



Western and Southern Area Planning Committee

Date: Thursday, 7 May 2026
Time: 10.00 am
Venue: Council Chamber, County Hall, Dorchester, DT1 1XJ

Members (Quorum 6)

Neil Eysenck (Vice-Chair), Belinda Bawden, Matt Bell, Simon Christopher, Paul Kimber, Craig Monks, David Northam, Louie O'Leary, Pete Roper, David Shortell and Kate Wheller

Chief Executive: Catherine Howe, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact Democratic & Governance Services Meeting Contact Joshua.kennedy@dorsetcouncil.gov.uk 01305 224710

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda. If you would like to attend this meeting and have any specific requirements please contact the Democratic Services Officer named above.

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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 interest as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.	
If required, further advice should be sought from the Monitoring Officer in advance of the meeting.	

- 3. MINUTES** 5 - 10
- To confirm the minutes of the meeting held on 02 April 2026.
- 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 Tuesday 05 May.
- 5. WD/D/16/000378 - LAND SOUTH OF WARMWELL ROAD WARMWELL ROAD CROSSWAYS** 11 - 168
- Full planning permission for the erection of 99 open market dwellings & affordable dwellings, a new doctors surgery, a replacement village hall, a car park, a new village green, new vehicular and pedestrian accesses and works to Warmwell Road. An outline application for the erection of 401 open market and affordable dwellings, the provision of 2.5ha of employment land, new vehicular and pedestrian accesses, roads, footpaths and cycleways, a car park for the proposed Site of Alternative Natural Greenspace (SANG) and 2 pumping stations; and a full application for the change of use of 22.4ha of land to Site of Alternative Natural Greenspace (SANG).
- Two appendices are attached to this report of previous committee reports of application WD/D/16/000378.**
- 6. P/FUL/2024/06334 - ABBOTSWELL, LYME ROAD, UPLYME, DT7 3TJ** 169 - 180
- Retention of Shepherds Hut.
- 7. P/FUL/2026/00467 - OPPOSITE 91 THE ESPLANADE, WEYMOUTH, DT4 7RN** 181 - 192
- Erect bandstand and decking.
- 8. URGENT ITEMS**
- To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972
The reason for the urgency shall be recorded in the minutes.
- 9. EXEMPT BUSINESS**

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended).

The public and the press will be asked to leave the meeting whilst the item of business is considered.

There is no scheduled exempt business.

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WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 2 APRIL 2026

Present: Cllrs Neil Eysenck (Vice-Chair), Belinda Bawden, Simon Christopher, David Northam, Louie O'Leary, Pete Roper, David Shortell and Kate Wheller

Apologies: Cllrs Matt Bell, Paul Kimber and Craig Monks

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

Philip Crowther (Legal Business Partner - Regulatory), Joshua Kennedy (Democratic Services Officer), Anna Lee (Service Manager for Development Management and Enforcement), Robert Piggot (Planning Officer) and Katrina Trevett (Development Management Team Leader)

73. Apologies

Apologies for absence were received from Cllrs Matt Bell, Paul Kimber and Craig Monks.

74. Declarations of Interest

Cllr Bawden declared that she had been involved in discussions with South West Water and Lyme Regis Town Council about alternative storage options, however was not predetermined on application P/FUL/2025/07525.

75. Minutes

The minutes of the meeting held on 26 February were confirmed and signed.

76. Registration for public speaking and statements

Details of public representation are provided below, on this occasion there were no public speakers.

77. P/FUL/2025/07525 - Holmbush Car Park, Pound Street, Lyme Regis, DT7 3HX

The Planning Officer presented the application for the erection of a temporary site compound for South West Water to facilitate works to the sewage network. The application had been brought before the committee as the site was within Dorset Council owned land.

The application site was shown on a map in relation to Lyme Regis, the site consisted of a triangular parcel of land together with a narrow strip providing

vehicular access. The key site constraints were outlined and it was noted that a public right of way ran through the site. Photographs from a range of viewpoints were displayed to illustrate the current appearance of the land.

The proposed development comprised a temporary compound for a period of twelve months, measuring approximately 45.5 metres by 62 metres by 81 metres. The compound would include a mobile welfare unit, storage areas and parking bays. A plan was shown setting out the layout of the proposed compound.

It was explained that the site lay within Lyme Regis town centre and that the compound was intended to reduce the frequency of vehicles passing through the town during essential works. Owing to the temporary and relatively small-scale nature of the proposal, no objections had been raised by the Highways Authority. Although the scheme would result in a temporary reduction in parking provision, this loss was considered minor and not sufficient to justify refusal.

A parking assessment was presented, showing other car parks within Lyme Regis and detailing the number of spaces available in each. It was advised that the level of displacement caused by the proposal would equate to approximately five per cent of available parking. Members were informed that a related application on Charmouth Road had since been withdrawn.

It was stated that the development was not considered likely to result in any harmful impact on visual amenity. Residential amenity was also judged acceptable, subject to conditions restricting working hours. While trees were present around the site, no excavation was proposed, and therefore no harm was identified.

In response to questions from members, officers provided the following responses:

- The proposed compound would not impact on the existing right of way through the car park and an added informative was included in the update sheet that would ensure there was no obstruction of the foot path.
- A condition was included in the recommendation that required the work to be completed within a 12-month period, should the work not be completed in that time frame then a new application would be required.

Although several members expressed concern about the loss of parking within Lyme Regis, particularly during the busier summer months, it was expressed that the clear benefits of improving the sewage network outweighed any concerns.

It was proposed by Cllr Bawden and seconded by Cllr O'Leary that the application be granted.

Decision: That the application be granted subject to the conditions set out in the appendix to these minutes.

78. **P/FUL/2025/06651 - Pavement opposite 66-67, The Esplanade, Weymouth, DT4 8DE**

Applications P/FUL/2025/06651 and P/ADV/2025/06384 were presented in a single presentation due to relating to the same site.

The Planning Officer presented the application for the removal of an existing phone box and the installation of a BT Street Hub in the same location. The site was shown on a map and within an aerial photograph, identifying its position along the Esplanade. Photographs were displayed to provide context, including views of the site from various points.

Members were advised that the site lay on Dorset Council owned land, within the Weymouth Town Centre Conservation Area and in close proximity to the King George III statue and several Grade II listed buildings. The proposed development involved replacing the existing phone box with a BT Street Hub incorporating an LED advertising panel and providing public Wi-Fi and enhanced 5G connectivity. Elevations of the existing phone box and the proposed street hub were shown, illustrating that the new structure would be taller than the existing unit, along with a visualisation of how it would appear in the street scene.

It was explained that the proposal was acceptable in principle and supported by policies in the Local Plan. The public benefits were identified as the provision of Wi-Fi and improved 5G coverage to support both personal and business use. Residential amenity was not considered to be adversely affected. Highway impacts were judged acceptable, with no objections from the Highways Authority, subject to conditions to ensure the LED display was not distracting to road users. Crime and policing matters were also considered acceptable, provided an Anti-Social Behaviour Management Plan was secured by condition and it was noted that other LED panels were already present along the Esplanade without recorded issues of anti-social behaviour.

The main considerations were visual amenity and heritage impact. The key qualities of the Esplanade were described as its long-range views, blue railings and sense of openness and expansiveness, which had already been gradually eroded by the introduction of additional street furniture. A photograph was shown to illustrate this. It was concluded that the additional street hub would further detract from these qualities and would be harmful to the setting and character of the Conservation Area. Members were shown a map demonstrating the number of existing LED advertising panels along the Esplanade, and it was considered that the proposal would contribute to their further proliferation.

The Planning Officer considered that the proposal would result in less than substantial harm to the Conservation Area under the National Planning Policy Framework, but that this harm would sit toward the higher end of that scale given the historic and architectural significance of the Esplanade. It had also not been demonstrated that the identified public benefits could not be delivered through alternative means or locations.

In concluding, the Planning Officer explained that a fine planning balance had been undertaken between the public benefits and the identified heritage harm. Given the degree of harm, it was not considered that the public benefits outweighed the negative impacts on the Conservation Area.

The following responses to members questions were provided by officers:

- The Street Hub unit would be limited to non-animated, static advertisements only and the Highways Authority had requested that a condition be included to prevent video or animated advertising being used.
- It was considered that policy W13 in the Weymouth Neighbourhood Plan sought to protect long ranging views of the Esplanade and that whilst the proposal would introduce new elements to the Esplanade, they would not be significant in scale and size to be detrimental to those long range, wide views.
- In addition to the physical presence of the Street Hub, the addition of LED advertising panels would also contribute to the visual clutter along the Esplanade.
- The other LED panels in the area were of a similar size.

Having had the opportunity to debate the merits of the application several members expressed that although they recognised the benefits of the application, it did not outweigh the harm caused to the setting of the Conservation Area.

It was proposed by Cllr Northam and seconded by Cllr Wheller, that the application be refused.

Decision: That the application be refused for the reasons set out in the appendix to these minutes.

79. P/ADV/2025/06384 - Pavement opposite 66-67, The Esplanade, Weymouth, DT4 8DE

It was proposed by Cllr Northam and seconded by Cllr Wheller, to refuse the application.

Decision: That the application be refused for the reasons set out in the appendix to these minutes.

80. P/FUL/2025/06224 - Pavement outside 104E St Mary Street, Weymouth, DT4 8NY

Applications P/FUL/2025/06224 and P/ADV/2025/06226 were presented in a single presentation as both applications related to the same site.

The Planning Officer presented the application for the removal of an existing BT payphone and the installation of a BT Street Hub. The application had been referred to the committee because the site was located on Dorset Council owned land.

The site location was shown on a map and within an aerial photograph and photographs of the existing phone kiosk were displayed from a range of viewpoints. Members were advised that the site lay within the Conservation Area and within Flood Zones 3 and 3a.

The proposed development was described as the replacement of the existing phone box with a BT Street Hub, which would provide public Wi-Fi and enhanced 5G coverage within an approximate range of 150 to 200 metres. The existing kiosk to be removed was slightly smaller than the proposed structure. Elevations of the

existing phone box and the proposed Street Hub were shown, along with a visualisation illustrating how the new unit would appear once installed.

The principle of development was considered acceptable and supported by Policy SUS2. The economic and public benefits arising from the provision of Wi-Fi and improved 5G connectivity were highlighted. Residential amenity was assessed as acceptable, subject to conditions to limit noise and lighting to protect nearby occupiers. In highway terms, the area was used by maintenance vehicles and pedestrians, and Highways officers had recommended conditions to ensure that the unit would not be distracting to users of St Mary's Street.

Crime and policing matters were considered acceptable, subject to a condition requiring an Anti-Social Behaviour Management Plan. It was explained that the context of St Mary's Street differed from that of the esplanade, being a more enclosed and active retail environment. Although the Street Hub would be taller than the existing phone kiosk, it was considered appropriate in a well-lit retail setting. The proposal was assessed as resulting in less than substantial harm to the setting of the Black Dog public house, but this harm was considered to fall at the lower end of the scale due to the active nature of the street and the building's offset position relative to the pub.

In setting out the planning balance, the Planning Officer advised that the decision was finely balanced, but concluded that the public benefits of the scheme were clear and outweighed the limited harm identified. The recommendation was to grant planning permission, subject to conditions shown to members, including restrictions on noise and lighting during certain hours.

In response to members questions officers provided the following responses:

- The suggested conditions from Highways had been included in the recommended list of conditions.
- The distance between the proposed Street Hub and Black Dog pub was approximately 8.96m.
- The Street Hub would not display video advertisements.

It was proposed by Cllr Northam and seconded by Cllr Wheller that the application be granted.

Decision: That the application be granted subject to the conditions set out in the appendix to these minutes.

81. **P/ADV/2025/06226 - Pavement outside 104E St Mary Street, Weymouth, DT4 8NY**

It was proposed by Cllr Northam and seconded by Cllr Shortell that the application be granted.

Decision: That the application be granted subject to the conditions set out in the appendix to these minutes.

82. **Urgent items**

There were no urgent items.

83. **Exempt Business**

There was no exempt business.

84. **Update Sheet**

Decision List

Duration of meeting: 10.00 - 11.13 am

Chairman

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Application Number:	WD/D/16/000378
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Land South of Warmwell Road, Warmwell Road, Crossways
Proposal:	Full planning permission for the erection of 99 open market dwellings & affordable dwellings, a new doctors surgery, a replacement village hall, a car park, a new village green, new vehicular and pedestrian accesses and works to Warmwell Road. An outline application for the erection of 401 open market and affordable dwellings, the provision of 2.5ha of employment land, new vehicular and pedestrian accesses, roads, footpaths and cycleways, a car park for the proposed Site of Alternative Natural Greenspace (SANG) and 2 pumping stations; and a full application for the change of use of 22.4ha of land to Site of Alternative Natural Greenspace (SANG).
Applicant name:	C & G Properties Ltd
Case Officer:	Matthew Pochin-Hawkes
Ward Member(s):	Cllr Ireland

1. Reason application is going to committee:

- 1.1 The application is being re-reported to planning committee following suggested changes to the section 106 Heads of Terms and planning conditions since Members resolved to approve the development subject to planning conditions and the completion of a Section 106 legal agreement at the 5 September 2019 Western and Southern Area Planning Committee.

2. Summary of recommendation:

- 2.1 To delegate authority to the Service Manager for Development Management and Enforcement and the Area Manager Western and Southern Team to either:
- 2.2 A) GRANT planning permission following completion of a S106 Planning Obligation to secure:
 - 35% of the units as affordable housing with 50/50 tenure split between affordable/social rented and shared ownership/low cost ownership housing.
 - Education contribution of £2,722,212 (index linked).
 - Provision of a minimum of 22.4ha of suitable alternative natural greenspace (SANG) with a maintenance contribution (to be determined) and supporting funding provisions (SANG). SANG to be delivered prior to the occupation of Phase 1 and managed in accordance with the SANG Management Plan and Fallow Management Plan.
 - Only Phase 1 to be commenced prior to 2030.
 - Air quality contribution of £25,000 (index linked) to mitigate adverse air quality impacts on heathlands.
 - Highways contributions of £467,000 (index linked) towards off-site highway works to include an improve link between Old Farm Way and Warmwell Road, improved pedestrian crossing facilities at the junction of Warmwell Road and Dick O' Th' Banks Road, and 1 x replacement bus shelter with real time traffic information.

- Provision of a minimum of three no. Locally Equipped Areas for Play (LEAPs) and financial contributions towards maintenance of the proposed LEAPs.
- Provision of village hall and associated indoor sports provision.
- Provision of a minimum of 2.5 hectares of employment land for use within Use Class B.

2.3 and subject to the conditions listed at Section 18 of this report.

2.4 or B) Refuse permission for the reasons set out at Section 18 of this report if the Section 106 agreement is not completed by 7 November 2026 (within 6 months of the committee) or such extended time as agreed by the Service Manager for Development Management and Enforcement and/or the Area Manager for the Western and Southern Team.

3. Key planning issues

Issue	Conclusion
Principle of development	Acceptable in broad accordance with the site allocation.
Housing provision	Acceptable subject to securing the provision of affordable housing.
Employment provision	Acceptable and afforded significant weight.
Conservation	Less than substantial harm outweighed by public benefits. Acceptable subject to conditions.
Landscape impact	Acceptable subject to conditions requiring the submission and approval of hard and soft landscape details plus management arrangements.
Design	The detailed proposals are compatible with the character of the area. The design of the outline element would be determined at the reserved matters stage.
Trees	No significant adverse effects on trees or hedgerows would occur. Extensive new tree planting would be provided across the site.
Highways	Acceptable subject to planning conditions and obligations. Impacts would not be severe and highway safety concerns would be appropriately mitigated. With the mitigation in place, the proposals would promote active travel.
Ecology and biodiversity	Acceptable subject to securing mitigation measures via planning condition and Section 106 Legal Agreement.
Flooding and surface water management	Acceptable subject to planning conditions.
Minerals	Acceptable subject to securing phasing of prior extraction via planning condition.
Amenity	Subject to planning conditions, the proposals would avoid significant adverse impacts on existing and future residents.

Issue	Conclusion
	The internal and external amenity provided for future residents is acceptable.
Sports provision	Acceptable subject to securing the provision of the SANG and the opportunity for internal sports provision within the new village hall.
Compliance with site allocation	Bearing in mind the reduced weight to be attached to policy CRS1 in light of the Council's lack of a 5-year housing land supply, the development is sufficiently compliant with policy CRS1.

