights of Way Officer – no response.

DC - Highways – no objections subject to conditions.

DC – Public Transport – no objections subject to contributions towards improved bus stop infrastructure.

DC - Dorset Waste Team – no response.

DC - Conservation Officers – no objection in principle.

DC – Trees Officer – no objection subject to conditions.

DC - Housing Enabling Team – no objection subject to consideration of the affordable housing mix.

DC - Planning Policy– no response.

DC - Economic Development and Tourism – no response.

DC - Flood Risk Management – no objection subject to conditions.

DC - Env. Services – Protection – additional information is required about noise, and contaminated land Phase 2. No objection subject to conditions.

DC - Building Control North Team – no response.

DC - Section 106 – no objection subject to contributions being secured.

DC – Libraries – no response.

DC - Public Health Dorset – no response.

DC - Public Transport – no objections subject financial contributions being secured towards bus service such as stops and real time bus departure board.

DC - Highways Asset Manager – no response.

Dorset Police Architectural Liaison Officer – no response.

Dorset Fire & Rescue Service – no objection in principle subject to building regulations being adequately addressed and consideration of national guidance.

Historic England – no comment.

Wessex Water – no response.

Representations received

Ramblers Association – support the proposal and would recommend the proposed pedestrian access to Clay Lane (existing bridleway N57/21) is made a public right of way.

Dorset Wildlife Trust – no response.

This application has attracted 107 representations; 1 support, and 106 object.

Summary of support comments:

- *housing in Bourton is unaffordable for first time buyers.*
- *affordable housing is needed to bring youth into the village.*

Summary of opposing comments:

- overdevelopment
- traffic and highway safety
- not enough infrastructure (school/GP surgery/bus service)
- outside the village/settlement boundary
- contrary to the Bourton NP
- detrimental to the setting of heritage assets
- detrimental to the character of the village
- flooding unsuitable for housing

- not enough benefits to allow this much housing
- the village hall will not be built do to lack of funding
- ecological harm/loss of habitat
- loss of views
- lack of housing need
- lack of school spaces

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.

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 'Conserving and Enhancing the Historic Environment' includes a general duty to have '*special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*'

11.0 Relevant Policies

North Dorset Local Plan Part 1 (LPP1) adopted January 2016:

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Core Spatial Strategy
- Policy 3: Climate Change
- Policy 4: The Natural Environment
- Policy 5: The Historic Environment
- Policy 6: Housing Distribution
- Policy 7: Delivering Homes
- Policy 8: Affordable Housing
- Policy 9: Rural Exception Affordable Housing
- Policy 11: The Economy
- Policy 13: Grey Infrastructure
- Policy 14: Social Infrastructure
- Policy 15: Green Infrastructure
- Policy 23: Parking
- Policy 24: Design
- Policy 25: Amenity

North Dorset District Wide Local Plan (1st Revision) Adopted 2003:

Policy 1.7- Development within Settlement Boundaries

Bourton Neighbourhood Plan (2016-2031)

The Bourton Neighbourhood Plan was 'made' on 26 January 2018, and forms part of the Development Plan. Relevant policies applicable to this outline application are:

Policy 1: Landscape setting

Policy 2: Settlement Pattern and Character

Policy 3: Building Design and Form

Policy 4: Traffic and Parking

Policy 5: New Village Hall

- a) Either of the two sites indicated on the proposals map is deemed to be suitable for the development of a village hall and the provision of associated amenity space. A small housing development may also be provided on the site in order to make the release of the land viable for the use of a village hall and associated amenity space.
- b) The permitted site shall provide an area of at least 2.1 ha to be apportioned as follows:
 - approximately 0.3 ha to the village hall and a parking and manoeuvring area, and;
 - approximately 1.5 ha to amenity space of a reasonably level gradient and quality immediately adjacent to the village hall building, and;
 - approximately 0.3 ha to the housing development.
- c) The land for the village hall and amenity space, as specified in criterion b) above if not already transferred to the ownership of the Parish Council shall prior to any grant of planning permission on any part of the site for any aspect of the proposed development be transferred to the ownership of the parish Council as part of a S106 agreement or similar legal instrument. This process will be subject to an open table discussion between the LPA, the Parish Council and the applicant.
- d) The land to be transferred to the Parish Council shall be transferred in a cleared state with services and access road provided to the site entrance point or there shall be a legal agreement on such provision.
- e) Development proposals for this site are required to include:
 - screening, using native species planting to lessen visual impact and to limit the impact of noise on neighbouring households;
 - the augmentation of ecological value on the site as discussed in the relevant Ecological Impact Assessment; housing consisting mainly of small family homes;
 - measures that protect heritage assets and their setting.

- f) The decision-making process on Planning Applications for the proposed site options will be carried out by the Local Planning Authority in accordance with this policy as part of the plan-led process and having taken into account any other material considerations, including the identified planning considerations of the residents as expressed through the Parish Council

Policy 8 – Mitigating and adapting to Climate Change

Other material considerations

Bourton Village Design Statement (BVDS)

- The BVDS was adopted by North Dorset DC as a Supplementary Planning Document on 30 September 2011.

National Planning Policy Framework (NPPF):

1. Introduction
2. Achieving sustainable development
 - Paragraph 11d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (footnote 8), granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
4. Decision-making
 - Paragraph 57 - Planning obligations must only be sought where they meet all of the following tests:
 - 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.
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
10. Supporting high quality communications
11. Making effective use of land
12. Achieving well designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Officer guidance note on the Five-Year Housing Land Supply and the Council's Annual Position Statement 2024

Members will be aware that on the 26 September 2024, the Planning Inspectorate (PINS) confirmed that Dorset Council can demonstrate a Housing Land Supply

(HLS) of 5.02 years. This covers the entire Dorset Council area and replaces all previous calculations for the former districts.

The Inspector's Report and the finalised Annual Position Statement (incorporating PINS recommendations) are published online at [Annual Position Statement - Five Year Housing Land Supply - Dorset Council](#).

The Inspector's Report states that we are entitled to rely on this position until 31 October 2025. This is in accordance with Para 78 of the NPPF (December 2023) and Paras 012 and 018 of the PPG (Housing Supply and Delivery).

The Council can therefore demonstrate a 5-year housing land supply. In addition, no areas in Dorset Council have a Housing Delivery Test result of less than 75% delivery, meaning that the two minimum criteria of footnote 8 of the NPPF are met. This means that in most cases¹, the presumption in favour of sustainable development does not apply. Full weight can therefore be given to relevant policies in the adopted Local Plans and Neighbourhood Plans.

As the confirmed housing land supply position is close to the required minimum of 5 years, this is a material consideration in planning decisions. Another material consideration is the Written Ministerial Statement issued by the Secretary of State on 30 July 2024, which makes clear that the government wish for the planning system to address the housing crisis and deliver significantly more homes. When making decisions, case officers should consider the benefits of an increase to the housing supply alongside other benefits of the scheme, against the impacts associated with the development.

National Design Guidance

Paragraphs 86, 100, 104, 107, 116, 129

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

¹ Note that there may still be circumstances where the 'presumption' does apply, such as where there are no relevant development plan policies, or that the policies can be considered to be out of date for other reasons.

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 Council has considered matters such as disabled parking for the proposed hall, level access to be achieved on all the proposed new buildings, public transport links to services, footpath and pavement, and highway adoptable standards.

14.0 Financial benefits

The applicant has indicated that it would be willing to enter into a S106 agreement to secure these planning obligations

In order to make development acceptable in planning terms, applications for major housing development are expected to maintain and enhance the level of grey, green & social infrastructure as set out in Policies 13, 14 and 15 of the LPP1. If members were minded to grant permission, a s106 obligation would be required to secure the following:

Affordable Housing	6no. affordable houses including a viability review clause in the legal agreement.
Allotments	£308.16 per dwelling
NHS Infrastructure Contribution	£722 per dwelling to support infrastructure for Primary, Secondary and Community care within the NHS system
Education (Primary & Secondary)	£6,094.34 per dwelling
Pre-School Provision Contribution	£190.50 per dwelling

Community, Leisure and Sports Facilities Contribution	Provision of serviced plot for new village hall. Land to be transferred to Bourton Parish Council
Informal Open Space	On site provision
Informal Open Space Maintenance Contribution	£1,278.80 per dwelling (if open space is transferred to Bourton Parish Council)
Formal Outdoor Sports Facilities Contribution	£1,241.52 per dwelling towards outdoor sports provision (£1318,80 contribution less £77.28 land acquisition cost)

These contributions were taken into consideration in the viability assessment report undertaken by the District Valuer. In summary, the DV concluded,

“It is my considered and independent opinion that the above scheme assessed with regards to full planning policy requirement, comprising 40% on-site affordable housing (12 units) and total S.106 financial contributions of £341,709 is not financially viable. However, through gradual reduction of policy contributions is my considered and independent opinion that a partially planning compliant scheme, reflecting 20% on site affordable housing (6 units) and total s.106 financial contributions of £341,709 is considered to be marginally viable.”

15.0 Environmental Implications

The applicant has submitted a supporting document titled "Sustainability Statement". This document is intended to demonstrate how the proposed development response positively to national and local sustainable policy requirements. This includes measures to mitigate and adapt to the effects of climate change.

The SS sets out key sustainable design measures incorporated at this stage and to be considered during the future detailed design of homes. This document doesn't propose any measures above or beyond current Policy and Regulation requirements other than with regard to ecology and biodiversity. Officer's would advise that this should not be seen to be out of the ordinary as this is an outline application with all matters reserved for future consideration. Achieving current Regs and best practice would create a quality development and would accord with BNP Policy 8 and LPP1 Policy 3 but should not attract additional weight in the decision-making process.

16.0 Planning Assessment

This is an outline application to agree the principle of development and the details of access. Matters relating to details of layout, scale, appearance, and landscape are not for consideration at this time. An indicative layout plan has been submitted which shows how twenty-nine residential dwellings, a village hall, parking and amenity space could be provided on site.

The information provided to the District Valuer for their viability assessment was based on delivering a mix of 29no. dwellings: one five-bed, twelve four-bed, and sixteen three-bed. The total site area is 3.10ha, with approximately 0.30ha to be provided as a site for a village hall and 1.4ha of amenity land/public open space.

The main issues are considered to relate to:

- Principle of development
- Open market and affordable housing
- Highway safety
- Impact on heritage assets
- Impact on landscape
- Flood risk
- Ecology

Principle of development

The proposed development site is located adjacent of the settlement boundary of Bourton. In policy terms the site is within the 'countryside' as set out in LPP1 Policies 2 and 20. Any development in the countryside would normally be strictly controlled unless it is required to enable essential rural needs to be met. Policy 5 – New Village Hall of the BNP represents an essential rural need and would allow for a small housing development to enable the transfer of land for a new village hall and amenity space.

Of relevance to this application is the outline application 2/2017/1357/OUT which proposed a residential development of 9no. dwellings and made provision for a village hall and amenity space. The Planning Committee in May 2019 gave a resolution to grant subject to the completion of a section 106 legal agreement. However, the legal agreement was never completed.

The proposal before us today has regard to that outline application in terms of the indicative layout and is submitted in light of Policy 5 of the Bourton Neighbourhood Plan (listed above). This Policy sets out six tests by which proposals for a new village hall are to be assessed.

It is considered that the current proposal broadly achieves the aims of the BNP and Policy 5. Applying the tests of this Policy it is considered:

- i. Criteria a); is considered to be met. It should be acknowledge that proposed development of over 10 dwellings is considered to be major development. However, the aim of the policy is to "... make the release of land viable..."

The proposed scheme has been assessed as "marginally viable" by the District Valuer. If the aims and objectives of this Policy are to be met then a

scheme of ten dwellings may not be realistic to meeting the goal of delivering a site for a village hall and public open space.

- ii. Criteria b); is considered to be met. This criteria states the permitted site shall provide an area of 'at least' 2.1ha to be apportioned as follows: approximately 0.3ha, 1.5ha, and 0.3ha of land for the village hall, amenity space and housing, respectively.

The proposal would deliver approximately 0.3ha of the site for the village hall, parking and manoeuvring, and 1.4ha for amenity space, and an area of approximately 1.4ha for the proposed housing. As stated above, the proposed development has been assessed to be "marginally viable". The additional area for housing is considered to be necessary to make the scheme viable.

The Policy's wording is not specific and provides some flexibility to the amount of land needed to deliver the community benefits being sought by using the words 'at least'.

- iii. Criteria c); seeks only a transfer of land for the new village hall and amenity space to the Parish Council. Subject to the completion of a S106 legal agreement prior to issuing any planning permission this would be met.
- iv. Criteria d); the applicant intends to transfer the land in a cleared state with services and access road provided and this will be written into the S106 legal agreement.
- v. Criteria e); requires housing consisting of mainly small family homes, however only 6 of the 30 dwellings proposed are considered to be small. This criteria also requires measures that protect heritage assets and their setting. Whilst the proposed illustrative layout and landscaping would adequately protect the setting of Sandways Farm, the housing sizes cannot be said to be 'mainly small family homes'. As set out in the viability report only 12no. of the 30 homes would be less than 101sqm. However six of the homes would be affordable dwellings and sixteen of total number of homes would be 3-bedroom dwellings.

It is considered that the provision of open market housing is a neutral factor in the weighting of benefits of this scheme. However, the provision of affordable housing should be given significant weight.

- vi. Criteria f); aims to have a plan-led process taking account of other material considerations. The viability of the proposed development is material to the delivery of the land for a village hall. Additionally, all the benefits proposed including: amenity/public open space, ecology, and affordable housing are

also material considerations. The application seeks to deliver the aims of Policy and thereby following a plan-led approach.

The applicant has not submitted a local needs assessment for the quantum of housing being proposed. As such, the housing element of this application is considered to also be addressing a wider housing need and the location of the site in the countryside is contrary to LPP1 Policies 2, 6, and 20. Be that what it may, in order to achieve the benefits of BNP Policy 5 the viability report confirms that the margins will be tight but achievable. In this light, it is considered that this amount of housing maybe unavoidable.

BNP Policy 3: Building Design and Form is particularly concerned with the details of the built form of any new development in Bourton and aims to ensure that the existing local character and attractiveness is reinforced. As this is an outline application to agree the principle of development and the detailed access arrangement, this Policy will be of more relevance to any subsequent reserved matters applications.

The indicative layout plan submitted with the application shows how future development of the sight could be achieved. To minimise the impact of the village hall, which is likely to be a substantial building, the site for this building should be excavated into the slope but this is a detailed matter for future consideration. Officers have considered the indicative layout and are broadly supportive of this approach.

Open market and affordable housing

We are obliged to support the Government's objective of significantly boosting the supply of homes with an overall aim to meet our Council's identified housing needs.

As stated above, the Council has a confirmed five year housing land supply. This is very positive and allows us a stronger hand in achieving good design for the right homes in the right places. As this is an allocated site for housing development in the Bourton NP there is no denying this is the right place for some development.

Officers questioned the need for 29no. dwellings as proposed, and the applicant agreed to have their scheme assessed by the District Valuer. The viability report complete by the DV is an independent and professional view and concluded the scheme would be viable while delivering land for a village hall and land for amenity/public open space to Bourton PC. Additionally, the scheme is able to deliver 6no. affordable houses which should attract significant weight as there is an identified need for AH across the Council.

In light of the viability report, it is considered that the aims and objectives of BNP Policy 5 are not likely to be delivered with a low number of dwellings. This scheme present significant public benefits in terms of land to be provided, and affordable housing to be delivered. The indicative layout shows how the development could, subject to design detail, be arranged to be in keeping with the character area. The DV has suggested that a viability review clause is included in the legal agreement.

This would ensure that if the schemes viability or the type of the affordable housing was to change, there would be an opportunity for this to be reviewed.

Highway safety

The proposed development would form a new vehicular and pedestrian access from New Road (C173) to serve this site. This broadly aligns with the existing field access to the site.

The Transport Development Manager has raised no objections to this proposal subject to conditions which are set out below nor has he raised any concerns with regard to traffic and highway safety.

Impact on heritage assets

Policy 5 of the Local Plan has regard to the desirability of sustaining and enhancing the significance of heritage assets and securing a viable use for it that is most consistent with its conservation. For any designated heritage asset, great weight will be given to its conservation when considering any proposal that would have an impact on its significance. Clear and convincing justification for any development that would cause harm to the significance of a designated heritage asset will be required however slight and whether through direct physical impact or by change to its setting. Policy 5 is consistent with the tests in the NPPF which are set out below. In both instances, great weight must be given to the asset's conservation.

Paragraph 205 of the NPPF 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.

There are no heritage assets within the proposed development site. Any impact in terms of heritage assets relate to the setting of Sandways Farm immediately adjacent to the site (to the east) and a little further east Sandways; both are grade II listed buildings.

It is considered that the proposed development would result in less than substantial harm to the setting of Sandways Farm through development within the agrarian setting of the asset. The degree of harm would depend largely on the reserved matters (appearance, layout, scale, and landscaping), but it is considered that design to reflect the local vernacular and materials could be achieved.

Similarly, the proposal would result in less than substantial harm to the setting of Sandways but to a lesser extent due to distance and fact a dwelling has been built to the rear of the property in the recent past. The degree of harm would also depend on the execution of the reserved matters.

The scheme has been assessed based on the submitted indicative plan in relation to impacts on architectural/ historical significance. Any subsequent reserved matters applications could, and should, address the following:

- Mitigation should be sought through the provision of a robust planting scheme to the NE boundary.
- The Village Hall should be set low into the bank as mentioned in the Planning Statement.
- The terrace of housing, adjacent to New Road, presents a genuine opportunity to explore an appropriate design intervention that both compliments and celebrates a rural design idiom. Housing should reflect an appropriate material palette that conforms to local vernacular form/design and be sited closer to the proximity of New Road.
- The pair of semi-detached housing, adjacent to New Road, should be set behind the existing hedge frontage. Further improvement, regarding the quality of screening/ coverage, might require consideration to realise an appropriate planting scheme in this location.

Paragraph 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 including, where appropriate, securing its optimum viable use.

Paragraph 206 of the NPPF states that "...any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification."

In this case, the public benefits are considered to be the provision of amenity space, serviced land for a village hall, ecological benefits, affordable housing, and private housing, as set out in the report.

It is considered that the public benefits of this proposal would outweigh the identified less than substantial harm that would result to the setting of the adjacent designated heritage assets. The proposal would comply with Policy 5 of the Local Plan and the NPPF.

Impact on landscape

As with the previous application for this site, the key impacts and effects of the proposed development are the perception of the proposed development from the main road, neighbouring residential properties, and the glimpses from the recognised rising ground broadly to the north.

The proposed site consists of well-contained fields which share a boundary with the existing settlement of Bourton. The indicative layout, and supporting landscape design plan, shows how there could be an increase in landscape elements throughout the development particularly on the boundary with Sandways Farm and

around the amenity/public open space. This would offer improvements to landscape elements and character, including providing a sense of place and overall screening and enclosure as should be done with any development on the boundary of a settlement.

It is considered that the proposed changes to the indicative layout could bring a positive change at the detailed design stage for landscaping. As such, the conclusions as set out within the LVIA are accepted and the proposal would comply with Policy 4 of the Local Plan.

Flood risk

An ordinary watercourse traverses the site and flows from west to east. The Environment Agency's Risk of Flooding from Surface Water flood mapping indicates that parts of the site may be affected by surface water flooding. The indicative layout shows how the site could be arranged to avoid the risk of flooding.