4. Description of site

- 4.1 The 44.21 hectare site is located to the south of Warmwell Road (B3390). It incorporates a large area of currently undeveloped land as well as Summer Farm and the existing village hall. It wraps around three sides of Hybris Business Park, is adjacent to Heathfield Park, a number of other residential properties and the Co-op supermarket. To the south west of the site is Warmwell Caravan Park. To the east, across Moreton Road, lies Crossways Solar Farm.
- 4.2 The land is allocated in the adopted Local Plan for a mixed-use development under policy CRS1 and the defined development boundary for Crossways was extended to accommodate the allocation as part of the Local Plan. The site area covers the entire allocation set out in Local Plan policy CRS1 which promotes the site for mixed-use development and an indicative area for suitable alternative natural greenspace (SANG) as mitigation for the impacts of residential development on the protected heathlands which are within 5km of the site.
- 4.3 The site lies in a Minerals Safeguarding Area identified in the adopted Bournemouth, Dorset and Poole Minerals Strategy (2014).
- 4.4 In the western part of the site within the Hybris Business Park, is a Scheduled Ancient Monument (SAM) described as a “prehistoric earthwork in Bowley’s Plantation”; herein referred to as the Bowley’s Plantation SAM. The nearest listed buildings to the site are the Frampton Arms pub and its outbuildings at the level crossing at Moreton station, approximately 850m from the site. There is a further SAM approximately 350m southeast of the corner of the proposed SANG on the east site of Moreton Road. This is Tinkers Barrow, a Bronze Age bowl barrow set within a woodland.
- 4.5 The site is generally flat. It incorporates a number of trees and hedgerows and is bisected by two rights of way; footpath S49/2 which runs north/south from Warmwell Road towards Holly Farm; and Bridleway S49/1 which shares the route of the village hall access road from Warmwell Road and routes east through woodland to Moreton Road.
- 4.6 The site lies within the Dorset Heaths National Character Area (NCA) and Crossways Gravel Plateau Landscape Character Area (LCA). It lies outside of the Dorset National Landscape. The site is within 5km of both the Warmwell and Winfrith heathland Sites of Special Scientific Interest (SSSIs).

5. Description of development

- 5.1 The application is a hybrid proposal (part detailed and part outline).

Detailed element

- 5.2 The detailed element of the application seeks planning permission for the erection of 99 open market dwellings and affordable dwellings, a new doctor's surgery, a replacement village hall, a car park, a new village green, new vehicular and pedestrian accesses and works to Warmwell Road together with change of use of 22.4ha of land to a SANG.
- 5.3 The 99 dwellings would form the first phase of development. 35% of these units would be provided as affordable housing with a tenure split of 50/50 between affordable/social rented and shared ownership/low-cost ownership provision. A new village hall and doctor's surgery are proposed at the entrance to the site from Warmwell Road alongside associated car parks. A village green is proposed to the east of the village hall. New vehicular and pedestrian accesses and works to Warmwell Road also form part of the detailed proposals.
- 5.4 Village Hall – The village hall is a single-storey double height building located to the east of the central access onto Warmwell Road. It is intended to be a key focal point for the development whilst also serving as a hub for the wider community. The building includes a main hall sufficient to accommodate a badminton court, stage area/ancillary committee room, small hall, store rooms, playgroup facilities including an outdoor play space, foyer/entrance area, kitchen, office, toilets and changing facilities. The village hall fronts west onto the new access road into the site and includes large glazed areas on the east elevation facing out onto the proposed village green running alongside the main road. Nine parking spaces are shown immediately adjacent to the new hall with the majority of the parking demand to be met by the car park behind the new surgery (see below).
- 5.5 Doctor's Surgery – A new doctor's surgery is proposed to the west of the central junction to Warmwell Road opposite the proposed village hall. This has a smaller footprint than the proposed village hall and would be two storeys in height. It includes three GP rooms, a nurse's treatment room, three multi-function rooms, a private consultation room, two offices, a reception and waiting area, toilets and a staff room. A pharmacist is shown as incorporated into the surgery on the ground floor with external public access and an internal connection to the surgery's waiting room. A total of 53 car parking spaces are shown along with motorcycle spaces, designed to be shared with users of the community facilities. Cycle parking for both the village hall and new surgery are shown to the front of the building.
- 5.6 Change of use to SANG – 22.4ha of land within the site – a little over half – is proposed to be provided as suitable alternative natural greenspace (SANG). The application seeks permission for a change of use of this land from a nil/agricultural use to be used as open space as mitigation for the impacts of the increased residential development on the site on the nearby heathland Sites of Special Scientific Interest (SSSI) at Warmwell Heath and Winfrith Heath. The proposed SANG includes areas of grassland, woodland and heath. The SANG is shown divided into four "units" with the open grassland areas immediately surrounding the proposed residential areas. On the eastern side these adjoin the woodland at Moigne Coombe Wood. The proposals for the SANG involve limited physical intervention to these areas. The main changes are to provide new links to these areas to bring these into the public domain, creating interest for informal walking routes to be used for dog walking and informal recreation.

Outline element

- 5.7 The outline element of the application seeks permission for 401 open market and affordable dwellings, the provision of 2.5ha of employment land, new vehicular and pedestrian accesses, roads, footpaths and cycleways, a car park for the proposed SANG and two pumping stations. In total 500 dwellings are proposed across the detailed and outline elements of the application. The 401 dwellings would be on land to the south and west of the Hybris Business Park and south of Summer Farm, extending south from Warmwell

Road. The residential elements extend around to the current village hall site to wrap around the Hybris Business Park to the south of Scotton Way.

- 5.8 Within the residential elements of the scheme are indicated areas of open space with three locally equipped areas of play space (LEAPS) shown. There are also other areas of open space, including to the west of the Bowley's Plantation SAM. There are also open areas around retained tree copses within the land. A series of allotments is indicated immediately adjoining the southern boundary of the recycling centre. A separate car park west of the public bridleway along the western boundary is located to serve the proposed SANG in this area.
- 5.9 At the eastern corner of the site at the junction of Warmwell Road and Moreton Road, an area of 2.5 hectares of employment land is indicated. This would be served by a separate access from Warmwell Road opposite No. 16 Warmwell Road. This road is shown to link into the remainder of the development to the south, also providing access to the residential development.
- 5.10 Overall, there are three vehicular accesses indicated, with a main central access forming part of the full permission and two additional accesses serving the east and west of the development within the outline element of the application.

6. Background

- 6.1 This planning application has twice been considered by Planning Committee, firstly by the former West Dorset Development Control Committee on 16 November 2017 and secondly by the Dorset Council Western and Southern Area Planning Committee on 5 September 2019. In both instances Members resolved to grant planning permission subject to the completion of a Section 106 Agreement and planning conditions. The associated committee reports are included at **Appendices 1 and 2** of this report.
- 6.2 Whilst the most recent resolution was reached over six years ago, progression of the Section 106 Agreement stalled and further delays have been caused by nutrient neutrality issues, given the location of the site within the catchment area of Poole Harbour. New material considerations, including: the National Planning Practice Framework (NPPF) and National Planning Practice Guidance (NPPG) also require consideration.
- 6.3 Due to the implications of nutrient neutrality and new material planning considerations, it has been necessary for officers to reconsult consultees and reconsider the implications of material planning considerations.
- 6.4 This report identifies the revised material considerations, summarises the further consultation responses received, provides an officer opinion on the effect of the new material considerations, including revised planning conditions and Section 106 Heads of Terms, and sets out a revised recommendation.

7. Relevant planning history

- 7.1 The following minerals application for prior extraction of sand and gravel within the north east of the site is pending consideration.
- WD/D/16/000652 - Decision: Pending Decision Date: N/A
- Gravel extraction of up to 131,000 tonnes of sand and gravel; new vehicular access onto B3390 Warmwell Road

8. List of constraints

- Allocated site: CRS1 – Land at Crossways
- Within defined development boundary
- Landscape character area - Crossways Gravel Plateau
- Within 5km of both the Warmwell and Winfrith heathland SSSIs
- Within minerals safeguarding area
- Poole Harbour Nutrient Catchment Area
- Within the setting of scheduled ancient monument: Prehistoric earthwork in Bowley's Plantation (List Entry: 1002772). Distance – 8m to east at Hybris Business Park.
- Public Rights of Way:
 - Bridleway S49/1
 - Footpath S49/2
- Flood Zone 1
- Risk of Surface Water Flooding: 1 in 30 and 1 in 100 year risk – North east of site adjacent to Moreton Road/Warmwell Road junction and along the western boundary of the site.
- Groundwater – Susceptibility to flooding
- Southern Gas Network (SGN) - Medium pressure gas pipeline (75 mbar – 2 bar) along the village hall access road from Warmwell Road.
- Existing and higher potential ecological network
- Wildlife Present: various including: lichen, palmate newt, slow worm, grass snake, common lizard, bat and common frog.
- Site of nature conservation interests (SNCIS): SY78/037 - Skippet Heath. To the south west of the site
- Grade 2 Agricultural land (Best and Most Versatile Agricultural Land)
- Radon: Class: 1.0

9. Consultations

- 9.1 The below summarises all further consultee responses that have been received since the 2019 planning committee. All consultee responses can be viewed in full on the website and historic consultee responses are summarised within the earlier committee reports at **Appendix 1** and **Appendix 2**.

Consultees

- 9.2 **Environment Agency** – No comments to make.

Historic England

- 9.3 Reiterate earlier advice that the proposals would cause loss of significance to the Scheduled Monument (ref. 1002772) through change to its setting. Historic England recommend that at the Reserved Matters stage the proposed access road is relocated further to the west and north, so that it does not impinge on the sub-surface enclosure remains. They also recommend that a management plan is prepared for the Scheduled Monument and the enclosure remains within the application area. The management plan

should include proposals to manage the entire enclosure as one asset and should include provisions to retain it as an open space, free of potentially intrusive features such as fencing, lighting, drainage or sub-division.

9.4 Ministry of Defence – No objection.

National Highways

9.5 Recommend planning conditions to secure mitigation works at the A35 Max Gate junction, Dorchester.

9.6 The applicant will also be required to enter into a suitable legal agreement with National Highways as the scheme will involve works within the highway boundary which is land not within the applicant's control. This will enable National Highways to agree the detailed design of the works, the further Road Safety Audit stages required, construction method and any associated traffic management. All costs shall be met by the applicant, including legal costs and a commuted maintenance sum.

9.7 We would further advise the planning authority to ensure that robust travel plan measures are secured to encourage and support the take up of sustainable travel modes.

Natural England

9.8 Natural England has commented on earlier iterations of the SANG Management and Phasing Plan, including recommending that a Fallow Management Plan be developed. They make recommendations in respect of achieving nutrient neutrality and confirmed agreement with the Council's Habitat's Regulations Assessment in March 2026.

Sport England

9.9 Maintain its objection on the grounds there is no sports provision being provided on site or off-site in order to meet the needs of the new residents.

9.10 **Building Control** – No comments received.

9.11 **Coastal Risk Management** – No comments received.

9.12 **Dorset Waste Team** – No comments received.

9.13 **Economic Development and Tourism** – No comments received.

9.14 **Education Officer** – No comments received.

Environment Mitigation Delivery Team

9.15 The Council's Environmental Mitigation Development Team has issued a series of comments on the proposals and various versions of the SANG Management Plan. The latest comments confirm that the SANG Management Plan is acceptable.

9.16 The Team advises that step-in rights and the SANG Management Plan should be secured through an appropriate legal agreement.

9.17 **Environmental Services - Protection** – No comments received.

Environmental Assessment

9.18 In order to achieve nutrient neutrality pre-2030, the following would need to be secured via planning conditions or a legal agreement:

- The SANG will need to be delivered prior to the occupation of phase 1. In order for the Environmental Assessment Team to be able to conclude that nutrient neutrality will be achieved pre-2030, the SANG must be delivered in its entirety and grazing must cease completely;
- Only phase 1 to be commenced prior to 2030, with the remaining development post 2030;
- The standard planning condition requiring the appropriate number of credits to be secured (493.35 permanent credits); and
- The higher level of water efficiency must be secured through a planning condition.

Flood Risk Management

9.19 No objection subject to surface water drainage conditions. The flood risk of the site is compatible with the proposed development.

Highways

9.20 Following review of the latest Transport Assessment Addendum and amended drawings, the Highways Authority confirmed no objection subject to conditions and planning obligations.

Housing Enabling Team

9.21 No objection. There is a need to secure the affordable housing on site through a Section 106 Agreement in perpetuity, to ensure commitment to the delivery of the on site provision.

Landscape

9.22 No in principle objection to the proposed development with regard to landscape or visual impact.

9.23 The Council's Senior Landscape Officer raises some comments in relation to cycle and pedestrian access provision and tree planting within the detailed element of the application. The officer's preference is for the issues to be addressed through submission of amended plans, although suitably worded conditions would be sufficient.

9.24 **Libraries** – No comments received.

9.25 **Minerals & Waste Policy** – No comments received.

9.26 Natural Environment Team

- 9.27 Whilst the application is exempt from mandatory biodiversity net gain (BNG), the NET note the proposals would not result in a net loss of habitat. The NET recommend that an updated statutory biodiversity metric is submitted for each forthcoming reserved matters application, once the final details are known, alongside any updated ecological baseline surveys and ecological appraisals.
- 9.28 The measures within the Ecological Impact Assessment (EclA) report (July 2025) should be implemented during relevant phases of development. A Construction Environmental Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP) should be secured.
- 9.29 Recommend that an updated SANG Management Plan is secured via planning condition.
- 9.30 **Public Transport** – No comments received.

Rights of Way Officer

- 9.31 Recommend condition(s) in order to reduce conflict between users of the development and users of public Bridleway S49/1 which passes through the site.
- 9.32 **Street Lighting Team** – No comments received.

Trees

- 9.33 In re-reviewing the proposals, the Trees Team has created a new TPO to protect 25 individual trees, 15 groups of trees and four blocks of woodland. This is in addition to the two small area TPOs (ref: WDDC/861) which encompass the small development of Heathfields Park and the northwestern section of the Hybris.
- 9.34 The Trees Team raises no objection to the detailed element of the application but note that the impacts of a wildlife pond within the SANG should be further assessed. Conditions are recommended in relation to tree protection and landscaping details. Some concerns are raised in relation to the illustrative proposals shown in the outline element of the application.
- 9.35 **Urban Design** – No comments to make.
- 9.36 **Waste Team** – No comments received.
- 9.37 **Amphibian and Reptile Trust** – No comments received.
- 9.38 **Bournemouth Water Limited** – No comment.

Dorset Fire and Rescue Service

- 9.39 If planning permission is granted, the development would need to be designed and built to meet current Building Regulations requirements. The FRS highlights the requirements of B5

of Approved Document B, specifically requirements of access and facilities for the fire service, water supplies, fire safety legislation and sprinkler protection.

9.40 **Dorset Police Architectural Liaison Officer** – No comments received.

9.41 **National Rail**

Raise concerns regarding the impact of the development on Moreton Station and note the estimated cost for mitigation at Moreton Level Crossing is in the region of £4m. Network rail request further information regarding the impacts to these levels crossings and advise they cannot determine the impact the development may have on railway safety.

NHS Dorset

9.42 Advise that further discussions with the applicant have taken place concerning the potential inclusion of a new GP surgery within the development. Whilst a GP surgery has been proposed within the scheme, it is important to note that its delivery cannot be presumed at this stage. NHS Dorset and Atrium Health at Crossways Surgery will continue to explore options for both the current and potential site as the application progresses. All parties remain committed to working together to identify the best opportunity for delivering general medical services to the people of Crossways.

Ramblers Association

9.43 Draw attention to previous consultation responses. Note the Transport Assessment Update (May 2025) does mention footpaths and still doesn't explain how these rights of way are to be accommodated within the development or what new links are to be established within the new estates. Urge that future recommendations include funding for rights of way and that early consultation with user groups about any diversions which might be necessary be initiated as soon as possible.

Scottish and Southern Energy

9.44 SSEN has both high and low voltage underground cables within the application site, along with overhead lines. As well as opening a dialogue with SSEN, the applicant should arrange full cable tracing for safety and in line with appropriate guidance. The application should not negatively affect this SSEN's assets.

9.45 **Wessex Water** – No comments received.

WPA Environmental

9.46 WPA confirms it has reviewed the preliminary site investigation report. Given the site character, it is advised that contaminated land planning conditions should apply and that an invasive Phase 2 site investigation is required so that a remediation scheme can be designed, implanted and verified prior to occupation.

Crossways Parish Council

9.47 While the Council support the inclusion of community infrastructure alongside housing, they raise comments in relation to the phasing of village facilities and health hub provision:

- Phasing of village facilities: It is essential that key community facilities – including the doctor's surgery (Health Hub), the replacement village hall, and associated infrastructure – are delivered during the first phase of development. These elements should not be left until the final stages of housing completion. Integrating these vital services early on will ensure they are available to support both existing residents and those moving into the new homes as the community grows.

The Council would also stress that the present village hall has deteriorated further since the original plans were submitted. Delaying its replacement until a later phase risk jeopardising its continued use as a functional community centre. Ensuring its early delivery is not just preferable – it is vital to preserving an important local asset.