The applicant has adequately addressed the concerns raised by our Flood Risk Management Team (FRM). Subject to conditions the FRM Team has no objections to the proposal in principle.

Ecology

The application was supported by a Biodiversity Plan and this was issued a Certificate of Approve by our Natural Environment Team. Subject to the development being carried out in accordance with the BP no objection would be raised with regard to ecology of the site.

17.0 Conclusion

This is an outline application to agree the principle of development and details of site access. The aims and objectives of BNP Policy 5 are considered to be met by this application. As such the principle of development is considered to be acceptable, and no objection were raised by the Council's Transportation Development Manager with regard to the proposed access arrangement.

The quantum of development was questioned by Officers and the applicant agreed to having the viability of their proposal reviewed by the District Valuer. The viability report produced by the DV is a material consideration which demonstrates that the proposed development would be marginally viable. As such, the delivery of land for a village hall plus the other public benefits of the proposed development (amenity/public open space, ecological enhancement, and affordable housing) are likely to come to fruition.

The proposed development would result in less than substantial harm to the adjacent heritage assets. However, it is considered that the public benefits of the scheme would outweigh the harm to the setting of Sandways, and Sandways Farm.

The other matters raised in the representation have been considered on-site and in light of the development plan and other material considerations. There are no other matters at this time that would alter the Officer's recommendation to grant permission subject to conditions and the signing of a S106 legal agreement.

18.0 Recommendation

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

- C) Grant outline planning permission subject to the following conditions, 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.
- D) Refuse permission for the reasons set out below if the S106 legal agreement is not completed by 05/05/2025 or such extended time as agreed by the Head of Planning.

Grant, subject to the following conditions:

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

20083-12A Location plan
20083-24 Access Plan
20083-22C Parameter Plan (biodiversity)

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 reserved matters (layout, scale, appearance, and landscaping) 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. Prior to commencement of any works on-site (other than those required by this condition) the first 15.00m of the proposed access road, including the junction with the existing public highway, shall be completed to at least binder course level.

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

5. Development must be completed in accordance with the Biodiversity Plan signed and dated by the applicant 29/02/2024.

Reason: it is within the public interest to protect and enhance the ecology associated with this site in accordance with LPP1 Policy 4 and the NPPF.

7. Prior to the commencement of the development hereby approved the following information shall be submitted to and agreed in writing by the Local Planning Authority:
 - 1) a site investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages, and incorporating risk assessment.
 - 2) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed.
 - 3) a detailed phasing scheme for the development and remedial works (including a time scale).
 - 4) a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time.

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

Reason: To ensure potential land contamination is addressed.

8. 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.

9. Prior to commencement of development, a construction method statement shall be submitted to and agreed in writing by the Local Planning Authority.

Thereafter, the development shall be carried out in accordance with the agreed statement. This statement should include as a minimum:

- agreement to no bonfires,
- details of protection of nearby receptors from dust arising from construction,
- vehicle movements and parking on-site,
- storage of waste materials prior to removal from site,
- operating times of construction,
- mitigation measures to reduce noise during the build.

Reason: in the interest of health and safety.

10. Prior to first occupation of the development hereby permitted details of the access, geometric highway layout, turning and parking areas shall be submitted to and agreed in writing by the local planning authority. The development shall be completed in accordance with the agreed details and thereafter these areas shall be maintained for the lifetime of the development, kept free from obstruction and available for the purposes specified.

Reason: In the interests of highway safety.

11. Before the development hereby approved is first occupied or utilised the visibility splay areas as shown on the approved plans (or Drawing Number 20083-20 Rev M) must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, or any Order revoking or re-enacting that Order, the visibility splay areas shall thereafter be maintained and kept free from all obstruction above this height.

Reason: In the interest of highway safety.

12. 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.

13. Prior to the commencement of development a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and providing clarification of how drainage is to be managed during construction and a timetable for implementation of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The surface water scheme shall be implemented in accordance with the approved details including the timetable for implementation.

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

14. Prior to the commencement of development details of maintenance and management of the surface water sustainable drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These 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 the future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

15. An up to date noise assessment for the proposed development, with particular regard to the village hall, shall be submitted with the first set of reserved matters.

Reason: noise from the proposed village hall could have a seriously detrimental impact on neighbouring residential dwellings and will need to be adequately addressed in the reserved matters of this scheme.

16. A tree survey which covers the entire development site (edged in red on the submitted location plan) shall be submitted with the subsequent reserved matters application relate to landscaping.

Reason: to identify those trees which provide a public amenity.

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

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

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

18. Prior to the commencement of any development hereby approved, above damp course level, a soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the first 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 public and visual amenity.

19. Prior to the commencement of any development hereby approved, above damp course level, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out and completed as approved. These details shall include:

- (i) proposed finished levels or contours;
- (ii) means of enclosure;
- (iii) car parking layouts;
- (iv) other vehicle and pedestrian access and circulation areas;
- (v) hard surfacing materials;
- (vi) minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting, etc);
- (vii) proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines, etc indicating lines, manholes, supports, etc);
- (viii) retained historic landscape features and proposals for restoration.

If within a period of 5 years from the date of the planting of any tree/plant, that tree/plant or any tree/plant planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority seriously damaged or defective) another tree/plant of the same species and size as that originally planted shall be replanted in the first available planting season unless the Local Planning Authority agrees in writing to any variation.

Reason: Landscaping is considered essential in order to preserve and enhance the visual amenities of the locality.

Informative Notes:

1. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

The application for planning permission was made before 12 February 2024.

2. The Dorset and Wiltshire Fire and Rescue Service would recommend that you look to provide at least a 32mm minimum diameter water main which would enable the installation of sprinkler systems within the approved dwelling(s).

The Council considers this to be a key element in reducing the impact of fires. The Council believes there is compelling evidence that sprinklers systems are a cost effective way of not only reducing the number of fire deaths and injuries, but also reducing the economic, social and environmental impact of fires.

3. Any work carried out to comply with conditions relating to land contamination must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
4. 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 customerservices@dorsetcouncil.gov.uk, or in writing at Development team, Dorset Highways, Environment and the Economy, Dorset Council, County Hall, Dorchester, DT1 1XJ.
5. Privately managed estate roads
 - If the new road layout 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.
5. Electric vehicle charging points

The applicant is advised that prior to the development being brought into use, it must comply with the requirements of Building Regulations Approved Document S: Infrastructure for the charging of electric vehicles.

7. Advance Payments Code

- 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 Highways Development team. They can be reached by email highwaysdevelopment@dorsetcouncil.gov.uk, or in writing at Highways Development team, Economic Growth and Infrastructure, Dorset Council, County Hall, Dorchester, DT1 1XJ.

8. 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@dorsetcouncil.gov.uk to discuss requirements.

9. The junction works 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. The applicant should contact Dorset Council's Highways Development team. They can be reached by email at highwaysdevelopment@dorsetcouncil.gov.uk, or in writing at Highways Development team, Economic Growth and Infrastructure, Dorset Council, County Hall, Dorchester, DT1 1XJ.

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Agenda Item 6

Application Number:	P/RES/2023/05407		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Land South Of A30 And East Of Shaftesbury Salisbury Road Shaftesbury Dorset		
Proposal:	Erect 107 No. dwellings (reduced from 115), garages and electricity substation. Form roads, car parking, public open space and carry out ancillary development. (Reserved Matters application to determine access (in relation to accessibility and circulation within the site), appearance, landscaping, layout and scale; following the grant of Outline Planning Permission No. APP/D1265/W/20/3259308 (LPA Ref. 2/2018/1773/OUT)).		
Applicant name:	Mr David Buczynskyj		
Case Officer:	Alex Skidmore		
Ward Member(s):	Cllr Somper		
Publicity expiry date:	10 July 2024	Officer site visit date:	Latest site visit 09/07/2024
Decision due date:	15 April 2024	Ext(s) of time:	For November Committee

1.0 Reason application is going to committee

Referred to Committee in view of concerns raised by the Parish Council (Melbury Abbas and Cann), in accordance with the Scheme of Delegation.

2.0 Summary of recommendation:

Approve, subject to condition.

3.0 Reason for the recommendation:

- The principle of residential development on this site has already been established.
- 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 scale and appearance.
- The applicant has worked with officers seeking to address some of the concerns raised in respect to layout and landscaping. On balance, these matters have been adequately addressed.
- There is not considered to be any significant harm to residential amenity.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development was established for up to 135 dwellings on this site when the Planning Inspectorate allowed the planning appeal of planning application ref. 2/2018/1773/OUT
Layout	The proposed layout is very similar to the illustrative layout submitted with the outline application. This is in keeping with the neighbouring development on the north side of the A30 and adjoining development to the west.
Scale	The scale of buildings would be primarily two-storey with ancillary buildings being single storey. This is appropriate in the context of the site.
Character and appearance	The scheme includes a variety of house types which include a pallet of features and use of materials that are respectful of the local character and should sit comfortably within this context.
Impact on the living conditions of the occupants and neighbouring properties	The scheme will allow for acceptable conditions without resulting in any demonstrable harm to the residential amenities of neighbouring properties.
Landscaping	The Council's Landscape Office sustains an objection to the scheme, in particular its impact on views from the nearby AONB (Cranborne Chase). The proposed landscaping as amended will limit such impacts and is considered proportionate to the scale and nature of the residential element of this development.
Trees	No important trees will be lost, additional tree planning is proposed and conditions will secure the requisite protection.
Heritage	There would be no harm to heritage.
Highway impacts, safety, access and parking	Details of access was established at outline stage. Highway Authority has raised a couple of minor matters that require resolution relating to traffic calming within the scheme however these are not sufficient to uphold an objection.
Flood risk and drainage	The Lead Local Flood Authority was previously satisfied that an adequate drainage scheme could be designed for this site.