- Health Hub Provision: Regarding the proposed doctor's surgery, The Council strongly recommend that this facility be developed as a Health Hub under the ownership of NHS Dorset. The hub should serve as a flexible, multi-use medical centre, allowing general practitioners to access space when needed. Additionally, this Health Hub should offer rooms available for rental by independent health professionals or service providers, enhancing the range and accessibility of healthcare services for local residents.

By incorporating a flexible, NHS-backed Health Hub model and ensuring early delivery of village facilities, the development will better serve the long-term needs of the Crossways community.

Moreton Parish Council

9.48 Agree with and support comments from Crossways Parish Council. The Council believe it is vital that the village hall, health hub and all respective infrastructure is constructed in the first phase of the development so that the facilities are there as new home owners move in, helping to alleviate the strain on existing facilities.

9.49 **Owermoigne Parish Council** – No comments received.

9.50 **Warmwell Parish Council** – No comments received.

9.51 **Woodsford Parish Council** – No comments received.

Active Travel England

9.52 Whilst not a statutory consultee on this application, Active Travel England raised a series of transport and highways related comments.

Representations received

9.53 Since the 2019 planning committee two third-party responses have been received, in summary:

CPRE Dorset

- 9.54 The GP surgery is very welcome but needs to be built and set up early. We hope that there will be a significant number of affordable homes – many more than are usually promised. All houses should be fitted with as many solar panels as the roofs will allow.

Neighbouring resident

- 9.55 Objects to the proposals for the following reasons, in summary:

- Urban sprawl and unsustainable development
- Loss of natural habitat
- Loss of amenity space
- Traffic and highway safety
- Strain on infrastructure
- Adverse amenity impacts, including noise, dust, loss of privacy, light and views
- Adverse impacts on existing house prices
- Concerns with the consultation process – neighbours not effectively informed, consultation too late in the process and site notices poorly positioned.
- Failure to demonstrate that reasonable alternatives were considered.

10. Duties

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

11. Relevant policies

Development plan

In this case the development plan comprises:

Local Plan Adopted West Dorset and Weymouth & Portland Local Plan 2015:

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

- CRS1: Land at Crossways
- INT1: Presumption in favour of sustainable development
- ENV1: Landscape, seascape and sites of other geological interest
- ENV2: Wildlife and habitats
- ENV4: Heritage assets
- ENV5: Flood risk
- ENV9: Pollution and contaminated land
- ENV10: The landscape and townscape setting
- ENV12: The design and positioning of buildings
- ENV13: Achieving high levels of environmental performance
- ENV15: Efficient and appropriate use of land

- ENV16: Amenity
- SUS1: The level of economic and housing growth
- SUS2: Distribution of development
- ECON1: Provision of employment
- ECON2: Protection of key employment sites
- HOUS1: Affordable housing
- HOUS3: Open market housing mix
- HOUS6: Other residential development outside defined development boundaries
- COM1: Making sure new development makes suitable provision for community infrastructure
- COM7: Creating a safe & efficient transport network
- COM9: Parking provision
- COM10: The Provision of utilities services infrastructure

The Bournemouth, Christchurch, Poole and Dorset Mineral Sites Plan 2019:

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

- MS-1: Production of Sand and Gravel
- MS-8: Preventing Land Use Conflict

Dorset and Poole Minerals Strategy 2014:

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

- AS1: Provision of Sand and Gravel
- SG1: Mineral Safeguarding Area
- SG2: Mineral Consultation Area

Material considerations

Local Nature Recovery Strategy

The Dorset Local Nature Recovery Strategy identifies local priorities for nature recovery and maps areas where action would be most beneficial. In planning decisions it is a material consideration, helping to ensure that development supports biodiversity enhancement and aligns with Dorset's agreed priorities for nature recovery.

Emerging local plans:

Paragraph 49 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 plan should be accorded very limited weight in decision making.

National Planning Policy Framework 2024 (as amended 2025)

Paragraph 11 sets out the presumption in favour of sustainable development. 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 specific NPPF policies protecting areas or assets provide a strong reason for refusal and/or any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, with particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes.

Other relevant NPPF sections include:

- Section 4 'Decision making': Para 39 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 5 'Delivering a sufficient supply of homes' This outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 82-84 reflecting the requirement for development in rural areas.
- Section 6 'Building a strong, competitive economy', paragraphs 88 and 89 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 11 'Making effective use of land'.
- Section 12 'Achieving well designed places' This indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:
The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.
Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- In National Landscapes (formerly known as Areas of Outstanding Natural Beauty), paragraph 189 requires great weight to be given to conserving and enhancing the landscape and scenic beauty. Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 191). Paragraphs 192-195 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment'- Paragraph 212 says that when considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total

loss or less than substantial harm to its significance. The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 216).

Other material considerations

National Planning Practice Guidance

Dorset AONB Landscape Character Assessment

Dorset National Landscape Management Plan 2026-2031

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

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.

WDDC Design & Sustainable Development Planning Guidelines (2009)

Housing land supply

Dorset Council is unable to demonstrate a 5-year housing supply as required by National Policy. In addition, the strategies for meeting housing needs in the adopted local plans are not designed to deliver the housing need under the Government's standard method and therefore, in accordance with NPPF footnote 8, the housing policies within the adopted Development Plan(s) are out of date and the presumption in favour of sustainable development applies. The emerging Dorset Local Plan is not sufficiently progressed and can be afforded very limited weight in decision making.

Housing Delivery Test (HDT)

The latest HDT results (2023 measurement) show that enough homes have been delivered within the local plan area to demonstrate 106% of the target.

12. 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. Public Sector Equalities Duty

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

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

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

- 13.3 It is noted that the scheme will provide a new doctor's surgery. This will expand provision and improve access to healthcare for residents, also meeting increased demand created by the development. A modern purpose-built facility is also likely to provide improved provision and a pharmacy would also benefit residents providing access to this type of healthcare advice and provision locally. All new buildings in the development would also be required to comply with building regulations which have their own requirements in respect of access.
- 13.4 The development would also provide additional open space and access to the countryside through the provision of SANGs, allotments and LEAPs. The provision of open space provides greater opportunities for recreation, exercise and spending time outside, all of which have health benefits.

14. Public Benefits

- 14.1 The proposals would provide a number of financial and non-financial benefits, including public benefits. These are summarised in the table below:

What	Amount / value
Material considerations	
Housing	500 dwellings
Affordable housing	35% of 500 (175 dwellings) with a 50:50 split between social/affordable rented and intermediate tenures.
Employment land	2.5ha
SANG	22.4ha
Replacement village hall	
Doctor's Surgery	With flexibility to be provided as a health hub, or alternative facility subject to further engagement with NHS Dorset.
Village green	
Allotments	
Play areas	3 x LEAPs
Education contribution	£2,722,212 index linked from date of last committee
SANG maintenance contribution	Financial amount not known at this time – to be agreed following further discussion with Dorset Wildlife Trust.
Strategic Access Management and Monitoring (SAMM) provisions	Approximately £201,452 (£406 per dwelling and £277 per flat, based on 12 apartments and 87 houses within Phase 1 plus an assumed provision of 401 houses within the outline element. Final amount to be based on the reserved matters).
Air quality	£25,000 (£50 per dwelling)

Highway contribution towards off-site highway works	£467,000 towards off-site highway works to include: 1. an improve link between Old Farm Way and Warmwell Road (£175,000) 2. improved pedestrian crossing facilities at the junction of Warmwell Road and Dick O' Th' Banks Road (£275,000) 3. One replacement bus shelter with real time traffic information (£17,000)
Highway improvements to Warmwell Road	Financial amount not known at this time – will be based on the cost of the physical works.
Highway improvements at Max Gate	Financial amount not known at this time – will be based on physical works.
Non material considerations	
Business rates	In line with ratable value
Council Tax	In line with tax bands
New Homes	In line with allocation for 2026/27

15. Environmental implications

- 15.1 The proposal would lead to additional CO2 emissions from the construction of the proposed development and from the activities of future residents and occupiers.
- 15.2 The construction phase would include the release of CO2 emissions from workers vehicles during the construction process. CO2 emission would be produced as a result of the production and transportation of the building materials and during the construction process.
- 15.3 This has to be balanced against the benefits of providing housing, community and employment provision in a broadly sustainable location and should be offset against factors including the provision of electric car charging and the dwellings being reasonably energy efficient as required by Building Regulations. At this stage, details of low-carbon and/or renewable energy technologies have not been specified. However, provision is expected to be necessary in order to comply with Building Regulations, details of which are expected to come forward at the detailed design stage.
- 15.4 As an allocated site within the Defined Development Boundary of Crossways, the proposed redevelopment is inherently sustainable in that it would provide new homes, community and employment opportunities in a sustainable location in walking distance of the existing community and public transport links.

16. Planning Assessment

Principle of development

- 16.1 The site is allocated in the adopted local plan for a mixed-use development under Policy CRS1 and the Defined Development Boundary of Crossways was extended to accommodate the site allocation as part of the local plan.
- 16.2 The site allocation policy allocates the site for a “comprehensive mixed-use development to include new homes, local community facilities and at least 3.5ha of employment land.”

- 16.3 The application follows the boundaries of the allocated site in the adopted local plan. The extent to which the scheme complies with all of the criteria in policy CRS1 is examined in this section of the report. Notwithstanding the identified minor conflict with policy CRS1, and the reduced weight afforded to the policy in the absence of a five-year-housing-land supply, the principle of the development of the site is considered acceptable.

Housing provision

- 16.4 500 dwellings would be provided; 99 within the detailed element of the application and 401 within the outline element of the application. The housing mix remains unchanged since the previous committee. It includes a broad range of dwelling types, including 1-bed mews dwellings, apartments, townhouses and larger 4/5-bed detached dwellings.
- 16.5 The mix and quantum of dwellings delivers a range of housing and makes efficient use of land in accordance with local plan policies HOUS3 and ENV15. The provision of 500 homes aligns with the assumed housing delivery detailed at Table 3.7 of the Local Plan.
- 16.6 Owing to the shortfall in housing land supply, the presumption in favour of sustainable development applies and the benefits of providing housing on the allocated site carries significant positive weight.
- 16.7 Consistent with the previous committee reports, 35% of dwellings across the site would be provided as affordable housing with a 50:50 tenure split between affordable/social rented and shared ownership/low-cost ownership dwellings. Whilst the target tenure split sought by policy HOUS1 is 70:30 affordable/social rented : intermediate, the proposed tenure split has been agreed through independent viability testing. The affordable homes would represent a provision of 175 units, a very considerable benefit in meeting the very high needs for affordable housing in the plan area.
- 16.8 Officers have considered the applicant's request that viability review mechanisms be imposed to re-test the viability of the development as 100, 200, 300 and 400 dwellings are completed. The National Planning Practice Guidance (Para. 010 ID: 10-010-20251216) establishes that Local Plans should set out circumstances where review mechanisms may be appropriate, as well as clear processes and terms for how and when viability will be reassessed over the lifetime of a development to ensure policy compliance and optimise public benefits. The Guidance notes that as "the potential risk to developers is already accounted for in the assumptions for developer return in viability assessment, realisation of risk does not in itself necessitate further viability assessment or trigger a review mechanism. Review mechanisms are not a tool to protect a return to the developer, but to strengthen local planning authorities' ability to seek compliance with relevant policies over the lifetime of the project. They should not be used to avoid policy compliance or reduce agreed contributions." The requested review mechanisms would allow for viability to be reassessed over the course of development. The Local Plan does not currently establish any review mechanisms and Policy HOUS1 is clear that lower levels of provision will only be permitted if there are good reasons to bring the development forward and viability assessment shows that it is not economically viable to make the minimum level of provision being sought. Therefore, the requirement for a review mechanism to be imposed is not considered necessary to make the development acceptable in planning terms.
- 16.9 The Affordable Housing Plan for Phase 1 shows the affordable homes would be distributed across the phase, with 17 shared ownership units and 17 affordable/social rented units provided across a combination of houses and apartments. The distribution is considered to be reasonably dispersed within Phase 1 and the houses would be tenure blind given the same house types would be utilised for both market and affordable dwellings. Whilst both apartment blocks would be single tenure – one for affordable/social rented tenants (Units 2-7) and one for shared ownership tenants (Units 60-65) – this is considered to be acceptable

given the limited scale of the apartment blocks (six units each) and management benefits for the Registered Provider in having single tenure blocks. Overall, the proposals would create a mixed and balanced community.

- 16.10 The proposals are considered acceptable in respect of affordable housing subject to securing the provision of affordable housing via a Section 106 legal agreement.

Employment provision

- 16.11 The outline permission proposes to provide 2.5ha of employment land, 1ha below the minimum of 3.5ha advocated for under the site allocation policy (CRS1).
- 16.12 The employment land is located at the far eastern end of the allocation adjoining the junction of Warmwell Road and Moreton Road. A separate vehicular access from Warmwell Road is proposed to serve the employment allocation which will link into the residential element to the south, providing a secondary route into the development. The area of the employment allocation largely follows the field boundaries of an existing parcel of land lying inside the junction of the two roads. The illustrative masterplan indicates retention of the existing field hedges and a small copse to the south providing a physical and visual buffer between the employment and residential areas and the proposed SANG.
- 16.13 The officer assessment of employment provision is consistent with the earlier committee report. An under-provision of employment land on a key site is considered to be a disbenefit of the proposals due to its conflict with policies ECON2 and CRS1. This is weighed in the balancing exercise set out in Section 17 of this report. The extent to which this is a negative factor is dependent on the fact that the scheme will continue to provide new employment opportunities in a sustainable settlement in the 'second tier' of the Council's spatial strategy. It will help to provide balance in the community due to significant expansion under Policy CRS1, meeting the objectives in the local plan to support the local economy to provide opportunities for high quality, better paid jobs and provide greater opportunities to reduce car use. Indeed, the proposals would deliver the majority of the requirement set out in Policy CRS1.
- 16.14 The extent of employment provision which may be provided on the proposed site would make an important contribution towards meeting local needs. Subject to the detailed proposals for the employment space (subject to reserved matters), the proposals have potential to provide significant economic benefits, supporting economic growth and productivity; thereby moderating the shortfall in the quantum of employment space proposed. This is afforded significant weight (NPPF para. 85).

Conservation

- 16.15 Within the western side of the wider outline application is sited Bowley's Plantation Scheduled Ancient Monument (SAM) described as a "prehistoric earthwork in Bowley's Plantation". There are no Conservation Areas in Crossways and the nearest listed buildings to the site are the Frampton Arms pub and its outbuildings at the level crossing at Moreton station. Due to the distances involved – over 800m from the nearest point of the site along Warmwell Road – the development is not considered to materially impact on the setting of these listed buildings. There is a further SAM approximately 350m south-east of the corner of the proposed SANG. This is Tinkers Barrow, a Bronze Age bowl barrow set within a woodland.
- 16.16 The proposals are only considered to have a material impact on the setting of Bowley's Plantation SAM. Around half of the area of the monument lies outside the application site in a wooded area adjoining the Hybris Business Park. Within this area, the SAM survives as an identifiable above-ground earthwork consisting of raised banks of two sides of a

rectangular enclosure. It is only this part which is protected as a SAM. Within the site itself, visible remains of the monument have been ploughed out. However, a geophysical survey undertaken in support of the application appeared to establish the remainder of the enclosure survives as a sub-surface feature.

- 16.17 The application is accompanied by an assessment of the setting of the heritage asset. This advises that there will be impacts to the setting of the SAM and thereby its significance with the possibility that the current indicative layout could involve a road over the sub-surface remains, or at best right up to the remains. The report notes: *“While the physical integrity of the monument as a whole will be maintained, the asset will be visually isolated from its setting with the introduction of suburban elements to this rural monument. As such, it is argued that the net effect will be to cause harm to the significance of the asset”*.
- 16.18 The report therefore proposes mitigation for these impacts. As no features were identified outside of the SAM, they suggest a 5m protection buffer to the remains. This would require the indicative layout to be amended in the vicinity of the monument. The report also recommends assisting in the interpretation and appreciation of the SAM by providing enhancements to the understanding of the remains. It suggests it would be desirable to establish access around the entire monument, removing current undergrowth which partially obscures the upstanding remains outside the application site to allow for better understanding of the site. In addition, interpretation panels are suggested along with a walking route around the monument.
- 16.19 Historic England has responded to the latest round of consultation to request that its earlier responses are considered. The proposals would impact on the setting of the SAM through urbanisation of surrounding land. This is considered to result in less than substantial harm (at the lower end of the spectrum) to the significance of the heritage asset. Given the extensive public benefits of the proposals (summarised in Section 13 of this report), the less than substantial harm is considered to be outweighed by public benefits and the proposals are considered to be acceptable in respect of heritage matters. In line with the previous committee resolutions, a planning condition to guide the reserved matters for the adjacent residential development is proposed in order to respect the setting of the SAM. Subject to this condition, the proposals are acceptable in accordance with policy ENV4.