Biodiversity	Conditions to secure biodiversity matters were secured through planning conditions attached to the outline permission.
Affordable Housing	In accordance with the legal agreement that forms part of the outline consent, the development will provide 30% affordable housing.

5.0 Description of Site

The proposed development site is located within the Defined Development Boundary of Shaftesbury and forms part of a wider site area on the south side of Salisbury Road (A30). The site is allocated for employment uses under the North Dorset Local Plan (allocation SB12).

The site adjoins existing residential development on its western boundary with further established residential development located to the north on the opposite side of the A30. A&R Tiles and George Cole Combine and Plant Machinery storage warehouse depot (service yard) abuts the site on its northern site. The B3081 (Blandford Road) runs along part of the western edge of the site. To the east of the site is an established travellers site with community allotments beyond. The site is approximately 4.04 hectares (9.9 acres) in area.

The application site is relatively flat and level with surrounding development. There are established hedgerows interspersed with trees along much of the boundaries of the site. The site access, which leads off the A30 to the north, has already been installed and is shared with the adjacent traveller site and allotments, and will also provide access to the other phases of the wider approved scheme including a primary school and commercial uses as they come forward. There are no public rights of way across the site.

Cranborne Chase AONB (National Landscape) is close by (approximately 275m to the east and 600m to the south) and its escarpment edge is inter-visible with the application site. The catchment area for the River Avon, which is a nutrient sensitive catchment for phosphorus, crosses the existing access that leads on to the A30, however the site area for the proposed residential dwellings and associated works sit outside this area, with associated discharge flowing to the southwest and away from the catchment area.

6.0 Description of Development

Submission of reserved matters in respect of scale, layout, appearance and landscaping pursuant to outline permission 2/2018/1773/OUT, which granted consent for a mixed use development including the erection of 135 no. dwellings, industrial starter units, primary school, flexible commercial uses, revised vehicular access, car parking, sports pitches, public open space and associated works.

7.0 Relevant Planning History

P/PAP/2022/00452 - Preapplication enquiry relating to a proposed Reserved Matters Application for the erection of up to 135 dwellings with associated works - The

response was provided on 02/08/2023 and was generally supportive of the details provided but highlighted a number of constraints and issues that the applicant would need to address as part of any ensuing application.

2/2018/1773/OUT – Outline application (including the detailed matter of access) for a mixed use development including the erection of up to 135 no. dwellings, industrial starter units, primary school, flexible commercial uses including a combination of hotel and non-food retail or residential care home, modify vehicular access, car parking, sports pitches, public open space and associated works - ALLOWED at appeal in February 2022 (APP/D1265/W/20/3259308) following an appeal for non-determination.

2/2018/0300/SCREIA - Request for EIA Screening Opinion under section 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for an outline application (with all matters reserved) for erection of a 2 form entry primary school, hotel, retail unit, industrial starter units and enabling housing development - NOT EIA Development 04/02/2019.

2/2006/1022 - Develop land by erection of employment development of B1 and B2 uses with ancillary B8 use, all with associated infrastructure and landscaping including strategic landscaping to east and south. Formation of vehicular access from A30 (Outline application to determine use and including means of access) - Granted 12/05/2011.

8.0 List of Constraints

Settlement Boundary – Shaftesbury (inside)

Agricultural Land – Grade 2

Neighbourhood Plan – adjacent to Shaftesbury NP (Made 22/06/2021)

Neighbourhood Area – emerging Melbury Abbas & Cann

Area of Outstanding Natural Beauty (National Landscape) - Cranborne Chase & West Wiltshire Downs

Flood Risk Zone 1 – 1 in 1000 years

Surface Water Flood Risk - 1 in 1000 years

Groundwater Source Protection Area

Higher Potential ecological network

Japanese Knotweed - Distance: 5.75

Site of Special Scientific Interest (SSSI) impact risk zone

9.0 Consultations

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

Consultees

Melbury Abbas & Cann GPC (MAAC) – Object for the following reasons:

- The site is allocated for employment purposes not housing.
- The site sits within MAAC, this development exceeds our housing quota.
- Lack of local services/infrastructure to meet existing demands.
- Increased traffic on local highway network.
- Unsustainable location – too far to walk to the town centre / shops.
- Displacement of surface/ground water to the detriment of MAAC.
- Landscape harm – impact on views from Melbury Beacon and Winn Green.

Shaftesbury Town Council (neighbouring parish)– No objection. Careful consideration should be given to the detail of the affordable housing and how it relates to Dorset Council’s own identified requirements within the county. There is concern that no shared ownership is being offered.

Donhead St Mary Parish Council (neighbouring parish) – No comments received

Wiltshire Council – No comments received

Beacon Ward – No comments received

Cranborne Chase & West Wiltshire Downs AONB - No comment received

DC Highways – The previously requested changes to the estate road layout have been implemented except for two points which relating to traffic calming features, these should be addressed. The submitted swept path analyses confirms that refuse and emergency vehicles will be able to freely traverse the site.

DC Dorset Waste Team – No comments received.

DC Public Transport – Seeking a S106 to create bus stopping points outside the development on Salisbury Road, to include shelters and laybys on each side of the road.

DC Street Lighting Team – The new estate and its roads will extend the existing urbanised area and will link from an existing highway which has a system of lighting present. Any of the new estate being proposed for adoption as public highway must also be lit in accordance with Dorset Council Street Lighting Policy POLS900. The need for street lighting on the periphery of the estate should be avoided/minimised in the interests of minimising light pollution and impacts on ecology.

Active Travel England – referred to their Standing Advice

Dorset Fire & Rescue Service – The development will need to be designed and built to meet current Building Regulations requirements.

DC Building Control North Team – No comment received

DC Environmental Protection – No comment

Dorset Police Architectural Liaison Officer – Recommends that the security of the development meets the standards laid out in Secured by Design Homes 2023. It is recommended that all gates that lead to the rear of a dwelling are key locable from both sides.

DC Section 106 Officer – No comment

DC Housing Enabling Team – The total number of discounted market units is incorrect and should be 10. These units should be shared ownership, to accord with the terms of the S106 agreement. The affordable housing is providing 65% of flats but the Dorset Strategic Housing Market Assessment (2015) states that North Dorset has a particularly low need for flats and that in the affordable housing sector the estimated requirement is for 35-40% flats and 60-65% houses. The development is proposing too many flats and this needs addressing.

NHS Dorset (Dorset Integrated Care Board) ICB – The reduction in the number of houses is noted however we would still request the contributions secured at outline stage.

DC Policy - Urban Design – No comments received.

DC Landscape – Objects.

NPPF para 136 states all streets should be tree lined unless clear, justifiable and compelling reasons are given explaining why this would be inappropriate. The stage that this development is at leaves little opportunity to ensure adequate strategic landscaping appropriate for this transitional rural edge. Notwithstanding this I suggest the applicant should ensure the internal tree planting that is proposed will thrive in the long term and provide detail of tree volumes and urban tree pits as requested.

The revised plans have increased tree planting close to the SUDS basin which is positive in terms of softening the edge of the development but will also detract from views towards the AONB from the B3081. I suggest the additional planting of native tree mix and individual trees to the northwest of the basin is reduced to more tightly follow the existing hedge line. However, the planting north/northeast of the basin closer to the LEAP could be enhanced.

Requests that the SUDS basin and public open space (POS) is redesigned to extend an informal circuit to provide improve the accessibility of the POS to local residents.

DC Trees Officer – No objection. The application is supported by Arboricultural information reference PERSC241amasA by ACD Environmental dated 5th July 2023. I have no objection to the schedule of works and proposed tree and part hedge removal and support the location of the tree protection fencing.

DC Natural Environment Team – Biodiversity Net Gain Metric trading rules are not met due to the loss of medium distinctiveness woodland on site not being adequately mitigated. Can more information be provided in the LEMP for the 10m bat dark corridors proposed, particularly for the eastern boundary. It should also state that any dark corridors will meet sensitive lighting schemes (max 0.5 lux). The proposed street lighting layout report contains diagrams referencing 5.0 lux horizontal illuminance within the proposed eastern boundary dark corridor which does not meet the dark corridor light requirements.

Dorset Wildlife Trust – No comment received

DC Environment Mitigation Delivery Team – No comment received

DC Flood Risk Management – No objection subject conditions to secure a detailed surface water management scheme and details of a maintenance and management scheme.

Wessex Water - No comment received

Representations received

Shaftesbury Tree Group – Objects. No landscape concept or planting strategy to substantiate proposals. Density and extent of hard surfacing is excessive. There is a lack of tree and hedge planting generally but particularly around the southern building frontage. Woodland planting along western boundary will shade gardens. More native evergreen trees and shrubs should be included and more native wetland planting in the attenuation basin area.

Total - Objections	Total - No Objections	Total - Comments
3	3	3

Petitions Objecting	Petitions Supporting
0	0

Summary of comments of objections:

Local Residents:

- Concerned there could be an increased risk of flooding to their property due to location of drainage features and attenuation pond

- Loss of privacy.
- Increased traffic. The A30 and Higher Blandford Road are very busy and access is already difficult/hazardous as a result.
- High density, proximity of units reduces passive solar gain and causes privacy issue
- No meaningful green infrastructure – space corridors of varying width, permeable paving, rainwater harvesting, rain gardens, grass swales and soakaways, roadside bio-retention and filter strips for amenity and biodiversity.
- Drainage strategy does not follow SuDs hierarchy and principles as stated in the Sustainability Statement.
- Small, isolated and high maintenance grass areas amid developed areas.
- Integrated pedestrian and cycleway provision required beyond site boundary adjacent to A30.