Landscape impact

- 16.20 The site lies within the Crossways Gravel Plateau Landscape Character Area outside of the Dorset National Landscape. Due to the relatively flat nature of the site and the surrounding area coupled with the mosaic of woodland over the wider area, long-range views of the site are limited.
- 16.21 As set out in the masterplan assessment, the scheme seeks to incorporate existing landscape features thereby retaining important parts of the existing landscape framework. This retains existing trees and copses/woodland areas as well as field hedges. Consequently, views of the development would be limited and only become apparent in closer range views. From these points, the development would result in the change from an agricultural character to a built development, extending the village into the surrounding countryside.
- 16.22 In the vicinity of Warmwell Road, the development would appear as a logical extension to the settlement where the developed area of the village is readily apparent. The proposed layout fits with the village fringe character where a sense of spaciousness and a verdant appearance are characteristic. Moreover, with the provision of the SANG, the scheme represents an opportunity to contribute to the landscape character of the area. Streets are also tree lined as advocated for in the NPPF (Para. 136).

- 16.23 The Council's Senior Landscape Officer raises no objection in principle with regard to landscape or visual impact. The officer has raised some concerns in relation to tree planting within the detailed element of the application, specifically whether some of the proposed trees may have sufficient available tree soil volumes to enable them to establish and reach their expected mature canopy height and spread. Some concerns are also raised in relation to the proximity of some trees to building facades and coordination with underground services and lighting. Subject to appropriately worded conditions securing the details of hard and soft landscaping, including maintenance, these concerns are capable of being resolved through approval of further details.
- 16.24 Subject to conditions, the proposals are considered to comply with Policy ENV1 of the Local Plan.

Design

- 16.25 Minor design changes to the proposals have been made to the proposals following the latest advice from the Highways Authority. The updates generally improve permeability and access for pedestrians, cyclists and other vulnerable users.
- 16.26 The proposed detailed layout will bring forward an identifiably new chapter in the development of the village introducing a new character to the settlement. Consistent with the conclusions of the earlier committee reports, it is considered an appropriate approach which the quality of the Phase 1 development demonstrates will be an asset to the village. Consequently, the garden suburb layout for Phase 1 is considered to meet the tests in Policy ENV10 to enhance the distinctiveness of Crossways. Moreover, it also sets a standard for the later phases reflected illustratively in the overall masterplan.
- 16.27 The overall concept for the site has been followed through in the Phase 1 design. The house designs, materials, the layout and landscape details all work to reinforce this design concept. Overall, a high-quality development is proposed and the public buildings proposed in Phase 1 which, as well as providing significant social benefits to Crossways, would also contribute positively to the character and appearance of the area.
- 16.28 For these reasons the proposed Phase 1 detailed scheme is considered to comply with Policies ENV10, ENV11 and ENV12. It also makes efficient use of the land in accordance with ENV15 and provides a suitable range of housing in line with HOUS3.

Trees

- 16.29 The proposals are considered acceptable in respect of trees. They would provide for tree lined streets as advocated for in the NPPF (Para. 136) and suitably integrate the development within the surrounding context.
- 16.30 The application relies on the earlier tree reports which were assessed and found acceptable by Members. No high value trees would be removed to facilitate the development and the Council's Tree Officer has no objection to the detailed proposals. The Tree Officer's comments that the wildlife pond within retained woodland within the SANG should be further assessed is capable of being satisfied via an appropriately worded condition for the relevant phase of development. However, as set out in the latest SANG Management Plan, the wildlife pond is no longer proposed.
- 16.31 Overall, the proposals are considered acceptable subject to suitably worded planning conditions securing the details of soft landscaping, including maintenance.

Highways

- 16.32 The applicant has submitted a Transport Assessment Addendum to consider highway changes since the previous planning committee. This primarily updates the assessment in respect of the local road network impacts based on updated surveys. Revised drawings have also been submitted in respect of the detailed element of the development to access and pedestrian routes. The highways-related aspects of the application are assessed as follows:

A35 Max Gate Junction

- 16.33 In terms of the strategic road network, National Highways maintains its position that the previously agreed improvements to the A35 Max Gate junction (Dorchester) remain necessary to make the development accessible in highways terms.
- 16.34 The improvement scheme was required in addition to the 'committed infrastructure' previously identified for the Siverlake proposals under planning permission 1/D/13/001112. The works comprise banning the right turn movements from the A352 to A35 northbound, widening of the A35 carriageway and right-turn lane and extending the right-turn lane on the A35 by approximately 40m. National Highways consider that the previously agreed trigger of no more than 100 dwellings (based on 35% affordable) being occupied prior to the full improvement scheme being implemented would be acceptable. An appropriately worded condition is proposed.

Network capacity

- 16.35 The Highways Authority consider that modelling of impacts on the local road network is robust and has been assessed using industry standard methodology.
- 16.36 The proposals are predicted to generate 393 two-way movements in the AM peak hour and 374 two-way movements in the PM peak hour.
- 16.37 Highways advise that the junction modelling considers a worst-case in terms of HGV traffic and advise that all assessed junctions are predicted to operate within capacity in the 2035 base with development scenario, with predicted queues and delays remaining limited and acceptable. No junction is shown to approach theoretical capacity, and the residual cumulative impacts of the development are not considered to be severe.

Mitigation and off-site works

- 16.38 The applicant proposes various offsite works along Warmwell Road to mitigate the highway impacts of the development, address road safety concerns, address pedestrian and cycle severance across Warmwell Road and promote active travel. The proposed offsite works include:
1. New and upgraded pedestrian crossing points – including Copenhagen-style cycle and pedestrian crossing at the central access to the site.
 2. A central refuge island – within the existing Warmwell Road / Lewell Road junction.
 3. Re-aligning and widened footways – to a minimum width of 2m to provide safe and continuous pedestrian connections between the junctions of Warmwell Road / Lewell Road and Warmwell Road / Mount Skipet Way.
 4. New shared pedestrian and cycle route – 3m wide shared footway / cycleway along the southern extent of Warmwell Road.
 5. Traffic calming measures.
 6. Carriageway markings.
 7. Associated highway realignment.
- 16.39 The Highways Authority notes the works would be delivered via Section 278 works of the Highway Act 1980 prior to first occupation of the development. The works would be wholly at the applicant's expense. A planning condition is proposed to secure this. Separately, the applicant also proposes to reduce the speed limit along Warmwell Road to 30mph via a Traffic Regulation Order.

- 16.40 Acknowledging the limited active travel connectivity between the site and Moreton Station, the applicant has offered a proportionate contribution towards a potential improvement scheme linking the site with Moreton Station. The applicant has costed improvement works based on a 1.2km stretch, at approximately £390,000. Following investigation by the Highways Authority, the suggested improvements may not be achievable due to physical constraints. As an alternative, the Highways Authority has identified improvements to the crossing at the junction of Warmwell Road and Dick O'Th' Banks Road in the order of £275,000. Such improvement works would reduce hazards to pedestrians and provide more direct and safer routes to Moreton Station, Frome Valley First School and the recreation ground. The requested contribution is considered necessary, directly related to the development and fairly and reasonably related in scale and kind.
- 16.41 The applicant has also offered: a contribution towards the provision of Real-Time Passenger Information (RTPI) at bus stops on Mount Skippet Way / Warmwell Road; a £100k contribution to improve the existing link between Warmwell Road and Old Farm Way; and a proportionate contribution towards an e-bike scheme (such as Beryl Bikes). The Highways Authority considers that improvements to the link and bus stop improvements would help to improve active travel options and pedestrian routes north of the site to local facilities, including Frome Valley First School and the recreation ground. The Highways Authority estimates the costs of improving the Old Farm Way link to be £175,000 and the bus stop improvements to be £17,000. The contributions are considered necessary, directly related to the development and fairly and reasonably related in scale and kind. The Highways Authority advise that Beryl Bikes is not currently viable in Crossways. Accordingly, a contribution towards an e-bike scheme is not considered to meet the tests for planning obligations.

Travel Plans for the residential and employment elements of the development are also proposed to be secured in the interests of promoting more sustainable travel modes.

Internal layout

- 16.42 As noted above, the internal layout of the detailed element of the proposals has been adjusted to respond to comments from the Highways Authority.
- 16.43 The Highways Authority notes the proposed internal layout for the detailed element, provides pedestrian connectivity, permeability and overall accessibility. The layout also provides appropriate provision for cycling, enables all required vehicular movements, and allows safe and efficient access for emergency, service and delivery vehicles.
- 16.44 Speed control measures are proposed throughout the site to ensure vehicle speeds of 20mph or lower. The Highway Authority notes that elements of the internal layout include shared surface areas. Highways note that where footways are not segregated from the carriageway and vehicular activity is intended to be low it is important that the design gives due regard to Inclusive Mobility, particularly the needs of visually impaired users. In this regard, Highways suggest that appropriate measures such as the use of defined reference points such as a continuous fence line or a kerb upstand (preferred 50mm, minimum 25mm), to provide tactile or visual guidance could be secured by planning condition.
- 16.45 The extent of shared surfaces is disappointing for a modern development and, in some instances, would not prioritise the need so pedestrians, cyclists and other road users over the needs of vehicles. However, the design updates that have been made over the course of determination have reduced areas of conflict and are considered acceptable overall given they are not considered to present a highway safety concerns. Indeed, the majority of routes, and routes serving the proposed community infrastructure would have appropriate segregated provision.

- 16.46 The layout of the detailed element makes appropriate provision for the subsequent adjoining phases of development to the east and south.

Parking

- 16.47 The Highways Authority considers that the proposed level and arrangement of parking within the Phase 1 layout is considered acceptable and proportionate, to achieve an appropriate balance between parking provision and the promotion of active travel and sustainable transport modes, without giving undue dominance to car parking.
- 16.48 As part of the discharge of conditions, the provision of street trees will be important in order to soften the streetscene and larger areas of car parking.

Public rights of way

- 16.49 In respect of public rights of way, the comments from the Council's Rights of Way Officer regarding planning conditions to reduce conflict between users of the development and users of the Bridleway (S49/1) which runs north/south through the site past the existing village hall are noted. The route would provide access to phases of the outline element of the application, a SANG car park to the west of the route and development to the south. The Illustrative Masterplan shows how the site could be arranged to segregate users of the bridleway from vehicle traffic. The impact on the route would be considered at the reserved matters stage and the council's highways team would be consulted on the detailed design to consider how users of the bridleway would be appropriately accommodated in order to reduce potential for conflict.
- 16.50 Officers also note the character of the footpath which runs north/south through the site along the east side of the Hybris Business Park would also be affected. The route of the path would not be affected by the detailed element of the application, although the immediate setting would change from one of rural character to suburban character partially enclosed by acoustic fencing. Within the outline element, users of the bridleway would likely need to cross roads within the site to continue along the route, whereas the route currently crosses open fields. This change to the character of the route would degrade the quality of the existing route.
- 16.51 Where developments result in the severance or degradation of existing or propose routes, Policy COM7 notes that compensatory enhancements will be sought such that there is a net improvement to the public right of way network. Currently the site is inaccessible to the general public save for the public rights of way. The extensive SANG would provide extensive public access and routes across the site. Subject to securing this via a Section 106 Legal Agreement, the adverse effect on rights of way would be suitably mitigated in compliance with policy COM7. This is also considered to address the concerns raised by the Ramblers.
- 16.52 As there are statutory requirements to maintain access along public rights of way, planning conditions are not considered necessary to reduce conflict between users of the development and users of the Bridleway.
- 16.53 Overall, the proposals are considered acceptable subject planning conditions. The impacts of the proposals would not be severe and highway safety considerations would be appropriately mitigated.

Ecology and biodiversity

Dorset Heathlands and Poole Harbour

- 16.54 The proposed SANG Management Plan has been updated to respond to the Dorset Heathlands Planning Framework 2020-2025 and the feedback from the Environment

Agency and the Council's Heathland Mitigation Officer. It is expected that the SANG would be managed by Dorset Wildlife Trust (DWT), with management fees covered by the applicant. The necessary management fees would be agreed as part of the Section 106 negotiations and secured via the agreement prior to issuing any decision notice. A Strategic Assess Management and Monitoring (SAMM) contribution is also required and would be secured via the Section 106 Agreement.

- 16.55 Since the application was last considered at planning committee, the matter of nutrient neutrality in Poole Harbour has compounded. The applicant has developed a nutrient neutrality strategy in consultation with the Environment Agency and the Council's Environmental Assessment Team. The proposed strategy would be delivered on a phased basis to take advantage of the differential mitigation required pre- and post-2030 owing to the duty placed on water companies to upgrade certain wastewater treatment works by April 2030 under the Levelling Up and Regeneration Act 2023. Phase 1 would comprise the detailed element of 99 dwellings and Phase 2 would comprise the outline element of 401 dwellings. The following mitigation measures are necessary to ensure nutrient neutrality:
1. The entire development site to be taken out of agricultural use prior to commencement of development.
 2. SANG of 22.4ha delivered prior to the occupation of any dwellings.
 3. No more than 99 dwellings to be constructed before 2030.
 4. Higher level water efficient dwellings (120 litres per person per day).
 5. Purchasing of 493.35 of in-perpetuity credits to address nitrogen loading.
- 16.56 1 to 3 are proposed to be secured via Section 106 legal agreement. 4 and 5 are proposed to be secured via appropriately worded planning conditions. To allow flexibility for the phasing of the reserved matters to be refined over the course of the development, the wording of the planning condition for addressing nitrogen loading associated with the outline element of the application allows for updated nutrient budgets to be subsequently agreed as part of the discharge of conditions process.
- 16.57 The submitted SANG Management Plan has been updated to incorporate a Fallow Management Plan explaining how the site would be taken out of agricultural use and managed prior to development taking place. The Plan is proposed to be secured via Section 106 Legal Agreement.
- 16.58 The Dorset Heathlands Interim Air Quality Strategy SDP (2021) has also been adopted since the previous planning committee. In order to mitigate the likely significant effect on Dorset Heathlands through increased airborne nitrogen pollution, a contribution of £25,000 (£50 per dwelling) is required in accordance with the SPD.
- 16.59 The LPA is the competent authority for the purposes of the Habitats Regulations. Due to the potential impact of the development on the European-level protected sites, the Council is required to carry out an appropriate assessment before determining the application. In conjunction with the advice from Natural England, the assessment is that with the proposed mitigation measures of the provision and management of the SANG, SAMMs contribution, air quality contribution, along with the proposed mitigation measures towards Poole Harbour nutrient impacts, the proposals provide sufficient mitigation for the development's impacts on the internationally protected sites. Therefore, the scheme complies with Policy ENV2 of the Local Plan.

Biodiversity

- 16.60 As the application was submitted prior to 10% BNG becoming a statutory requirement a BNG of 10% is not required. Nevertheless, the proposals would deliver a measurable biodiversity net gain.

- 16.61 Biodiversity impacts, mitigation and enhancements are informed by updated surveys and would be appropriately secured via planning conditions requiring compliance with the Ecological Impact Assessment, and approval of a Construction Environmental Management Plan (CEMP), Landscape and Ecological Management Plan (LEMP) and lighting strategy. Subject to conditions, the proposals accord with policy ENV2.

Flooding and surface water management

- 16.62 The requirement of policy CRS1 is for sustainable drainage methods to be implemented to manage surface water flooding issues and ensure flood risk is not exacerbated elsewhere. This mirrors the test in Policy ENV5 to steer development towards the areas of lowest risk and ensuring development will not generate flooding through surface water runoff or exacerbate flooding elsewhere.
- 16.63 The site lies within Flood Zone 1 outside the area of highest flood risk and the flood zone has not been affected by NaFRA2 data. The scheme is accompanied by a drainage strategy for the site and updated groundwater modelling has been undertaken given the passage of time since the previous planning committee. The strategy includes sustainable drainage methods and includes provision for drainage ponds within the SANG. This is compatible with the wildlife and habitat aims of the SANG provision.
- 16.64 The drainage strategy has been considered by the LLFA. Subject to conditions the LLFA has no objection. It is considered that the applicant has provided sufficient information to demonstrate that the proposals accord with the criteria in policy CRS1, the tests in ENV5 to ensure that development does not cause flooding within the site or exacerbate flood risk elsewhere and the NPPF.

Minerals

- 16.65 Mineral extraction is subject to a separate planning application and provision is made for prior excavation where this is practical whilst at the same time not compromising the delivery of the Phase 1 detailed proposals.
- 16.66 The associated minerals application has not yet been determined. It proposes the extraction of gravel from part of the site in accordance with the minerals safeguarding policy. The scheme for minerals extraction will be considered and controlled via that separate application and if subsequently granted would be subject to conditions. The matter to be considered as part of this current application is therefore the timing of any such extraction in the interests of safeguarding minerals and residential amenity.
- 16.67 A 12-month extraction period for the minerals would work with a construction period on Phase 1, limiting the possibility of residents of the new development and existing surrounding community being affected by the minerals operations. In order to deliver this an appropriate planning condition is proposed. This is to ensure that the minerals extraction takes place at the appropriate stage. With these safeguards, the proposal is considered to comply with the provisions of the adopted Minerals Strategy.