Summary of comments of support:

None

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.

s85 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)

11.0 Relevant Policies

Development Plan

North Dorset Local Plan Part 1 (2016)

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 2 - Core Spatial Strategy
- Policy 3 - Climate Change
- Policy 4 - The Natural Environment
- Policy 5 - The Historic Environment
- Policy 6 - Housing Distribution
- Policy 7 - Delivering Homes
- Policy 8 – Affordable Housing
- Policy 11 - The Economy
- Policy 13 - Grey Infrastructure
- Policy 14 - Social Infrastructure
- Policy 15 – Green Infrastructure
- Policy 18 - Shaftesbury
- Policy 23 - Parking

- Policy 24 - Design
- Policy 25 - Amenity

Shaftesbury Neighbourhood Plan - 'Made' 22/06/2021

Material Considerations

Emerging Local Plans:

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

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

The Dorset Council Local Plan

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

Emerging Neighbourhood Plans

Melbury Abbas & Cann Neighbourhood Plan (NP) – this is in draft format only and has yet to be put to referendum, the relevant policies within this NP should be accorded very limited weight in decision making.

National Planning Policy Framework

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

Other relevant NPPF sections include:

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
8. Promoting healthy and safe communities

- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

Other material considerations

The Government are currently consulting on various changes to the NPPF. Whilst this is only draft at present, there is a clear intention to boost the supply of housing, including changes to the standard methodology for calculating housing targets. The written ministerial statement of 30th July 2024 regarding Building the Homes we Need, makes clear the Government's commitment to tackle the housing crisis, restore and raise housing targets, building homes in the right places, and moving to strategic planning. There is also a commitment to build more affordable homes and infrastructure. The statement is a material consideration and highlights the need to deliver housing in sustainable locations.

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.

National Design Guide (January 2021)

Shaftesbury Design Guidelines February 2019

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

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

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

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have "regard to" and remove or minimise disadvantage and in considering the

merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

The application site is located within the defined development area of Shaftesbury as identified within the North Dorset Local Plan. Considerations of accessibility and proximity to day to day services were given at the time of the outline application and it is considered that occupiers of the proposed dwellings would have good access to the facilities available within Shaftesbury along with those to be provided as part of this scheme.

The proposed change in land use will not result in any disadvantage to people due to their protected characteristics. While there is no specific provision for lifetime homes or accommodation specifically for those with protected characteristics, the form of development proposed will provide housing, additional open space and enhancements to the local rights of way network, to ensure the needs of people with disabilities or mobility impairments or pushing buggies are met. This will be through accommodation of appropriate off road footpath links, shared surfaces, improvements to existing links and by ensuring that the access arrangements to the new housing and open space are subject to the requisite standards applied by the Building Regulations and Highway Authority.

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.

14.0 Financial benefits

A Section 106 agreement was completed for the outline permission, securing the following:

- 30% affordable housing;
- An onsite LEAP;
- Informal open space;
- Land for a new primary school;
- £2,017.31 per dwelling towards additional primary school places
- £4,077 per dwelling towards additional secondary school places
- £722 per dwelling towards the cost of acute, community and primary care branches of the NHS in the local vicinity;
- £75,456 towards Rights of Way enhancements.

15.0 Environmental 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.

The application was accompanied by a Sustainability Statement outlines a fabric first approach to minimise energy use, the development will be fully electric and

incorporate the installation of solar PV, air source heat pumps, EV charging points and natural ventilation to aid energy efficiency.

The development would result in change to the nature of the site with increased vehicle movement, domestic noise and general activity. However, 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 and there is a requirement for cycle parking to encourage future occupiers to consider sustainable forms of travel whenever possible. The proposal will not lead to any significant air quality, noise or other amenity impacts.

It is considered that there is sufficient scope within the proposed development to incorporate a wide range of sustainability measures in the interests of reducing the impact of the development on the environment.

16.0 Planning Assessment

The application site is located within the Defined Development Boundary of Shaftesbury and forms part of a wider site area that sits on the eastern periphery of Shaftesbury on the south side of Salisbury Road (A30). The site is allocated for employment uses under the North Dorset Local Plan (allocation SB12).

The principle of residential development on this site, including matters of access, have already been established and approved as part of extant planning permission P/RES/2023/05407, which was allowed at appeal (ref. APP/D1265/W/20/3259308) in February 2022. The appeal gave consent for a mixed use development comprising up to 135 dwellings, industrial units, primary school, flexible commercial uses including a combination of hotel and non-food retail or residential care home along with associated public open space, sports pitches and an amended access leading on to the A30 (Salisbury Road).

The outline application included a S106 agreement which secured a range of obligations and financial contributions, as detailed in Section 14 of this report above, to mitigate and make the development acceptable as a matter of principle. In brief, these obligations include the provision of 30% affordable housing, informal open space and a LEAP on site, land for a new primary school, contributions towards additional primary and secondary school places, contributions to the NHS and a contribution towards Rights of Way enhancements.

The current application is seeking to agree reserved matters of layout, scale, appearance and landscaping for what is known as Phase 2 of this development, which forms the residential element of the overall scheme.

Scale and layout

The application site occupies a relatively central position within the wider site area, is set back from the A30 behind land specified for commercial uses, and will be encompassed by industrial development and new primary school to the east and south/southeast as and when these phases come forward.

Concerns have been raised by Officers and other interested parties in respect of the density of the scheme. There has, however, been a significant reduction in housing numbers from 135, which was agreed at outline stage, to the current 107 units. The site immediately abuts residential development on its western flank with established residential development located just to the north side of the A30. The density of this amended scheme is not dissimilar to these neighbouring developments and is considered to be acceptable in this location and context.

The layout has been informed by the shape of the site and various site specific constraints, in particular relating to landscape, ecology, drainage and highway matters. The public open space which includes the LEAP is not as well integrated with the housing as would have been desirable however, the position of the attenuation basin which forms part of the open space is located by necessity towards the lowest part of the site and for landscape reasons (as discussed later in this report) this part of the site has been kept free of built form. The position of the open space in this southerly position has the added advantage of siting alongside the open space of the adjoining development to the west. A footpath link is proposed between the two sites at this point linking the open spaces of these developments and providing a pleasant walking route to the primary school site.

The layout of the roads and houses reflect that indicated at outline stage. The Highway Authority has noted that the layout is suitable to accommodate the movements of emergency and waste vehicles and that parking levels are generally acceptable. They have identified a couple of detailed matters relating to traffic calming which have yet to be addressed however it is not considered that these are sufficient to hold up determination of this application.

Whilst the affordable housing could have been distributed more evenly across the site, the group sizes accord with the recommendations of the Housing Enabling Officer (not larger than 15 units in one group) and with the arrangements shown it is anticipated that the affordable units should integrate well within the wider scheme without being identifiable as such.

The general layout of the dwellings and their juxtaposition with existing neighbouring dwellings are such that future occupiers should enjoy a good level of amenity without giving rise to any demonstrable harm to the amenity of existing neighbouring properties. A number of units at the northern end of the site back on to the service yard associated with a plant machinery storage warehouse depot. The activity associated with the yard and business appears to be relatively low key and as such is unlikely to give rise to any significant noise and other associated concerns that might give rise to conflict or undue disturbance to these nearest dwellings. Environmental Protection have been consulted and raised no concerns.

Appearance

The proposal comprises a range of house types and sizes, comprising 6 x 1 bedroom dwellings, 44 x 2 bedroom dwellings, 44 x 3 bedroom dwellings and 13 x 4 bedroom dwellings. The house types are predominantly two storey, but also include some 2 ½ storey dwellings and two 3 storey blocks of flats. Their design marries well with that of neighbouring residential development, in particular that to the west which

includes some similar house types. The material palette is to comprise mainly stone and brick with a mix of roof tiles, again this is not dissimilar to the adjacent development. The design of the affordable units are such that they should blend into the wider development and appear 'tenure blind'. Overall the design of the built elements of this development is considered to be of an acceptable character and appearance.

Landscaping

The application site sits at the southwestern edge of Shaftesbury and due to its relatively flat and open nature there is resulting intervisibility between the site and the wider countryside, including Cranborne Chase AONB to the south and east. The proposed scheme and associated wider development will form the new edge on this side of Shaftesbury and as such will impact on views both from the AONB looking towards the town as well as views looking out from the town towards the AONB.

The outer perimeter of the site comprises predominantly native hedgerows interspersed with occasional trees. Other than works to form the access through the perimeter hedge these features will be retained and bolstered. Additional tree planting is proposed along the primary access road and more minor estate roads as well as within the open space. Other features include the provision of different grass habitats and wildflower areas as well as woodland and shrub planting.

The Landscape Officer (LO) has raised an objection to the scheme and whilst the applicant has diminished some of their concerns the LO maintains an overall objection.

An important view from the B3081 (Higher Blandford Road) looking towards the AONB to the south/southeast has been identified by the LO. The layout and planting scheme for the neighbouring development to the west was designed to secure this vista and the proposals for the current application have been amended to do likewise.

The sensitivities of the site in conjunction with the wider landscape and the nearby AONB are such that planting along the southern and eastern areas of the site will be important in mitigating the impacts of the development. There are some notable constraints to the landscaping scheme, including the above mentioned vista as well as an easement for a water main which runs along the east and southern perimeter of the site. The applicant has submitted a number of iterations of the landscaping scheme seeking to address as many of the LO's concerns as possible. This has resulted in additional tree planting around the southern and eastern perimeters of the site as well as within the area of public open space to the south.

The applicant has also sought to include additional street trees where feasible and do not conflict with highway layout and street lighting requirements. Whilst the LO is of the opinion that this scheme falls short in terms of the level street tree planting, there are no parameters detailing what constitutes an acceptable level of street tree planting. It is acknowledged that the extent of street trees is at the lower margins of what would be desirable however the applicant has made efforts to include such planting where possible.

The landscaping scheme only relates to this phase of the wider development and as previously noted within this report the outline approval includes additional development that will encompass this site to the north, east and southeast and which will require their own landscaping schemes as they come forward.

Overall, the revised landscaping scheme is considered to be of an acceptable quality and robustness that will help assimilate the development into the local context and wider landscape setting while responding to the various constraints identified above.

Other matters

Housing tenure – The Housing Enabling (EN) Officer noted that the tenure mix included discount market housing rather than shared ownership, as secured by the S106 agreement. This has now been amended to shared ownership. They also raised concerns about the number of flats being proposed for the affordable units. This also has been revised reducing the proportion of flats compared to houses which is the EN Officer is now satisfied with.

17.0 Conclusion

The principle of residential development on this site has already been established through the outline application allowed at appeal in February 2022, and which secured the relevant planning obligations and infrastructure necessary to meet the needs of the future occupiers.

Since the current application was first submitted, the applicant has worked with Officers in response to concerns raised resulting in various amendments to the layout, landscaping and a reduction in the overall quantum of development. The resulting revised details of layout, scale, appearance and landscape are considered to be acceptable. Therefore, subject to the conditions outlined below, the proposals are considered to accord with the aims of the Development Plan and National Planning Policy Framework.

18.0 Recommendation

Approve subject to the following conditions:

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

Location Plan - LP.01; Site Layout drawing no. SL.01 Rev D; Boundary Details drawing no. BD_01; Proposed Streetscenes drawing no. 100 revision P1; Brick Structure Substation Rev A; Phasing Plan drawing no. PH.01; Proposed Levels and Contours Plan drawing no. P988/02 Rev G; Bin Collection Layout drawing no. BCL.01 Rev B; Green Energy PV and ASHP layout drawing no. GEL.01 Rev B; Heights Site Layout drawing no. HSL.01 Rev B; Materials Site Layout drawing no. MSL.01 Rev C; Tenure Plan drawing no. TL.01 Rev B; Infiltration Basin Plan drawing no. P988/42 Rev A;

House types dated 07/07/23: Grizdale HT shared ownership plots 58, 57; Rendlesham_Mid HT shared ownership plots 38, 47; Rendlesham_End HT shared ownership plots 37, 46, 39, 48; Haldon_End HT affordable rent plots 71, 91, 93, 73, 92, 94; Haldon_End HT shared ownership plots 35, 36; Apartments 01 (Plans) affordable rent plots 020-022, 023-025; Apartments 01 affordable rent plots 020-022, 023-025; Grizdale HT affordable rent plot 26; Rendlesham_End HT affordable rent plots 27, 40, 43, 44, 28, 41, 42, 45; Haldon_Mid HT affordable rent plot 72; Haldon_End HT Plots 82, 101, 84, 102; Apartments 01 (plans) plots 011-013, 014-016; Apartments 01 plots 011-013, 014-016; Kielder HT plot 107; Kielder HT plot 107; Greenwood HT plots 87, 51; Barnwood_Dt HT plots 74, 95, 17, 70; Barnwood_Dt HT plots 74, 95, 17, 70; Knebworth HT plots 75, 80; Galloway DT plots 18; Barnwood HT Variant 1 plot 81; Barnwood HT plots 06, 50, 103, 07, 59, 88; Sherwood_HT plots 31, 32, 49, 104; Saunton_HT Variant 1 plots 77, 79, 76, 78; Saunton _HT plots 61, 60; Galloway Mid HT plot 55; Galloway HT plots 29, 54, 64, 66, 68, 89, 30, 56, 65, 67, 69, 90; Chiltern HT Variant 1 plots 01, 53, 03, 85, 105; Chiltern HT plots 19, 97, 33, 63, 99; Danbury Mid HT plot 2; Danbury HT Variant 1 plots 52, 86, 106; Danbury HT plots 8, 62, 96, 9; Redhill HT plots 10, 98; Redhill HT plots 10, 98; Haldon_Mid HT plot 83; Alnmouth HT plots 4, 5, 34, 100.

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

2. Prior to development above dampproof course level, samples of materials to be used in the construction and finish of the development shall be made available on site and retained in that location for inspection by the Local Planning Authority. Any such samples shall be approved in writing by the Local Planning Authority and thereafter, the development shall proceed in accordance with such materials as have been agreed.

Reason: To safeguard the visual amenity of the locality.

3. Prior to the construction or installation of any boundary walls, samples of the brick and stone to be used for the walls must be submitted to and approved in writing by the Local Planning Authority. Prior to the construction or installation of any boundary fences or railings, visual details of the fences and railings must also be submitted to the Local Planning Authority for approval in writing. The development shall thereafter be implemented in full accordance with the approved details.

Reason: In the interests of the amenities of the area.

4. All hard and soft landscape works must be carried out in accordance with the approved drawings number PERSC2412011 (sheets 1 to 7) and Soft Landscape Specification received 20/09/2024. The soft landscaping works detailed on the same approved drawing must be carried out in full during the first planting season (November to March) following commencement of the development. The soft landscaping shall be maintained in accordance with the agreed details and any trees or plants which, within a period of 5 years from

the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the satisfactory landscaping of the site and enhance the biodiversity, visual amenity and character of the area.

Informatives:

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.

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Application Number:	P/FUL/2024/03951
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Shortwood Farm Hammond Street from Brockhampton Bridge Mappowder DT10 2EW
Proposal:	Construction of a slurry lagoon with 1.3m high fence.
Applicant name:	M Perrett
Case Officer:	Jane Green
Ward Member(s):	Cllr Haynes

1.0 The application is brought to Planning Committee in accordance with the Council's Constitution and the adopted Scheme of Delegation, as the farm is owned by Dorset Council.

2.0 Summary of recommendation:

GRANT subject to conditions

3.0 Reason for the recommendation: as set out in paras 15 at end

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

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable form of development in the countryside

Impact on landscape and character of area	Acceptable subject to conditions in relation to soft landscaping, planting, protection of trees and hedgerows to lesson visual impact
Impact on neighbouring amenity	No significant amenity concerns
Flood risk and drainage	No flood or drainage issues with the proposal
Highway impacts, safety, access and parking	No harm or adverse impact on highway safety
Impact on trees	Loss of tree compensated and protection of trees and hedgerows throughout construction
Habitats and biodiversity	Ecological Impact Assessment certified by the Natural Environment Team and Biodiversity Net Gain (BNG) demonstrated in BNG statement
Protected sites	No impact on protected sites

5.0 Description of Site

Shortwood Farm is a dairy based agricultural holding that comprises modern agricultural buildings suitable for dairy purposes and associated landholding. The farm is accessed via the 'Westfields' road and the lagoon site is located to the immediate northwest of the main farm complex. It currently comprises an area of improved/modified grassland. The northern boundary is defined by a native mixed species hedgerow of approximately 2m to 2.5m in height. To the east are two smaller existing lagoons (fenced off) and a boundary hedge. To the immediate southeast of the site are the existing modern farm buildings, access track, storage areas and singular existing young oak trees. To the west of the site is the wider pastoral landscape and the route of footpath S10/17 which runs roughly north-south.

6.0 Description of Development

The proposed development comprises the construction of a slurry lagoon within the field to the immediate northwest of the main cattle housing building of the holding. The proposed lagoon would measure an average top length of 53.5m by 29.9 top width, with a depth of 4.75m. It would be of an earth banked design and the provision of a 1.3m high safety fence would be constructed around the perimeter of the lagoon.

The lagoon is designed to provide the farm with 6 months storage capacity as required under The Storing Silage, Slurry and Agricultural Fuel Oil Regulations (SSAFO). The application is submitted on the basis that it will accommodate waste produced from this agricultural holding only.

7.0 Relevant Planning History

1/D/12/000482 - Decision: No objection - Decision Date: 23/04/2012

Construction of Milking Parlour building, Workshop/Implement shed and Bulk feed hopper

1/E/85/000420 - Decision: Granted - Decision Date: 16/09/1985

Erect single storey extension

1/E/03/000975 - Decision: Refused - Decision Date: 05/06/2003

Erect extension to dairy

1/N/03/001219 - Decision: Granted - Decision Date: 27/08/2003

Demolish & rebuild extension to dairy to house bulk milk tank

1/E/05/001807 - Decision: Granted - Decision Date: 08/11/2005

Demolish existing range of cow kennel buildings and adjoining barn and provide a new cubicle building, silage clamp, and extension to slurry lagoon.

1/E/07/000121 - Decision: No objection - Decision Date:
13/04/2007

Construct two new silage clamps alongside the cubicle house together with underground silage effluent tank and two bulk feed hoppers

1/D/08/001640 - Decision: Granted - Decision Date: 10/10/2008

Erect calf housing and storage building

1/D/12/000482_1 - Decision: Granted - Decision Date: 01/05/2012

Construction of Milking Parlour building, Workshop/Implement shed and Bulk feed hopper

8.0 List of Constraints

Public Right of Way: Footpath S10/19; - Distance: 31.32

Public Right of Way: Footpath S10/17; - Distance: 3.56

Dorset Council Land (Freehold): County farmland in Buckland Newton - Reference 08898, 08824 and 08831,

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

9.0 Consultations

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

Consultees

1. **Natural England** – No objection subject to securing mitigation
2. **Chalk Valleys Ward** – No comments received

3. **Mappowder Parish Council (neighbouring parish)** – No comments received
4. **Pulham Parish Council (neighbouring parish)** – No comments received
5. **Dorset Landscape Officer** – Support proposal. Recommended amendments to the tree planting proposals have been undertaken. Conditions in relation to tree planting, grass seeding, management of site habitats and hedge protection suggested.
6. **Dorset Rights of Way Officer** – Clarification sought that the track would remain at its current location. Confirmed by the applicant that this is the case, and the right of way will not be impacted on. No need therefore for a diversion application.
7. **Dorset Highways** – No objection
8. **Dorset Trees (North West Weymouth)** – No comments received
9. **Environment Agency** – No objection. Recommend surface water quality informative
10. **DC - Flood Risk Management** – No objection. Flood or drainage related conditions are not considered necessary.
11. **Dorset Environmental Services – Protection** – If permission is granted a condition to require a suitable and sufficient Manure Management Plan is submitted and agreed.
12. **Buckland Newton Parish Council** – No objection
13. **Ramblers Association** – No comments received
14. **Wessex Water** – No comments received
15. **Dorset Asset & Property- Abigail Brooks** – No comments received
16. **Dorset Natural Environment Team** – No specific comments to make on the BNG aspect of the application. In respect of the Ecological Impact Assessment reviewed under the Dorset Appraisal Protocol, the Certificate of Approval is issued which demonstrates the ecological impacts are fully addressed.