Amenity

Amenity of existing residents

- 16.68 The conclusions of the previous committee reports remain valid and the proposals are not considered to give rise to significant adverse impacts on neighbouring amenity.
- 16.69 The detailed element of the proposals are sufficiently set back from neighbouring development at Heathfield Park. Within the outline element, an acceptable relationship with

the few dwellings on the south side of Warmwell Road close to the Co-Op is capable of being achieved subject to the reserved matters. Sufficient privacy would therefore be maintained.

- 16.70 The scale of the community buildings (village hall and doctor's surgery) are not considered to adversely affect outlook from neighbouring properties or cause an overbearing impact and an appropriate brick boundary wall is indicated between the surgery and the adjacent apartment block. Subject to securing the details via a suitably worded condition, the interface between the community uses and adjacent properties would be acceptable.
- 16.71 The 2.5ha of employment land within the outline element of the application is described as being for B1 use within the Planning Statement, similar to the majority of the Hybris Business Park. As B2 and/or B8 uses have potential to give rise to significant adverse amenity impacts on existing and future residents, the proposed recommended planning conditions define the approved uses within the employment land. A condition restricting the use of the employment land is therefore necessary on a precautionary basis in the absence of detailed noise assessment of alternative employment uses at this outline planning stage.
- 16.72 It is noted that potential noise impacts from the employment land were not assessed within the submitted Noise Report. The Environmental Health Officer's earlier comments on the application noted the potential for noise from this land and advised that further details would be required in the future. A noise impact assessment is likely to be required at the reserved matters stage.
- 16.73 Construction impacts would be appropriately managed through a Construction Environmental Management Plan (CEMP), proposed to be secured via planning conditions.

Amenity of future residents

- 16.74 Internal separation distances between the proposed dwellings are acceptable within the detailed element and capable of being achieved in the outline element to ensure appropriate privacy and outlook.
- 16.75 Each dwelling would have sufficient private amenity space and, whilst occupants of flats would not have private balconies or terraces, they would have access to suitable communal amenity space.
- 16.76 Other than the Type G dwellings (3-bedroom, 5-person dwellings) all proposed dwellings within the detailed element of the application comply with the Nationally Described Spaces Standards (NDSS). The 14 Type G dwellings fall -9sq.m short of the advocated standard (84sq.m vs. 93sq.m), representing a reduction of -9.7%. 12 of the Type G dwellings are proposed as market dwellings, with two proposed as affordable. A higher proportion of the affordable dwellings (94.1%) would meet or exceed the NDSS compared with the market dwellings (81.5%). Overall, there would therefore be a high level of compliance against the NDSS within the detailed element with the vast majority of dwellings (No. 85 / 86%) meeting or exceeding the NDSS.
- 16.77 The Council did not have sufficient evidence at the time of the Local Plan examination to insist upon compliance with NDSS. This is the reason why the requirement for exceeding the minimum NDSS is not mandatory. Notwithstanding this lack of justification, the National Design Guide (page 38) assists in defining well-designed homes and buildings as being *"functional, accessible and sustainable. They provide internal environments and associated external spaces that support the health and well-being of their users and all who experience them... They are adequate in size, fit for purpose and... provide good quality internal and external environments for their users, promoting health and well-being"*. The NDSS can therefore be viewed as an initial indication of well designed homes with confirmation provided through further assessment.

- 16.78 The Noise Assessment submitted with the application considers the noise impacts of activities at the Hybris Business Park on adjacent residential properties. It recommends the installation of a 2m high timber acoustic fence adjacent to the business park in order to avoid significant adverse affects for future residents. The fence is shown around the perimeter of the park, including across the SAM. As separate planning condition would ensure residential properties are set back from the SAM, fencing immediately adjacent to the SAM is not therefore considered necessary. Subject to ensuring the acoustic fence is installed prior to occupation of adjacent dwellings, the proposals are considered to be acceptable in respect of noise and adhere to the agent of change principle.
- 16.79 Overall, despite shortfalls against NDSS adequate amenity would be provided for future residents in accordance with policy ENV16.

Sports provision

- 16.80 Consistent with the historic reporting of this application to committee, Sport England maintains its objections to the proposals. For the reasons previously set out in the previous committee reports, the proposals would secure considerable amounts of informal open space directly accessible to residents and the wider village in terms of the SANG provision. It will also deliver improved cycle links. In terms of sports provision, due weight also needs to be given to the proposed village hall which provides flexibility for indoor sporting activities (secured via S106 agreement). The further contributions that have been requested by Sport England are not considered to be justified or necessary to make the development acceptable in planning terms. The proposals are therefore acceptable in respect of sports provision.

Section 106 Heads of Terms

- 16.81 The Local Plan (para. 6.2.3) specifically exempts this site from CIL. Therefore, infrastructure contributions for this scheme need to be secured via a Section 106 legal agreement. If the Council is to take financial contributions in a s106 legal agreement, under the CIL Regulations (2010) as amended, the contributions must comply with the following three 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. In addition, Government guidance in the National Planning Practice Guidance advises that *“Planning obligations must be fully justified and evidenced.”*
- 16.82 Consistent with the earlier planning committee reports and justification set out therein, planning obligations are sought in respect of:
- Affordable housing provision – 35% of the units as affordable housing with 50/50 tenure split between affordable/social rented and shared ownership/low cost ownership housing.
 - Education provision – contribution of £2,722,212 (index linked).
 - SANG provision and maintenance (including step-in rights) – a minimum of 22.4ha of SANG with a maintenance contribution (to be determined) and supporting funding provisions (SMM). SANG to be delivered prior to the occupation of Phase 1 and managed in accordance with the SANG Management Plan.
 - Highway improvements – contributions of £467,000 (index linked) towards off-site highway works to include an improve link between Old Farm Way and Warmwell

Road, improved pedestrian crossing facilities at the junction of Warmwell Road and Dick O' Th' Banks Road, and 1 x replacement bus shelter with real time traffic information.

- Play space provision – provision of a minimum of three no. Locally Equipped Areas for Play (LEAPs) and financial contributions towards maintenance of the proposed LEAPs.

16.83 In addition, further obligations are sought in respect of:

- Air quality mitigation – contribution of £25,000 (index linked) to mitigate adverse air quality impacts on heathlands.
- Fallow Management Plan – in order to ensure nutrient neutrality by taking the site out of agricultural use.
- Village hall provision – to ensure the village hall and associated indoor sports provision is delivered.
- Employment land provision – to ensure provision of a minimum of 2.5 hectares of employment land for use within Use Class B.

16.84 Mitigation in respect of air quality mitigation is necessary in order to mitigate the likely significant effect on Dorset Heathlands through increased airborne nitrogen pollution as set out in the Dorset Heathlands Interim Air Quality Strategy SDP (2021). The contribution of £25,000 is based on a £50 per dwelling charge and is therefore directly and fairly and reasonably related to the development.

16.85 In order to avoid adverse impacts on Poole Harbour through additional nutrient loading, it is necessary to ensure that the entirety of the site is taken out of agricultural use. Details are set out within the Fallow Management Plan included within the submitted SANG Management Plan.

16.86 Given the reliance on providing opportunities for indoor sports provision within the Village Hall, its delivery is proposed to be secured. Delivery of the employment land is also proposed to be secured to ensure the employment benefits of the development are realised.

16.87 National Rail has requested £4m to address concerns regarding the impact of the development on Moreton Station and improve the level crossing. For the reasons set out in the Highways section of this report, the financial contribution is not considered to meet the tests for planning obligations. Furthermore, officers note that such contributions were not previously requested by Network Rail and have not been requested in respect of other large-scale residential-led developments in Crossways.

Other matters

Phasing of community infrastructure

16.88 Crossways Parish Council consider that it is essential the community facilities are delivered during the first phase of development and not left to the final stages of housing completion. They consider it vital that the services are integrated early on to ensure that they are available to support existing and future residents. They further note that the condition of the village hall has deteriorated in recent years and delayed replacement risks jeopardising its continued use as a functional community centre. The comments are supported by Moreton Parish Council.

16.89 The 2019 resolution to grant planning permission made provision for a phasing plan which would have required:

- Village Green: delivered in Phase 1.
- Village Hall: Delivered prior to demolition of the existing village hall or the occupation of the 250th dwelling, whichever is soonest.
- Doctor's Surgery: Provision of the building (timescales not defined)

16.90 Officers note that there was some discussion at the 2019 planning committee meeting where the triggers for delivery of the village hall were adjusted. The minutes and decisions list from the planning committee record that members resolved to grant planning permission subject to amended planning conditions requiring the village hall to be delivered sooner than the last phase of development (as requested by the applicant), before half of the homes (250) were built.

16.91 The phasing requirements resolved at the 2019 planning committee are considered reasonable, striking an appropriate balance between the delivery of community infrastructure for residents and allowing flexibility for construction of half the homes prior to the delivery of the village hall. The format of the doctor's surgery requires further discussion with NHS Dorset. In the absence of specified timescales from NHS Dorset, the flexibility previously resolved by members is considered appropriate and advanced delivery of the doctor's surgery is not something officers consider can be justified.

Form of healthcare provision

16.92 Crossways Parish Council recommend that the doctor's surgery be developed as a health hub under the ownership of NHS Dorset, serving as a flexible, multi-use medical centre, allowing GPs to access space when needed. They additionally recommend that it should offer rooms for rental by independent health professionals or service providers, thereby helping to enhance the range and accessibility of healthcare services by local residents.

16.93 NHS Dorset advise that they will continue to explore options with Atrium Health at Crossways Surgery for both the current and potential site and note that all parties remain committed to working together to identify the best opportunity for delivering general medical services to the people of Crossways. Whether this be in the form of a traditional GP surgery or health hub remains to be determined. However, the proposed plans for the building provide flexibility for this to evolve in response to healthcare requirements.

Utilities infrastructure

16.94 Informatives are proposed to alert the developer to the electricity and gas pipeline constraints across the site and encourage appropriate engagement with statutory undertakers when the reserved matters of the relevant phases are designed.

Public consultation

16.95 A member of the public has raised concerns with the consultation process not effectively informing neighbours, being too late in the process and site notices being poorly positioned.

16.96 Multiple rounds of public consultation have been undertaken on this application since it was submitted in 2016. In 2025 a full re-consultation was undertaken given the passage of time since the 2019 planning committee. This included the erection of multiple site notices around the boundaries of the site, including adjacent to the village hall and Co-Op.

Reasonable alternatives

16.97 A member of the public raises concern that reasonable alternatives have not been considered.

16.98 As the development is not EIA development, the consideration of reasonable alternatives is not required. The site is allocated for residential-led mixed use development within the Local Plan. As part of the local plan, a sustainability appraisal was undertaken and alternative site allocation options were undertaken.

17 Assessment against the criteria of site allocation (policy CRS1)

17.1 Policy CRS1 sets a number of policy criteria. Each criteria is assessed in turn in Table 15.1 below.

Table 16.1 – Assessment against local plan policy CRS1

Criteria (summary)	Assessment
i) Content: Comprehensive mixed-use development including new homes, local community facilities and at least 3.5ha of employment land.	The proposals include the entire allocation in the local plan thereby delivering a comprehensive scheme. The provision of 500 homes aligns with the suggested figure in para. 12.3.1 of the local plan. It delivers new local community facilities in the village hall and surgery. It proposes 2.5ha of employment land, meeting the broad aspiration for a mixed-use development but 1ha below the employment space figure in the policy. The employment allocation in the north east of the site is in the area envisaged in the policy. Owing to the shortfall in employment land provision, the proposals do not fully comply with this criterion.
ii) Heathland mitigation	Subject to securing the provision and management of the SANG, and necessary financial contributions via planning condition(s) and Section 106 legal agreement, any adverse effect upon internationally designated heathlands would be mitigated.
iii) Nutrient mitigation on Poole Harbour	Nutrient neutrality has been demonstrated and can be secured via planning condition(s) and Section 106 legal agreement.
Delivery of highway improvements necessary for the development to go ahead	The proposals make provision for highway works in the vicinity of the site. These have been agreed by the Highways Authority. In addition, National Highways have confirmed they have no objections subject to securing junction improvements to the Max Gate A35/A352 junction by the occupation of 100 units. For the reasons set out above, the requested contribution from Network Rail is not considered to be justified or necessary to make the development acceptable in planning terms. This aspect of the policy is met.
Comprehensive masterplan developed in conjunction with stakeholders	The detailed element and illustrative masterplan for the outline element is considered to be comprehensive and has been developed in conjunction with stakeholders.

Sustainability appraisal, such as a BREEAM Communities Assessment	The masterplan has not been subject to a BREEAM Communities Assessment. However, the policy requirement is only for a sustainability assessment to be carried out. This has been submitted and sets out how the masterplan has been considered against the advice in the Council's adopted Design SPD.
Appropriate mix and layout of uses	The masterplan includes a mix of uses and provides for community facilities and infrastructure. Whilst a GP Surgery has been proposed, NHS Dorset advise that its delivery cannot be presumed at this stage and note that NHS Dorset and Atrium Health at Crossways Surgery will continue to explore options for both the current and potential site as the application progresses. The proposals provide an opportunity for improvements to medical services for local residents.
Opportunities to improve access, recreational use and promote biodiversity within a network of spaces (including SANG)	The proposals would deliver a SANG, along with improved access to the surrounding countryside, increasing recreational opportunities with opportunities for improvements to biodiversity.
Good links with the wider footpath and cycle network, including pedestrian/cycle links with Moreton station	The masterplan would deliver links to the wider rights of way network and improve cycle network provision. Off site works would improve pedestrian links to Moreton station and Frome Valley First School.
Design and layout, local character and landscape setting	The proposals have the ability to deliver a considerable enhancement to local character, providing a distinct beneficial development in the wider character of the village.
Hedgerows, trees and woodland	Existing hedgerows, trees and woodland within the development are retained where possible and their future retention and management would be secured via planning condition.
SuDS	The scheme provides for an acceptable drainage strategy, based on sustainable principles. The scheme has shown it can be developed without exacerbating flood risk elsewhere.
Phasing	The proposals show how the development could be phased to deliver the long-term growth of the settlement over the course of this strategic allocation.
Bowley's Camp Scheduled Ancient Monument	Subject to the detailed design of the relevant reserved matters phase, the proposals would protect and preserve the significance of the Bowley's Camp SAM to an acceptable degree. Owing to the scale of development and location of development in proximity to the SAM, some less than substantial harm to the significance of the asset through development within its setting is to be expected. The harm is outweighed by public benefits.

- 17.2 Taking all of the elements above and bearing in mind the reduced weight to be attached to policy CRS1 in light of the Council's lack of a 5-year housing land supply, it is considered that the development is sufficiently compliant with Policy CRS1.

18 Summary of issues and the planning balance

- 18.1 The hybrid proposals include the erection of 500 dwellings (35% affordable), a new doctor's surgery, a replacement village hall, a new village green, 2.5ha of employment land, new vehicular and pedestrian accesses and works to Warmwell Road together with change of use of 22.4ha of land to a SANG. The site is allocated and falls within the expanded defined development boundary of Crossways.
- 18.2 The Council is not presently able to demonstrate a five-year supply of deliverable housing sites. Accordingly, the NPPF (Para. 11) states that in circumstances where the policies most important for determining the application are out-of-date, permission should be granted unless
- i. the application of policies in the Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 18.3 In respect of the first limb of Paragraph 11, none of the relevant assets of particular importance detailed at footnote 7 are considered to provide a strong reason for refusing the development. Impacts on habitat sites would be mitigated, the identified less than substantial harm to the Bowley's Plantation SAM would be outweighed by public benefits and surface water flooding can be appropriately managed.
- 18.4 In respect of the second limb of Paragraph 11, no adverse impacts are considered to significantly and demonstrably outweigh the benefits. The proposals would deliver 500 new homes of which 35% would be affordable, a new village hall, doctor's surgery and 2.5ha of employment land. These benefits carry significant weight.
- 18.5 Overall, the proposal complies with the development plan taken as a whole, notwithstanding the slight non-compliance with policy CRS1. The presumption in favour of sustainable development (NPPF Para. 11) provides additional support given there are no strong reason for refusing the development (limb i.) and adverse impacts do not significantly and demonstrably outweigh the benefits (limb ii.)
- 18.6 The application is therefore recommended for approval and there are no material considerations indicating otherwise.

19 Recommendation

- 19.1 To delegate authority to the Service Manager for Development Management and Enforcement and Development Management Area of the Manager Western and Southern Team to either:
- A) GRANT planning permission following completion of a S106 Planning Obligation to secure:
- 35% of the units as affordable housing with 50/50 tenure split between affordable/social rented and shared ownership/low cost ownership housing.

- Education contribution of £2,722,212 (index linked).
- Provision of a minimum of 22.4ha of suitable alternative natural greenspace (SANG) with a maintenance contribution (to be determined) and supporting funding provisions (SAMB). SANG to be delivered prior to the occupation of Phase 1 and managed in accordance with the SANG Management Plan and Fallow Management Plan.
- Only Phase 1 to be commenced prior to 2030.
- Air quality contribution of £25,000 (index linked) to mitigate adverse air quality impacts on heathlands.
- Highways contributions of £467,000 (index linked) towards off-site highway works to include an improve link between Old Farm Way and Warmwell Road, improved pedestrian crossing facilities at the junction of Warmwell Road and Dick O' Th' Banks Road, and 1 x replacement bus shelter with real time traffic information.
- Provision of a minimum of three no. Locally Equipped Areas for Play (LEAPs) and financial contributions towards maintenance of the proposed LEAPs.
- Provision of village hall and associated indoor sports provision.
- Provision of a minimum of 2.5 hectares of employment land for use within Use Class B.

and subject to the following planning conditions:

Approved Plans

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1677-P-01 – Site Location
 - 51628-XX-P1-02 Rev v1 – Site Plan
 - 1677-P-09 Rev D – Affordable Housing Plan
 - 1677/P07 Rev A – Proposed Streetscene A-A
 - 1677/P08 Rev A – Proposed Streetscene B-B
 - 1677-P-SU-01 Rev A – Surgery – Ground Floor Plan
 - 1677-P-SU-02 Rev A – Surgery – First Floor, Roof Plan
 - 1677-P-SU-03 – Surgery – East West Elevations
 - 1677-P-SU-04 Rev A – Surgery – North & South Elevations
 - 1677-P-VH-01 – Village Hall – Floor Plan
 - 1677-P-VH-02 – Village Hall – West Elevation

- 1677-P-VH-03 – Village Hall – East Elevation
- 1677-P-VH-04 – Village Hall – North & South Elevations
- 1677-P-VH-05 – Village Hall – Roof Plan

- 1677-P-A-01 Rev A – Type A – Ground Floor Plans
- 1677-P-A-02 Rev A – Type A – First Floor Plans
- 1677-P-A-03 Rev A – Type A – Second Floor Plans
- 1677-P-A-04 Rev A – Type A – Roof Plans
- 1677-P-A-05 Rev A – Type A, Elevations (showing front and side 1)
- 1677-P-A-06 Rev A – Type A – Elevations (showing rear and side 2)

- 1677-P-B-01 Rev C – Type B – Floor Plans
- 1677-P-B-02 Rev B – Type B – Elevations

- 1677-P-C-01 Rev A – Type C – Floor Plans
- 1677-P-C-02 Rev A – Type C – Elevations

- 1677-P-D-01 – Type D Plans
- 1677-P-D-02 – Type D Elevations

- 1677-P-E-01 Rev B – Type E – Floor Plans
- 1677-P-E-02 Rev B – Type E – Elevations

- 1677-P-F-01 – Type F – Floor Plans
- 1677-P-F-02 – Type F – Elevations

- 1677-P-G-01 – Type G – Floor Plans

- 1677-P-G-02 – Type G – Elevations
- 1677-P-G-03 Rev A – Type G gable front – Floor Plans
- 1677-P-G-04 Rev A – Type G gable front – Elevations

- 1677-P-H-01 Rev A – Type H – Floor Plans
- 1677-P-H-02 Rev A – Type H – Elevations

- 1677-P-I-01 – Type I – Floor Plans
- 1677-P-I-02 – Type I – Floor Plans (showing roof plan)
- 1677-P-I-03 – Type I – Elevations

- 1677-P-J-01 Rev A – Type J – Floor Plans
- 1677-P-J-02 – Type J – Elevations
-
- 1677-P-K-01 – Type K Plan, 4 Bedroom House
- 1677-P-K-02 – Type K, Elevations

- 1677-P-M-01 – Type M – Floor Plans
- 1677-P-M-02 – Type M – Elevations

- 1677-P-N-01 – Type N – Floor Plans
- 1677-P-N-02 – Type N – Elevations

- 1677-P-P-01 – Type P Plans
- 1677-P-P-02 – Type P Elevations

- 1677-P-GAR-01 – Single Garage – Floor Plan and Elevations

- 1677-P-GAR-02 – Double Garage Floor Plan and Elevations
- 1677-P-REF-01 – Refuse & Cycle Store – Floor Plan and Elevations
- 1677-P-SHE-01 – Garden Store – Floor Plan and Elevations
- 1677-P10-1 Rev A – Materials Sheet 1
- 1677-P10-2 Rev A – Materials Sheet 2
- 1677-P11 Rev # – Materials Sheet 3

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

Detailed element

2. The detailed element of this development to which this hybrid 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).

Outline element

3. Approval of the details of the access, layout, scale, appearance and landscaping (hereinafter called the Reserved Matters) of the relevant phase of the development outside of the full permission (granted for Phase 1 of this hybrid permission) shall be obtained from the Local Planning Authority in writing before any development of the relevant phase is commenced other than on Phase 1 of the development.

Reason: To ensure the satisfactory development of the site.

4. Application for approval of any “reserved matter” under Condition 2 must be made not later than the expiration of ten 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.

5. The outline element of this development to which this hybrid 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).

6. Not more than 401 dwellings in total shall be constructed under the outline element of

the permission.

Reason: The assessment of the impacts of the scheme are based on a maximum of 500 dwellings across the whole site and additional dwellings would require further assessments of impacts.

Phasing

7. Prior to the commencement of the development a Phasing Plan for the entirety of the development shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall make provision for:
 - a. Extraction of the mineral interest in accordance with a scheme to be first approved in writing by the Local Planning Authority from the area outlined in red on the Site Location Plan Drawing No. 1701 P01 Rev A prior to the commencement of any development the subject of the outline planning permission within that same area.
 - b. Delivery of the Village Green as part of Phase 1. No further dwellings in later phases to be constructed until it is complete.
 - c. Delivery of serviced employment land as part of the development of the adjacent residential phase.
 - d. Provision of allotments as part of the development of the adjacent residential phase.
 - e. Provision of Locally Equipped Areas for Play as part of the development of the adjacent residential phase.
 - f. The village hall and adjacent parking spaces being constructed and ready for first use prior to the demolition of the existing village hall or the occupation of the 250th dwelling, whichever is soonest, and the submission of a scheme for the interim landscaping of the proposed village hall site until such time as the village hall is constructed. The interim landscaping scheme for the village hall site is to include details of the planting and its maintenance and shall be implemented and completed in full as part of Phase 1 and shall be maintained and retained thereafter until such time as the village hall is constructed on the site.
 - g. Provision of the doctor's surgery building.

Thereafter the development shall be carried out in accordance with the approved Phasing Plan and any subsequent changes to the agreed Phasing Plan must also be agreed in writing by the Local Planning Authority under the terms of this condition.

Reason: In the interests of achieving the objectives of the Local Plan and the site specific policy.

Highways

8. No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 15m of the proposed central access road from Warmwell Road within the detailed element of the application, including the junction with the existing public highway, has been completed to at least binder course level.

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

adjacent carriageway causing a safety hazard during construction.

9. Prior to the commencement of the detailed element of the development hereby permitted, a scheme demonstrating how inclusive and accessible movement for all users will be achieved within areas containing shared surface areas shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be informed by DfT document 'Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure' (2021) or any subsequent update version. The details shall include a timetable for implementation. The approved scheme shall be implemented in full in accordance with the approved timetable for implementation and shall be retained thereafter.

Reason: In the interests of highway safety and to ensure inclusive mobility and accessibility for all users, in accordance with guidance for Inclusive Mobility.

10. Prior to first occupation, the central access road shall be completed in accordance with drawing ITS2200462-GA-002 with footways completed to surface course unless an updated drawing is submitted to and approved in writing by the Local Planning Authority under the terms of this condition, in which case the works shall proceed in accordance with the updated scheme. The carriageway shall be completed to surface course prior to occupation of the 89th dwelling.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided for all users.

11. The detailed element of the development hereby permitted shall not be occupied or utilised until the access, geometric highway layout, turning and parking areas shown on Drawing Number 51628-XX-P1-02 Rev v1 have been constructed, unless otherwise agreed in writing by the Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

12. Before the development hereby approved is occupied or utilised the following works must have been constructed to the specification of the Planning Authority:
 - i. Active travel proposals and highway improvements as set out in the submitted Transport Assessment Addendum prepared by i-Transport (ref. SJ/OT/DGo/ITS200462-003 dated 23 January 2026) along the Warmwell Road site frontage broadly in accordance with drawings ITS200462-GA-002 and ITS200462-GA-003.

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

13. Notwithstanding the information shown on the illustrative drawings submitted with the outline element of the development hereby permitted, before any phase of the outline element of the development is occupied or utilised, precise details of the access, geometric highway layout, turning and parking areas for the relevant phase shall have

been submitted to and agreed in writing by the Local Planning Authority. The details shall include precise details for the provision of visibility splays at the proposed accesses to the site, including visibility splays to be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

14. No more than 100 residential units (to include 35% affordable housing) shall be occupied unless and until the A35 Max Gate junction works are completed and open to traffic. The works shall be implemented generally in accordance with WYG Transport drawing SK09, dated 21 October 2015, titled Improvements to A35 Max Gate Priority Junction, subject to any necessary changes identified during the detailed design and Road Safety Audit process.

Reason: In the interest of the safe and efficient operation of the A35 trunk road and to ensure the development traffic impact on the SRN is satisfactorily mitigated in accordance with DfT Circular 01/2022 and the NPPF.

15. No development within a phase shall be commenced until a Construction Traffic Management Plan (CTMP) for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include:
- a) specify the point of construction access and access route to the site;
 - b) construction vehicle details (number, size, type and frequency of movement)
 - c) a programme of construction works and anticipated deliveries
 - d) timings of deliveries so as to avoid, where possible, peak traffic periods
 - e) a framework for managing abnormal loads
 - f) contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
 - g) wheel cleaning facilities
 - h) vehicle cleaning facilities
 - i) inspection of the highways serving the site (by the developer (or their contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
 - j) a scheme of appropriate signing of vehicle route to the site
 - k) a route plan for all contractors and suppliers to be advised on
 - l) temporary traffic management measures where necessary

The CTMP shall thereafter be implemented in accordance with the approved details upon the commencement of the relevant construction phase of the development and be adhered to for the complete duration of the construction programme for that phase.

Reason: To ensure the safety of traffic on the Strategic Road Network.

16. Each phase of development hereby permitted shall not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities serving the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The approved scheme must be constructed before the relevant phase of development is first occupied or utilised and, thereafter, must be maintained, kept free

from obstruction and available for the purpose specified.

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

Travel Plans

17. Before any phase of development hereby approved is first occupied or utilised an updated Travel Plan for the relevant phase based on the Framework Travel Plan prepared by i-Transport (dated 22 January 2026, ref. OT/SGe/DGo/ITS200462-004) shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the Travel Plan shall be complied with for the lifetime of the relevant phase unless a variation is first agreed in writing with the Local Planning Authority under the terms of this condition.

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

18. Prior to the approval of any reserved matters under Condition 2 above for the approved employment allocation, a Travel Plan suitable to deal with the travel impacts of the whole 2.5ha employment allocation shall be submitted to and approved in writing by the Local Planning Authority. The employment Travel Plan shall be implemented in accordance with its agreed details prior to the first occupation of any approved employment building on the site and complied with for the lifetime of the development unless a variation is first agreed in writing with the Local Planning Authority under the terms of this condition.

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

Drainage

19. No development within a phase shall take place until a detailed surface water management scheme serving the relevant phase, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction and a timetable for implementation, has been submitted to, and approved in writing by the Local Planning Authority. The surface water scheme shall be fully implemented in accordance with the approved details in accordance with the approved timetable for implementation.

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

20. No development within a phase shall take place until details of maintenance and management of the surface water sustainable drainage scheme serving the relevant phase have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained

in accordance with the approved details. These shall include a plan for the lifetime of the relevant phase, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

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

Foul Water

21. No development within a phase shall take place until a foul water drainage strategy for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme for the relevant phase shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phase. The drainage scheme shall thereafter be completed in accordance with the approved details and to a timetable to be agreed in writing with the Local Planning Authority and maintained for the lifetime of the development.

Reason: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

Contaminated Land

22. 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:
- a) a Phase 2 Site Investigation Report informed by the Phase 1 Preliminary Risk Assessment (Desk Study) prepared by Clarke Bond (ref. WB04198/R1 and dated March 2016) detailing an adequately developed 'conceptual site model' of all potential contaminant linkages, and incorporating risk assessment.
 - b) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed. This shall be supported by a detailed soils management and waste management plan.
 - c) a monitoring and maintenance scheme to be supervised by an appropriate specialist under a watching brief to determine the need for the consideration of unexpected finds during construction.

The development shall proceed in strict accordance with the remediation scheme and watching brief, which shall both be fully implemented for the relevant phases of development before the relevant phases of development first comes into use or is occupied.

On completion of the relevant phase of development written confirmation that all works were completed in accordance with the agreed details of the remediation scheme and watching brief shall be submitted for approval to the Local Planning Authority. Such approval from the Local Planning Authority shall be received before the relevant phase of development first comes into use.

Reason: To ensure potential land contamination is addressed and to mitigate potential harm to the health and safety of persons.

23. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be submitted to and approved by the Local Planning Authority. Following completion of measures identified in the remediation scheme approved under the terms of this condition a verification report shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of ensuring there is no unacceptable risk to occupiers of the development.

Employment Land

24. The development shall provide a minimum of 2.5 hectares of employment land for use within Use Class B1. The employment land and associated buildings shall be used for Use Class B1 and for no other purpose (including any other purpose within the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order. No dwelling adjoining the eastern boundary of the residential development, adjacent to the proposed employment access road within the Character Areas 4, 5 and 6 as set out on page 48 of the submitted Design and Access Statement, shall be occupied before the employment allocation has been provided as serviced employment land in accordance with the phasing scheme approved under condition 6 above.

Reason: In the interests of securing the economic benefits of this Key Employment Site allocation in the Local Plan and to avoid significant adverse residential amenity impacts that may arise through Use Classes B2 and/or B8.

25. Buildings constructed within the employment allocation hereby approved shall not exceed a cumulative total floorspace of 13,000 square metres (measured externally).

Reason: In the interests of the impacts of the traffic generated by that level of employment development on the strategic highway network.

Biodiversity

26. The detailed biodiversity mitigation, compensation and enhancement strategy set out within the approved Ecological Impact Assessment (prepared by Pro Vision and dated July 2025), must be strictly adhered to during the carrying out of the development.

The relevant phase of development must not be first brought into use unless and until:

- i. the relevant mitigation, compensation and enhancement measures detailed in the approved Ecological Impact Assessment have been completed in full, in accordance with any specified timetable which may be submitted and approved in writing by the Local Planning Authority under the terms of this

- condition.
- ii. evidence of compliance, including photographic evidence, shall be supplied to the Local Planning Authority prior to the substantial completion of the relevant phase, or the first bringing into use of the relevant phase of development, whichever is the sooner. The development of the relevant phase shall subsequently be implemented entirely in accordance with the approved Ecological Impact Assessment and thereafter the approved mitigation, compensation and enhancement measures must be permanently maintained and retained in accordance with the approved details.

Should amendments to the approved Ecological Impact Assessment be required, an updated Ecological Impact Assessment may be submitted, certified by NET and agreed in writing by the Local Planning Authority under the terms of this condition. Should an updated Ecological Impact Assessment be agreed, the terms of this condition shall apply to the updated Ecological Impact Assessment.

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

27. Prior to the commencement of any phase of development, a Construction Environmental Management Plan (CEMP) (Biodiversity) for the relevant phase must be submitted to and approved in writing by the local Planning Authority. The CEMP must include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including on dormice which may use hedgerows and other features to move across the site.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The development of the relevant phase shall take place strictly in accordance with the approved CEMP.

Reason: To protect biodiversity during the construction phase.

28. A landscape and ecological management plan (LEMP) for the relevant phase of development shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the relevant phase of development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.

- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved LEMP must be implemented in accordance with the approved details.

Reason: To protect the landscape character of the area and to mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

29. Prior to commencement of any works within a phase of development, details of any proposed lighting within the relevant phase shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy will reflect the need to avoid harm to protected species and to minimise light spill from lighting associated with pre-construction, construction and operational activities, and demonstrate how the current best practice guidance, including Guidance Note 8 Bats and Artificial Lighting (BCT/ILP, 2023) has been implemented. There shall be no lighting of the relevant phase other than in accordance with the approved strategy.