Representations received

None received

10.0 Duties

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

11.0 Relevant Policies

Development Plan Policies

Adopted West Dorset and Weymouth & Portland Local Plan

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

INT1 - Presumption in favour of Sustainable Development

ENV1 - Landscape, seascape & sites of other geological interest

ENV2 - Wildlife and habitats

ENV9 - Pollution and contaminated land

ENV10 - The Landscape and Townscape Setting

ENV12 - The Design and Positioning of Buildings

ENV 13 - Achieving High Levels of Environmental Performance

ENV16 - Amenity

SUS2 - Distribution of Development

ECON9 - New Agricultural Buildings

COM7 - Creating A Safe and Efficient Transport Network

Buckland Newton Neighbourhood Plan 2015 -2030 made on 07 December 2017
Policy E1: The Wider Environment

Material Considerations

Emerging Local Plans:

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

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

The Dorset Council Local Plan

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

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

National Planning Policy Framework

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

Other material considerations

Dorset Landscape Character Assessment (LCA) – Rolling Clay Vales and West Blackmoor Rolling Vales Landscape types

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

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

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

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

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

In considering the merits of this planning application officers have taken into consideration the requirements of the Duty and do not consider that there will be any material impact on anyone with protected characteristics.

14.0 Financial benefits

Although the site is owned by Dorset Council it is not considered that the proposal in itself will bring about any financial benefits to the Council. There are obviously financial benefits of the ongoing success of the agricultural business to the wider economy, however.

15.0 Planning Assessment

Principle of development

The proposal is for the creation of a new slurry lagoon to serve an existing and established dairy farm operating from the site. The lagoon is in addition to two existing slurry lagoons on the site to meet the Environment Agency's current recommendation for the provision of 4 months storage.

The site is located in the countryside outside of any Defined Development Boundary where policy SUS2 seeks to strictly control new development having particular regard to the need for the protection of the countryside and environmental constraints. However, agricultural development, where the operational need has been identified, is one of the forms of development which is allowed within the scope of policy SUS2. The proposal is therefore acceptable in principle, subject to compliance with other policies of the Local Plan.

Slurry lagoons are encouraged and incentivised by national policies such as by the Department for Environment, Food & Rural Affairs (DEFRA). DEFRA suggest that slurry storage can significantly reduce ammonia emissions, and to a lesser extent, reduce nitrate and phosphate pollution.

Impact on landscape and character of area

The site, as defined by the Dorset Landscape Character (LCA), lies within the Rolling Vales Landscape Type which is found around the fringes of the Clay Vale Landscape Type in North Dorset. The Council's Landscape Architect assessed the key characteristics of the area surrounding the site as:

- rolling and undulating farmland forming the transition between clay vale and the chalk escarpment/ridge landscape types
- varied and irregular pattern of predominantly pastoral fields, copes, dense hedges and occasional arable fields
- many scattered farmsteads
- twisting hedge lines lanes with narrow verges
- a tranquil, secluded and unified landscape

The application is accompanied by a Landscape Appraisal giving a general overview of the site and description of potential views however the Council's Landscape Architect has made a full assessment following a site visit and has supplied a comprehensive consultation response in the landscape and visual impacts of the proposal.

The proposed slurry lagoon with its embankments will see a significant engineering operation which would be visible as a new manmade element in the landscape. It will give rise to significant visual effects when viewed at close-range from footpath S10/17 where it runs along the western boundary of the lagoon. The existing view across the field will be replaced with the embankments of approximately 2m to 3m in height and topped with a 1.3m high agricultural fence. To ensure the visual effects are lessened a condition is imposed to secure the grass seeding (with appropriate seed mix) of the embankments. It is however noted that the embankments will be viewed in combination with the existing farm buildings rather than as an isolated feature.

The Landscape Architect notes the significant visual effects will lessen considerably as one heads northwards or north-eastwards into the wider landscape with the strong network of field boundary hedges and trees offering reasonable visual screening of the site and the proposed development. Visual effects will be exacerbated during the winter months.

The supporting Landscape Appraisal suggests allowing the northern boundary hedge to grow taller which will mitigate the view of the development in the wider area and further assist in assimilation. A height of 2.5 to 3m would be appropriate, with the new oak trees also against this boundary edge further screening the development from the north. The revised tree location drawing is conditioned through a soft landscaping condition to ensure planting and ongoing maintenance.

Impact on neighbouring amenity

There have been no objections received from occupants of neighbouring residential properties. It is noted that the nearest residential properties are connected to other agricultural holdings and as such agricultural odours are already prevalent in the area. Nonetheless consideration is given to neighbouring amenity. The increase in slurry provision on Shortwood Farm has the potential for an increase in odour. The Council's Environmental Protection team were consulted and requested a condition in relation to the submission of a suitable and sufficient Manure Management Plan which should include steps and procedures to reduce any odour impact from both the storage and spreading of the manure and how complaints would be dealt with.

The applicant responded to this and has submitted a Manure Management Plan, further information and a sample Odour Complaint Form which has since received approval by the Council's Environmental Protection. As such a condition is imposed ensuring the scheme is carried out in accordance with the plan and is maintained as such during the lifetime of the use.

It is considered the development would comply with the requirements of policy ENV16 of the West Dorset, Weymouth and Portland Local Plan, 2015.

Flood risk and drainage

The site is located within flood zone 1 of the Environment Agency's (EA) flood map for planning which has a very low probability of flooding. The risk of groundwater emergence mapping indicated that the site is within an area of very low groundwater emergence. The EA's risk of flooding from surface water flood mapping indicates that the proposed development is not affected by surface water. As such the flood risk to the site is compatible with the proposed development.

The Local Lead Flood Authority were consulted on the application as statutory consultee for Surface Water management in respect of major development. They have no comment to make with regards to surface water management with the proposed slurry lagoon, have no objection and do not consider flood or drainage related conditions are necessary in this case.

Highways impacts

The Highway Authority has confirmed that there is no objection to the proposal given materials will be sourced within the site and no materials will be imported. There will be no increase in traffic to the site, by having a suitable slurry store on site, less travel will occur getting slurry offsite. Therefore, the Highway Authority consider that the proposal does not present a material harm to the transport network or to highway safety. In view of this it is considered that the development would comply with the requirements of policy COM7 of the West Dorset, Weymouth and Portland Local Plan.

Impacts on trees

The proposal will see new tree planting, confirmed as 5no. oak trees. Following comments from the Council's Landscape Officer the proposed location of which has been changed from the south of the site within a small group to the north edge of the site against the boundary hedge line. The previous location was considered to be unsuitable as it is within the working area of the farmyard currently used to store materials. The new location would not be vulnerable to machinery movements or storage requirements. The planting as proposed in the Ecological Impact Assessment has also been certified by the Natural Environment Team.

The Council's Tree Officer and note the loss of 1no. tree and request for consideration to the option of translocating the oak rather than to see it felled. The applicant has stated that to try and move a tree of this size is not practical without significant cost in hiring machinery to do so. Despite this they have confirmed that they will try and move the existing tree into the hedge line when appropriate machinery is on site to construct the lagoon, along with the planting of new oak trees already proposed. This is welcomed, however not considered reasonable to condition given the agreement of the planting scheme by the Natural Environment

team, the Landscape Officer and noting the tree is a young specimen and is to be replaced if not transplanted.

A tree and hedgerow protection condition (proposed condition 3 below) are considered reasonable to ensure the remaining trees on site are protected during the construction of the lagoon.

Habitats and biodiversity

Information provided in the BNG Assessment statement and supported by the Metric calculation. The proposal does not meet the Council's Natural Environment Team trigger for comments on BNG matters but the proposal satisfactorily demonstrates >10% BNG can be achieved. Five trees are to be planted (positions amended with a revised plan addendum to the BNG Assessment) and modified grassland at the outer banks of the slurry lagoon will be fenced off and enhanced under a management plan. This management will enhance the grassland from modified, which has a low distinctiveness rating, to other neutral grassland, which has medium distinctiveness rating, in poor condition.

Habitat management of the enhancement of the on-site modified grassland to other neutral grassland would be secured via a Habitat Management and Monitoring Plan (HMMP). An informative is imposed that refers to the requirements of BNG.

The application is also supported by an Ecological Impact Assessment which has been certified by the Natural Environment Team, adherence to which would be secured by proposed planning condition 6 as set out below.

Protected Sites

The site is located within the mapped Impact Risk Zones for SSI/SAC/SPA and Ramsar sites. It lies 3.8km from Lyscombe and Highdon SSSI. The proposals of a slurry lagoon/digestate stores > 750m², triggers the requirement to consider the likely effects on such sites, and as such the application is supported by a SCAIL calculation modelling emissions impacts of the proposals on protected sites. Natural England were consulted on the proposal and this assessment and consider that the proposals are unlikely to harm any designated interests and have no objection to the proposed development. Should planning permission be granted they recommend inclusion of an informative on the decision notice relating to surface water quality and the requirements by the applicant of their responsibilities under The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013.

16.0 Conclusion

The proposals have been assessed against relevant policies of the West Dorset, Weymouth and Portland Local Plan 2015 and the National Planning Policy Framework. It is concluded that the proposals comply with the requirements of these policies and accordingly it is recommended that planning permission be granted, subject to the imposition of appropriate conditions.

The development will provide the applicant with certainty to manage slurry within their agricultural holding and support the ongoing business.

17.0 Recommendation

GRANT planning permission subject to the following conditions:

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

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

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

Proposed Location Plan

MPP/SF/LB/001 V2 Proposed Site Plan

Block Plan

MPP/SF/LB/002 V3 Proposed Sections

Figure 3 V2 Plan showing tree locations

MPP/SF/LB/001 V2 Landscape Plan

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

3. Prior to the commencement of any development hereby approved, all existing trees and hedges shown on approved plan (Figure 3, V2) to be retained, shall be fully safeguarded in accordance with BS 5837:2005 (Trees in relation to construction - recommendations) or any other Standard that may be in force at the time that development commences and these safeguarding measures shall be retained for the duration of construction works and building operations. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zone(s) to safeguard the northern boundary hedge.

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.

4. All soft landscape works shall be carried out in accordance with the approved drawing figure 3, V2 and accompanying email from the agent dated 03 September 2024 detailing the proposed tree species, size and the grass seeding specification. The approved scheme shall be carried out in the first planting season following the completion of each development phase. No part of the development shall be utilised until work has been completed in accordance with the approved details. Any trees or plants that within a period of five years after planting are removed, die, or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced (and if necessary continue to be replaced) as soon as it is reasonably practical with others of species, size and number as originally approved.

Reason: To ensure the provision, establishment, and maintenance of a reasonable standard of landscape in accordance with the approved designs.

5. A Landscape Management Plan, including long term design objectives, management responsibilities, maintenance schedules and a timetable for implementation and/or phasing; for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the utilisation of the development. Thereafter the Landscape Management Plan shall be implemented as approved for the lifetime of the development.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public or nature conservation.

6. The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements in the ecology report titled Ecological Impact Assessment, by Darwin Ecology, dated August 2024 and updated 16 September 2024, and certified by the Dorset Council Natural Environment Team on 17 September 2024.

The development hereby approved must not be first brought into use unless and until:

- i) the recommendations detailed in the approved ecology report have been completed in full, in accordance with any specified timetable, unless otherwise agreed in writing with the Local Planning Authority, and
- ii) evidence of compliance has been supplied to the Local Planning Authority 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 ecology report and thereafter the approved mitigation, compensation and enhancement measures must be permanently maintained and retained in accordance with the approved details.

Reason: To mitigate and compensate for impacts on ecological receptors, and to provide biodiversity gains.

7. The development hereby approved shall be implemented strictly in accordance with the Manure Management Plan dated as 19 April 2024, the accompanying email from the agent dated 08 October 2024 and the Odour Complaint form received 15 October 2024 and thereafter maintained in strict accordance with said Management Plan for the duration of the permitted use. Any changes to the agreed Process and Procedures contained within the approved Management Plan must be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

Informative Notes:

1. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Read more about Biodiversity Net Gain at <https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>

2. Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

i) consists of no more than 9 dwellings;

ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

2. The proposed development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013. Environmental good practice advice is available in The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA). The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations.

You must inform the Environment Agency, verbally (Tel: 03708 506 506) or in writing, of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before starting any construction work. The notification must include the type of structure, the proposed design and construction, and once an agreed proposal has been constructed, we will ask you to send us a completed WQE3 notification form before you start using the facility.

4. Informative: National Planning Policy Framework Statement

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

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

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

In this case:

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

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Agenda Item 8

Application Number:	P/LBC/2024/04880
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Wilkins Farm Bozley Hill Cann SP7 0BH
Proposal:	Retain work to the roof and the structural steel beam in the cellar.
Applicant name:	Dorset Council
Case Officer:	Lucie Bruce
Ward Member(s):	Cllr Somper

1.0 Reason application is going to committee

The subject property owned by Dorset Council.

2.0 Summary of recommendation:

GRANT listed building consent subject to conditions as set out in section 18 of this report.

3.0 Reason for the recommendation

- This is a retrospective application to regularise works done many years ago
- There is not considered to be any significant harm to the listed building

4.0 Key planning issues

Issue	Conclusion
Scale, design, impact on character and appearance	No harm on the character and appearance of the listed building. The roof is like-for-like and the beam is an internal structural work.
Impact on the living conditions of the occupants and neighbouring properties	Improved conditions as work is considered needed.
Impact on landscape or heritage assets	No harm to the architectural significance of the heritage asset
Biodiversity	No impact on protected species as the work has already been completed.

5.0 Description of Site

- The farm is situated in Cann, along Bozley Hill (the A350)
- The farm comprises a main farmhouse, Grade II listed, linked to the side to the Old Bakery and to a rear historic outbuilding, likely the stables.

- The site comprises several outbuildings, some very modern and of various scales and shapes.
- The farm is not in use anymore and the farmhouse is unoccupied
- The Farmhouse is thought to date from late C18th, it is of two storeys with walls of squared and coursed greensand rubble and a symmetrical three-bay south front. It used to have sash windows in the lower story and casements above but the windows and porch are modern, consent was granted for their replacement with timber casements.
- The site is not in a conservation area nor in a National Landscape (AONB).
- The overall site comprises fields and several trees

6.0 Description of Development

- Retain work to the roof: replacement of slates, installation of a plastic sheeting between battens and rafters
- Retain the structural steel beam in the cellar.

7.0 Relevant Planning History

2/2013/0754/PLNG - Decision: GRA - Decision Date: 20/08/2013

Install 8 No. replacement windows and replacement porch.

P/PAP/2023/00590 - Decision: RES - Decision Date: 11/10/2023

To construct an extension to the north west elevation and garaging with offices above

P/PAP/2023/00689 - Decision: RES - Decision Date: 12/12/2023

Modernize and bring up to current regulations Grade II Listed Wilkins Farm house Cann. 6 attachment

P/PAP/2023/00693 - Decision: WIT - Decision Date: 15/11/2023

Modernise and bring utilities up to current building reg Grade II Listed Wilkins Farmhouse Cann.

8.0 List of Constraints

WILKINS FARMHOUSE listed building grade G2. HE Reference: 1110318 - Distance: 0

Grade: II Listed Building: WILKINS FARMHOUSE List Entry: 1110318.0; - Distance: 0

Right of Way: Footpath N59/19; - Distance: 0

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

Existing ecological network (Polygons) - Distance: 0
 Higher Potential ecological network - Distance: 0
 Site of Special Scientific Interest (SSSI) impact risk zone; - Distance: 0
 Risk of Surface Water Flooding Extent 1 in 30 - Distance: 0
 Risk of Surface Water Flooding Extent 1 in 100 - Distance: 0
 Risk of Surface Water Flooding Extent 1 in 1000 - Distance: 0
 Surface water flooding - 1 in 100 year event plus 20% allowance - Distance: 0
 Surface water flooding - 1 in 100 year event plus 40% allowance - Distance: 0

Grade II listed building (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

- WILKINS FARMHOUSE, BOZLEY HILL 1110318

9.0 Consultations

Consultees

1. W - Beacon Ward – no response
2. P - Cann PC – no response
3. DC - Asset & Property- Abigail Brooks – no response

Representations received

No comments received

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

10.0 Duties

The Planning (Listed Buildings and Conservation Areas) Act 1990 - Section 16 includes a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant listed building consent.

11.0 Relevant Policies

Development Plan

North Dorset Local Plan, Policy 5 Historic Environment

Material Considerations

Emerging Local Plans:

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

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

The Dorset Council Local Plan

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

Emerging Neighbourhood Plans

Melbury Abbas and Cann Neighbourhood Plan

National Planning Policy Framework

in particular section 16, paras. 195-214, includes that '*great weight*' should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199).

Paragraph 200 states that: "*any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification*".

National Planning Practice Guidance

Other material considerations

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

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

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

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

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

The work will have no harm on persons with protected characteristics.

14.0 Financial benefits

N/A

15.0 Environmental Implications

Presence of bats dropping in the attic but considered to be recent and date from after the work to the roof was done. As such, it was considered that a Preliminary Roost Appraisal was not necessary.

16.0 Planning Assessment

Policy 5 of the Local Plan states that any development proposal affecting a heritage asset (including its setting) will be assessed having regard to the desirability of sustaining and enhancing the significance of that asset and securing a viable use for it that is most consistent with its conservation. For any designated heritage asset, great weight will be given to its conservation when considering any proposal that would have an impact on its significance.

- Retain work to the roof: replacement of slates, installation of a plastic sheeting between battens and rafters

The roof structure was replaced in the mid C20, and replaced with the current structure. The roof has more recently been repaired (extensively to the eastern half) and re-covered. The plastic sheeting between the battens and rafters dates this re-covering as later than the 1970's and it is probable that it was done around 2012. Mineral wool was also added.

The roof covering is of natural slates fixed with galvanised nails. There is no evident provision for ventilation.

The proposal is to retain the work done to the roof. It is not considered to harm the character of the listed building.

An informative is suggested that for any further work a bat survey will be required due to the presence of bat droppings in the roof space.

- Retain the structural steel beam in the cellar.

A structural beam was installed in the cellar, supporting the ceiling and above floor. Since this is evident structural work to support the structure of the building, there is no objection to retain it.

The proposal would result in no harm to the historic significance of the building and would comply with the requirements of Policy 5 of the Local Plan and the relevant sections of the NPPF.

17.0 Conclusion

The proposal would not lead to harm to the historic fabric, character or setting of the listed building.

18.0 Recommendation

Grant listed building consent subject to the following conditions:

- 1.The works hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan
24/051/SK01 Proposed Elevation Plans
Proposed floor plan

Reason: To preserve the architectural and historical qualities of the building.

Informative Notes:

- 1.Informative: National Planning Policy Framework Statement

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

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

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

In this case:

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

2. Bat droppings have been found in the room space, a survey is required prior to any further works being undertaken.

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

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