Reason: In the interests of on biodiversity

Scheduled Ancient Monument

30. The submission of details of reserved matters under Condition 2 shall make provision for a minimum 5m buffer around the identified remains of the Bowley's Plantation Schedule Ancient Monument enclosure as set out on page 10 of the submitted Settings Assessment by Context One received on 16th October 2017.

Reason: In the interests of the setting of the Scheduled Ancient Monument.

Acoustic Fencing

31. No development within a phase adjacent to the Hybris Business Park shall take place until details including dimensions, materials and positioning of the noise barrier/acoustic fence to be located along the site boundary adjacent to the business park as identified within the Noise Impact Assessment (ref. R5500-1 Rev 0 prepared by 24 Acoustics and dated 28 January 2016) have been submitted to and agreed in writing by the Local Planning Authority. The agreed noise barrier/acoustic fence shall be erected prior to any development above damp proof course level of the relevant phase and shall be permanently retained and maintained as such thereafter.

Reason: In the interests of neighbouring amenity.

Broadband

32. No development above damp proof course of any building hereby approved shall take place until a scheme for facilitating infrastructure to support superfast broadband technology to serve the development has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include a timetable for implementation, including triggers for a phased implementation if appropriate. Thereafter, the development shall proceed in accordance with the agreed scheme.

Reason: To ensure that the utilities service infrastructure is sufficient to meet the extra demands imposed by this development.

Phase 1 Detailed Consent

33. The village hall hereby approved shall be laid out with a full-size badminton court in the main hall as shown on Drwg No. 1677 P VH 01 prior to the Village Hall first being brought into use.

Reason: In the interests of sports provision.

34. The Phase 1 full permission shall be carried out in accordance with the external materials detailed in the approved drawing No.s 1677 P10-1 Rev A, 1677 P10- 2 Rev A and 1677 P11. No development above damp proof course level of any dwelling approved under the Phase 1 full permission shall take place before samples of the external materials to be used on the relevant building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details unless revised materials are submitted to and approved in writing by the Local Planning Authority, in which case the development shall be carried out in accordance with the revised materials.

Reason: In the interests of the character and appearance of the area.

35. No development within the Phase 1 full permission shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
- a) A statement setting out the design objectives and how these will be delivered;
 - b) Earthworks showing existing and proposed levels and contours;
 - c) Means of enclosure and retaining structures;
 - d) Boundary treatments;
 - e) Vehicle parking layouts;
 - f) Other vehicle and pedestrian access and circulation areas;
 - g) Hard surfacing materials and construction details;
 - h) The location and construction details of furniture, refuse units, features and signs;
 - i) The location of proposed and existing functional services above and below ground;
 - j) The location and construction details of any lighting/floodlighting;

- k) A specification for any proposed seeding/turfing, tree, and shrub planting including their quantity, size species and position, how they will be planted, protected and maintained, and the proposed time of planting;
- l) A programme of implementation including phasing where relevant.

Thereafter, the approved landscape works shall be carried out in accordance with the approved details and the implementation programme before any part of Phase 1 is brought into use.

Reason: To ensure the adequate mitigation of the landscape and visual impact of the proposals and the provision of an appropriate hard and soft landscape scheme prior to the commencement of the development and that the approved landscaping is implemented as approved.

36. No development within the Phase 1 full permission shall commence until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the completed scheme shall be managed and maintained in accordance with the approved management plan. Any seeded/turfed areas, trees or other plants indicated in the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with seed/turf, trees or plants of a species and size to be first approved in writing by the Local Planning Authority. Hard landscape features will be maintained in perpetuity.

Reason: To ensure that the management and maintenance of the proposed hard and soft landscape scheme has been agreed prior to the commencement of the development and that it is implemented as approved.

37. The development shall be carried out wholly in accordance with the Arboricultural Assessment & Method Statement by Barrell Tree Consultancy dated January 2016 (ref. 14408-AA-CA). The agreed tree protection measures shall be retained during the course of the development and there shall be no variation to the agreed protection measures without the prior written agreement of the Local Planning Authority.

Reason: To protect preserved trees within and adjoining the site during construction in the interests of preserving the character of the area.

Nutrient Neutrality

38. Details of measures to limit the potential consumption of wholesome water use by persons occupying the new dwellings to 120 litres per person per day as measured in accordance with regulation 36 of the Approved Document for Part G2 of the Building Regulations 2010 (or any equivalent regulation revoking and/or re-enacting that Statutory Instrument) shall be submitted to and approved in writing by the Local Planning Authority before the dwellings are occupied. The submitted details shall include a water consumption calculation for the dwelling in accordance with the Approved Documents referred to above. The approved measures shall be implemented and maintained to the satisfaction of the Local Planning Authority thereafter.

Reason: To secure nutrient neutrality through effective mitigation in the interests of protected Habitat Sites

39. No development within the outline element of the development shall commence until the necessary nutrient mitigation credits to mitigate the impacts of the development on the Poole Harbour Special Protection Area (SPA) and Ramsar (as identified in the Appropriate Assessment agreed with Natural England on 19 March 2026) have been secured from an accredited nutrient provider and a copy of the Nutrient Credit Certificate demonstrating that purchase, has been submitted to and approved in writing by the Local Planning Authority.

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

40. Each reserved matters application for individual phases must be accompanied by a bespoke nutrient budget calculation informed by the nutrient budget agreed with the Council's Natural Environment Team on 10 February 2026. The budget shall identify the quantum of credits required to mitigate the impact of each phase of the outline element of the development on the Poole Harbour Special Protection Area (SPA) and Ramsar. Development must not commence until the necessary credits for the relevant phase have been secured from an accredited nutrient credit provider. A copy of the nutrient credit certificate for the relevant phase from the accredited nutrient credit provider must be submitted to the Local Planning Authority and approved in writing prior to the commencement of the development of that phase.

Once approved in writing by the Local Planning Authority, the development of each phase must be undertaken in accordance with the approved Nutrient Neutrality Mitigation Strategy.

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

Informative Notes

1. Informative Note: 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.
2. Informative Note: 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 Highways Development team. They can be reached by telephone at 01305 225401, by email at highwaysdevelopment@dorsetcouncil.gov.uk, or in writing at Highways Development, Economic Growth and Infrastructure, Dorset Council, County Hall, Dorchester, DT1 1XJ.
3. Informative Note: 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.

4. Informative Note: In addition to this permission, the junction works referred to in the recommended condition 10 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.
5. Informative Note: Prior Land Drainage Consent (LDC) may be required from Dorset Council's FRM team, as relevant LLFA, for all works that offer an obstruction to flow to a channel or stream with the status of Ordinary Watercourse (OWC) – in accordance with S23 of the Land Drainage Act 1991. The modification, amendment or realignment of any OWC associated with the proposal under consideration, is likely to require such permission. We would encourage the applicant to submit, at an early stage, preliminary details concerning in-channel works to the FRM team.
6. Informative Note: The applicant intends to rely heavily on infiltration. They will therefore need to demonstrate, through further post extraction ground investigation, that soakaways remain feasible. Given the proposed use of soakaways across the site, it is important that soakaway tests and ground water readings are representative of all the areas expected to support infiltration. The Council's FRM team as relevant LLFA will be unable to discharge the relevant condition above without detailed information concerning ground conditions that substantiate the use of drainage through infiltration. Should the site, after mineral extraction, be found not to support infiltration, then the applicant will need to propose alternate and detailed designs for capturing and attenuating surface water.
7. Informative Note: The highways schemes associated with this consent involves works within the public highway, which is land over which the applicant has no control. National Highways will therefore require the applicant to enter into a suitable legal agreement to cover the detailed design and construction of the works. Please contact ThirdpartyworksSWarea@nationalhighways.co.uk at an early stage to discuss the details of the highways agreement and funding arrangements.

Commencement of works will also need to be timed to fit in with other road works on the strategic road network or local road network to ensure there are no

unacceptable impacts on congestion and road safety. If the scheme also requires traffic orders these are subject to a minimum 12 week process.

Please be advised that National Highways may charge Commuted Sums for maintenance of schemes delivered by third parties. These will be calculated in line with HM Treasury Green Book rules and will be based on a 60 year infrastructure design life period

8. Informative Note: At all times, a contact telephone number shall be displayed on site for members of the public to use to raise issues. A named person will also be provided for Environmental Health in order for contact to be made should complaints be received. The use of any radio / amplified music system on site must be kept at a level not to cause annoyance to noise sensitive premises beyond the boundary of the site. Any future sub-contractors to the site shall be made aware of, and comply with any guidelines/conditions relating to site management of emissions of noise, dust, smoke, fumes etc. made in as part of the determination of this application.

Letter drops to adjacent residents in close proximity should be considered as part of the construction phase to give a minimum of 48 hours notice of any exceptional activities proposed. Any waste arising at the site shall be appropriately segregated and controlled prior to its removal by an appropriately licensed contractor. Any waste arising from the activity which could potentially be contaminated in any way shall also be segregated again, and removed appropriately. Environmental Health must be informed if this occurs.

9. Informative Note: The applicant's attention is drawn to the response of the Council's Rights of Way officer and the need to secure diversions for the existing rights of way.
10. Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated ## ## relating to affordable housing, SANG provision and maintenance, education, nutrient mitigation, highway improvements and children's play space.
11. Informative: National Planning Policy Framework Statement
In accordance with paragraph 39 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.
12. Informative: Gas pipelines
The site includes easements associated with medium pressure gas pipelines. Before any tree planting is carried out on permanent easements, written approval should be obtained from SGN. This approval must be subject to SGN retaining the right to remove any trees which might become a danger, or restrict access to the pipeline at any time in the future. The developer's attention is drawn to SNG's

13. Informative: High and low voltage underground cables

The site includes high and low voltage underground cables which serve the Hybris Business Park and existing village hall. As part of the relevant phase of the reserved matters, the applicant is recommended to open a dialog with SSEN and arrange full cable tracing for safety and in line with appropriate guidance. The application should not negatively affect this SSEN's assets.

14. Informative: 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 in full in a subsequent informative 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 are considered to apply.

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

15. Informative: 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.

or B) Refuse permission for the reasons set out below if the Section 106 agreement is not completed by 7 November 2026 (within 6 months of the committee) or such extended time as agreed by the Service Manager for Development Management and Enforcement and/or the Development Management Area Manager of the Western and Southern Team.

Reasons for refusal:

1. Policy HOUS1 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 requires a minimum on-site provision of 35% of the units as affordable housing. In the absence of a planning obligation to secure these affordable units the scheme would fail to meet the substantial unmet need for affordable housing and the proposal would therefore be contrary to Policy HOUS1 of the adopted Local Plan.
2. Policy COM1 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 sets out that where new development will generate the need for new or improved community infrastructure and this need is not being met through the Community Infrastructure Levy, suitable provision should be made on site. Policy CRS1 of the Local Plan sets out the expected infrastructure for this site and its development. In the absence of a planning obligation to secure the required community infrastructure the scheme would fail to mitigate the increase in demand for the necessary infrastructure to support the development and to avoid and mitigate for the adverse effects upon internationally

designated heathlands and additional nutrient loading upon the Poole Harbour internationally designated sites. It would namely fail to provide for:

- i. Education facilities;
- ii. Recreation spaces in the form of SANG and the supporting maintenance and funding mechanisms required for the future;
- iii. Mitigation of the impacts upon the Poole Harbour internationally designated sites;
- iv. Highway improvements;
- v. Children's play provision;
- vi. Indoor sports provision;
- vii. Employment land.

In the absence of planning obligations to secure the above, the proposals therefore fail to meet the provisions of Policies COM1, CRS1, INT1, ENV2 and COM7 of the West Dorset, Weymouth and Portland Local Plan (2015) and the National Planning Policy Framework (2025).

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Application Number: WD/D/16/000378 Outline

Registration Date: 13 April, 2016

Application Site: LAND SOUTH OF WARMWELL ROAD, WARMWELL ROAD, CROSSWAYS

Proposal: Full planning permission for the erection of 99 open market dwellings & affordable dwellings, a new doctors surgery, a replacement village hall, a car park, a new village green, new vehicular and pedestrian accesses and works to Warmwell Road. An outline application for the erection of 401 open market and affordable dwellings, the provision of 2.5ha of employment land, new vehicular and pedestrian accesses, roads, footpaths and cycleways, a car park for the proposed Site of Alternative Natural Greenspace (SANG) and 2 pumping stations; and a full application for the change of use of 22.4ha of land to Site of Alternative Natural Greenspace (SANG).

Applicant: C & G Properties Ltd

Ward Members: Cllr N Bundy, Cllr A Thacker

Case Officer: David Hodges

1. Summary Recommendation

1.1 Delegate to the Head of Planning to approve subject to completion of a s106 legal agreement to secure the following;

- 35% of the units as affordable housing with 50/50 tenure split between rented and shared ownership/low-cost affordable housing
- A clause to revisit the viability of the scheme and the affordable housing provision at 100, 200, 300 & 400 units
- Education contribution of £2,722,212
- Provision of a minimum of 22.4ha of suitable alternative natural greenspace (SANG) with a maintenance contribution of £960,000 and supporting funding provisions (SMM)
- Financial contribution of £149,089.00 towards mitigation for the impacts of the development on nitrogen levels in Poole Harbour.
- Provision of a scheme for the extraction of mineral interest from the site and the restoration of the land concerned prior to its development.
- Highway improvements at Max Gate payable not later than the occupation of 100 units
- Highways contributions of £560,000 towards off-site highway works to

- include works to Warmwell Road and a Cycle Route Scheme
- Provision of a minimum of three no. Locally Equipped Areas for Play and financial contributions towards maintenance of the proposed LEAPs

2. Description of development

- 2.1** Application is a hybrid proposal for full planning permission, change of use and outline planning permission for this Strategic Site allocation in the adopted West Dorset, Weymouth & Portland Local Plan. The site areas covers the entire allocation set out in the Local Plan Policy CRS1 which includes an allocation for mixed-use development and an indicative area for suitable alternative natural greenspace (SANG) as mitigation for the impacts of this residential development on protected heathlands within 5km of the site. The overall site area is 44.21 hectares.

The Outline Application

- 2.2** The outline application seeks permission for 401 dwellings in addition to the detailed consent for 99 dwellings on the full permission element. A total of 500 dwellings across the application. The outline application will deliver the remaining 401 dwellings across a series of 'Character Areas' (see para.13.16) on land to the east of the Hybris Business Park and south of Summer Farm, extending down from the B3390. The residential elements also extends around to the current village hall site west of the Hybris up to the boundary of the access track and bridleway to the villages hall. The residential areas extend south, wrapping around the lower part of Scotton Way to link back into the residential development east of the Business Park.
- 2.3** Within the residential elements of the scheme are indicated areas of open space with three LEAPs (play areas) shown. There are also areas of open space including around the site of the Bowley's Plantation Scheduled Ancient Monument. There also open areas around retained tree copses within the land. A series of allotments is indicated immediately adjoining the southern boundary of the recycling centre. A separate car park west of the public bridleway along the western boundary is located to serve the proposed SANG in this area.
- 2.4** At the eastern corner of the site at the junction of Warmwell Road and Moreton Road, an area of 2.5 hectares of employment land is indicated. This will be served by a separate access from the B-road opposite 16 Warmwell Road. This road is then shown linking into the remainder of the development to the south. Overall there are three vehicular accesses indicated with a main central access forming part of the full permission element below. The third access is at the far western end of the site on the position of the current village hall access road.

Detailed Planning Permission: Phase 1

- 2.5** The application includes a full permission element for an initial 99 dwellings to form the first phase of the development of the site. 35% of these units to be provided as affordable housing with a tenure split of 50/50 between rented and shared ownership/low-cost provision. In addition to the residential proposals, the full permission element also provides for the erection of a new village hall

and doctors surgery at the entrance to the site from Warmwell Road with a new car park to serve these facilities. The detailed scheme element in addition proposes a new village green behind the village hall. New vehicular and pedestrian accesses and works to Warmwell Road also form part of the detailed proposals.

- 2.6 Residential:** The detailed consent provides the first 99 dwellings on land immediately east of Heathfield Park and the Hybris Business Park. The housing will be arranged on part of the primary route network indicated in the wider masterplan around the site leading from the new access from the B3390. This will form part of the character areas 2, 3 & 4 (para. 13.16 below). From this primary street will be a secondary street linking into a central 'avenue' designed to lead from the community hub of the development at Warmwell Road down to the SANG to the south. The reminder of the houses are located on narrower home zones or parking courts accessed from the primary or secondary route network.

- 2.7** The total schedule of accommodation for Phase 1 is as follows;

House Type	Beds	GIA sqm	Storeys	Total No.
A Apartment	2	72.8	3	12
B Townhouse B	3	105.4	2.5	4
C Wide Front	3	93.1	2	16
D Terrace	2	72.3	2	20
E Farmhouse	4	143.3	2	6
F Mews	1	69.7	2	5
G Townhouse G	3	84.2	2	17
H Townhouse H	4	132.5	2	7
I Manor	5	236.5	2	3
J Grange	5	192.3	2	1
K Townhouse K	4	115.0	2	4
M Lodge	4	148.2	2	1
N Dovecote	2	122.5	2	1
P Cottage	2	72.3	2	2
				99

- 2.8** On Phase 1, the affordable housing contribution proposed is 35% of the units as per Policy HOUS1, split 50/50 between shared ownership and rented accommodation. The units are as follows;

Rented				
House Type	Beds	GIA sqm	Storeys	Total No.
A Apartment	2	72.8	3	6
D Terrace	2	72.3	2	6
F Mews	1	69.7	2	1
G Townhouse G	3	84.2	2	2
K Townhouse K	4	115.0	2	2
				17

Shared Ownership				
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House Type	Beds	GIA sqm	Storeys	Total No.
A Apartment	2	72.8	3	6
C Wide Front	3	93.1	2	4
D Terrace	2	72.3	2	6
P Cottage	2	72.3	2	1
				17

The affordable units are shown pepper-potted around the phase 1 development with a variety of types and sizes.

- 2.9 Village Hall:** The village hall is a single-storey but double height building located to the east of the main access onto Warmwell Road. It is intended to be a key focal point for the development whilst also serving as a hub for the wider village. The building includes a main hall sufficient to accommodate a badminton court, stage area/ancillary committee room, small hall, store rooms, playgroup facilities including an outdoor play space which is equipped and enclosed, foyer/entrance area, kitchen, office, toilets and changing facilities.
- 2.10** The village hall fronts west onto the new access road into the site but also includes large glazed areas on the east elevation. This will face out onto the proposed village green running alongside the main road. 9 parking spaces are shown immediately adjacent to the new hall with the majority of the parking demand to be met by the car park behind the new surgery (see below).
- 2.11 Doctors Surgery:** The new doctor's surgery is proposed to the west of the new junction to the B3390. This has a smaller footprint than the new village hall but instead is 2-storey. It includes three GP rooms, a nurse's treatment room, three multi-function rooms, a private consultation room, two offices, a reception and waiting area, staff and patient toilets and a staff common room. A pharmacist will be incorporated into the surgery on the ground floor with external public access and an internal connection to the surgery's waiting room. A total of 53 car parking spaces is shown along with motorcycle spaces, designed to be shared between the community facilities. Cycle parking for both the village hall and new surgery are shown to the front. The total floorspace of the new community buildings is 1,032m².
- 2.12 Change of Use to SANG:** 22.4ha of land within the site – a little over half – is proposed to be provided as suitable alternative natural greenspace. The application seeks permission for a change of use of this land from a nil use/agricultural use to be used as open space as mitigation for the impacts of the increased residential development on the site on the nearby heathland Sites of Special Scientific Interest (SSSI) at Warmwell Heath and Winfrith Heath.
- 2.13** The proposed SANG includes areas of grassland, woodland and heath. The SANG is shown divided into four 'units' in the open grassland areas immediately surrounding the proposed residential areas. On the eastern side these adjoin the woodland at Moigne Combe Wood. The proposals for the SANG involve limited physical intervention to these areas. The main changes are to provide new links to these areas to bring these into the public domain,

creating interest for informal walking routes used for dog walking and informal recreation. It is also proposed to link into existing rights of way, via the SANG, the Jubilee Trail, a national trail passing beyond the southern boundary of the SANG.

3. Main planning issues

- Key Housing Site in the adopted Local Plan (Policy CRS1)
- Local Plan settlement strategy
- Provision of housing
- 5 year housing land supply
- Affordable housing provision
- Scheme viability
- Impact to protected heathlands/SANG provision
- Impact on Scheduled Ancient Monuments/heritage assets
- Highway Safety
- Urban design and design considerations
- Employment provision
- Neighbours and occupier's living conditions
- Mineral extraction/safeguarding
- Provision of community facilities
- Recreation and sport provision
- Drainage and flood risk

4. Statutory Consultations

Parish Council

4.1 Crossways Parish Council:

The Council agreed to break down the proposal into the three parts. The first part considered was the change of use of 22.4 ha of land to Site of Alternative Natural Greenspace (SANG). All Councillors were in favour of this proposal and noted it would be maintained by Dorset Wildlife Trust who would take ownership and control of the area. It was also reported that there would be an area made available for dogs to be walked responsibly by their owners.

- 4.2** The Council agreed that South of Warmwell Road was agreed in the Local Plan and it was in consultation with the residents of Crossways. It was agreed the best shape for the village was to the south of the existing settlement. Councillors recommended that a provision for older children would be made available. It was acknowledged that there was a lack of facilities for children over 8 years old.

- 4.3** Councillors were concerned about the inevitable increase in traffic on the Warmwell Road. It was acknowledged that pedestrian refuge crossings with an island would help with connectivity of both sides of the village but concerns were raised about the more vulnerable road user crossing without a signal controlled crossing. Although Councillors were made aware that the B3390 would become a 30 mph road Councillors still had concerns that the speed of traffic would not keep to the 30 mph speed without traffic calming measures. Large lorries can take longer to stop than a car. The B3390 is a very straight stretch of road and to achieve the desired 30 mph for all vehicles especially lorries would require environmental changes to the road layout. The council

urged Dorset County Council to consider visual and physical restrictions. It was noted that Dick o th Banks Road should not be used as the preferred option/instead of the B3390.

- 4.4** Councillors were delighted with the provision of a new Village Hall. It was agreed that 3-storey development was not out of character for Crossways. Recommend a small children's play park next to the village green for families to enjoy the open space.

Councillors also wished for the dust from the site to be managed so as not to cause undue stress for those living in close proximity to the development.

All Councillors were in favour that there were no objections to the Planning Application.

- 4.5 Owermoigne Parish Council:** Objects for the following reasons;

- Visual impact of employment land fronting Moreton Road (a country lane). Should be sited closer to the Hybris.
- Increased commercial traffic using Moreton Road to reach A352 passing through Owermoigne village.
- No provision to accommodate increased school numbers.
- No report on impacts of light pollution from the scheme.
- Increased load on Warmwell pumping station to Louds Mill. Owermoigne already suffers from foul water flooding from the link to Warmwell.
- Concern overflow from surface water will flow into local watercourses and exacerbate existing issues with overflowing water in Moreton Road.

Highway Authority

- 4.6** The County Highway Authority will require contributions to a Cycle Route Scheme and Traffic Regulation Order for the speed limit proposals under a Section 106 Agreement and for the Developer to enter into a Section 278 Agreement (Highways Act 1980) to ensure the works to the existing highway are properly constructed. Following the above agreements the County Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety and consequently has NO OBJECTION and makes the following recommendations for conditions (see 15.1 below).

5. Other consultations

5.1 Purbeck District Council:

Since the application relates to an allocated site for a mixed residential, employment and community facility development in the adopted Local Plan, Purbeck District Council raises no objection. Should WDDC grant permission, it must be satisfied that all material planning considerations are properly addressed, and that the assessment includes consideration of the impact, where relevant, upon land within Purbeck. Of particular interest are issues relating to the impact on the highway network, impact on protected heathlands, noise, flood risk, and air quality.

- 5.2** The developer to ensure that the scheme includes infrastructure to support Superfast Broadband. The Planning Committee also highlighted the importance of joint working between Purbeck District Council and WDDC with regard to joint evidence gathering and master planning for the development of the Crossways area, as required by Policy CRS2 of the Local Plan.
- 5.3** **Natural England:**
Conservation Of Habitats And Species Regulations 2010
The application will result in 401 additional dwellings in the vicinity (within 5km and beyond 400m) of the Warmwell Heath Site of Special Scientific Interest (SSSI) and Winfrith Heath SSSI, sites notified for the special interest of their heathland habitats and associated plant and animal species. The SSSI forms part of the Dorset Heathlands Special Protection Area (SPA) on account of rare or vulnerable heathland bird species and are also part of the Dorset Heathlands Ramsar site on account of rare or vulnerable heathland wetlands and associated rare wetland species. They are additionally part of the Dorset Heaths Special Area of Conservation (SAC) on account of rare or vulnerable heath land and associated habitats and some individual species.
- 5.4** The proximity of the European sites (SPA and SAC) raises considerations on the requirements of the Habitats Directive 1992 for these sites to be maintained or, where necessary, restored at a favourable conservation status (Article 3 (1)). Determination of the application should be undertaken with regard to the requirements of the Habitat and Species Regulations 2010, in particular Regulations 61 and 62; and legislative and policy considerations on the protection, conservation and enhancement of the interest features of the SSSI and Ramsar site.
- 5.5** In our view the proposal is not directly connected with, or necessary to, the management of the European sites. Owing to the proximity of the proposal to the European sites, the additional residential development, in combination with other dwellings proposed nearby would be likely to have a significant effect on the heathland interest features of these sites. Before granting planning permission, an appropriate assessment of the implications of the development on these sites should be made. The conservation objectives are to maintain and, where not in favourable condition, to restore, the heathland and other habitat and species interest features. On its own the development may not adversely affect the integrity of the sites, but in combination with other dwellings proposed nearby, without mitigation there would be a deterioration of the quality of lowland heathland.
- 5.6** Natural England is satisfied that the SANG proposed, along with access management and monitoring measures (SAMM) - if fully secured - will deliver reliable measures to avoid disturbance impacts on the heathland. The SANG proposals will also provide a valuable public open space resource for the local community. Natural England therefore fully supports the provision of the SANG and supporting funding provisions as described in the submitted SANG Management and Phasing Plan.
- 5.7** The applicant must be responsible for setting up the SANG, all associated infrastructure and landscaping to a satisfactory standard. Natural England supports the SANG phasing set out in the SANG Management and Phasing

Plan. I also understand that the Dorset Wildlife Trust has now confirmed in principle to take on the freehold and management of the SANG, subject to legal agreements being satisfactorily agreed.

5.8 Good progress has therefore been made towards resolving the issues, however, until the proposals are fully finalised, they do not meet the requirement of certainty in the delivery of the avoidance/mitigation measures in the Habitats Regulations. The long term future management of the SANG should be secured through a s106. This will need to identify that DWT will be responsible for the long term management of the SANG and the value of the agreed SANG management fund. Provided the S106 is formally agreed by all parties then I can confirm Natural England has no further concerns regarding this aspect of the application.

5.9 The provision of SANG within walking distance of a new development is one important element of the long term mitigation. SANGs are not intended to divert all new residents from accessing the protected sites, but to enable a neutral level of visitor pressure with an equal proportion of existing heathland users being diverted to the SANG. It is necessary for applicants to secure a SAMM contribution relative to the level of residential development which must be in line with the provisions set out in the Dorset Heathlands SPD. Natural England welcomes the applicants' commitment to provide a SAMM contribution. This advice on mitigation measures also applies in meeting legislative and policy considerations on the protection, conservation and enhancement of the heathland SSSIs and Ramsar site.

5.10 Comments Relating To Nutrients And The Poole Harbour SAC, SPA And Ramsar Site:

The proposed development will introduce an additional source of nutrient loading (Total Phosphorus and Total Nitrogen) to the Poole Harbour SSSI, SPA, Ramsar catchment. Designated intertidal habitats and species features at Poole Harbour are affected by eutrophication, including macroalgae growth, encouraged by elevated nitrogen inputs from its catchment. To address the eutrophication a significant reduction in catchment nitrogen input is required from agriculture while avoiding increases derived from development.

5.11 Natural England has reviewed the nutrient budget for the development site and SANG and based on the calculation set out in this response is satisfied that the scheme will achieve nutrient neutrality. On this basis, provided the SANG and necessary funding is secured then Natural England has no objection to this aspect of the application. If the Council is minded to grant planning permission in a manner contrary to Natural England's advice, the procedures set out in S.28(1) of the Wildlife and Countryside Act would apply.

The contribution in this instance would be £149,089.00

5.12 Other Biodiversity Interests:

Natural England welcomes the submission the Phase 1 and 2 ecological assessments of the development site. In order to secure appropriate protected species mitigation and biodiversity enhancements within the developed area Natural England recommends that the provision and full implementation of a Dorset County Council Natural Environment Team (DCC NET) approved BMP is made a condition of any permission.

- 5.13 Network Rail:** After reviewing the information provided in relation to the above planning application, Network Rail has no objection to the proposed development.
- 5.14 Sport England:** The occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facilities Strategy, Playing Pitch Strategy or other relevant needs assessment.
- 5.15 The Proposal and Assessment against Sport England's Objectives and the NPPF:** The population of the proposed development is estimated to be 1200 people. This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development. Sport England's Sports Facilities Calculator (SFC) indicates that a population of 1100 in this local authority area will generate a demand for sports halls, swimming pools, indoor bowls and artificial grass

The contributions would be as follows:

- Sports halls: 0.31 court - £234,176
- Swimming Pools: 0.05 pool - £182,570
- Artificial Grass Pitches: 0.03 pitch - £25,916 if 3G (£22,693 if sand)
- Indoor Bowls: 0.10 rink - £35,352

Total £478,014 (if 3G) or £474,791 (if sand)

- 5.16** On reviewing the planning documents we note the provision (outdoor) of a small village green that would be too small for adult football and adult cricket with no changing provision. The indoor provision is a building that has the potential to be used by sport but it is unlikely to have a high enough ceiling for a single badminton court. With some work, we could achieve a small sports hub for the new community that could include outdoor (adult sized) pitches, courts and even bowls. A MUGA would be useful for training, potentially for netball/basketball and young people's play. The indoor provision could be a community/social hub with changing for the outdoor pitches/tennis/bowls as well as providing an important indoor sports space for formal sport and informal recreation (including storage) if designed in that way.
- 5.17** Sport England has produced 'Active Design', a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active

Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in the master planning process for new residential developments.

In light of the above, Sport England is unable to support this application. We will review this position if the developer makes additional representations to address the comments contained within this response.

5.18 DCC Schools Admission Team:

DCC will be looking to secure developer contributions towards the provision of education capacity as a result of the development. There will be a need to extend the facilities at Frome Valley First School from 1 Form Entry to 2FE and an extension of St. Mary's Middle School in Puddletown to deliver the Year 5-8 capacity. Also provision of additional Upper School and Post 16 capacity which is currently assumed to be through the delivery of works at Thomas Hardy School but may require the capacity to be developed in another appropriate institution.

5.19 For the initial 99 houses and based on the published formula for assessing pupil impact of a housing development, we anticipate;

- 12 First School, 10 Middle (5+5) and
- 8 Upper School along with
- 3 'Post 16' learners to be generated from this development.

The additional 401 units will generate;

- 50 Primary,
- 41 Middle School (20.5+20.5),
- 31 Upper School and
- 14 'Post 16' learners to be generated from this development.

5.20 Across the First, Middle and Upper School phases, DCC have identified for West Dorset a per housing unit cost of £5,444. This mechanism was adopted by DCC in 2013. DCC will look for a total contribution of £538,998 for the initial 99 units with a further £2,183,214 for the remaining 401 units. DCC is aware of the 5 pooling restrictions and is mindful that this development is subject to two of these and does not thus anticipate that the remaining 401 are subdivided into smaller parcels for planning purposes.

5.21 Historic England (Ancient Monuments):

As you are aware, we have recently received additional information on this application in the form of a Setting Assessment prepared by Context One. We concur with the conclusion reached in the report that the application - in its current form - will result in a loss of significance to the Scheduled Monument, via a change in setting. However, we do see an opportunity here for the application to be amended at the Reserved Matters stage, which would mitigate harm to the Scheduled Monument.

5.22 Recommendation:

We consider that the application meets the requirements of the NPPF, in particular paragraph number 128. We recommend that at Reserved Matters stage the proposed access road is re-located further to the west and north, so that it does not impinge on the sub-surface enclosure remains. We also recommend that a management plan is prepared for the Scheduled

Monument and the enclosure remains within the application area. The management plan should include proposals to manage the entire enclosure as one asset and should include provisions to retain it as an open space, free of potentially intrusive features such as fencing, lighting, drainage or sub-division.

5.23 Dorset County Council Senior Archaeologist: Confirms they are in agreement with the response of Historic England with regards to the impacts on the Scheduled Ancient Monument.

5.24 Dorset County Council Lead Local Flood Authority:

It is appropriate that we are consulted with specific regard to the Surface Water (SW) management for major development, as defined in the Development Management Procedure Order. We acknowledge the hybrid nature of this application, however, given that a SW strategy has now been submitted for the whole site, we have commented accordingly.

5.25 • With respect to climate change, the applicant has confirmed that SW drainage will be designed to 1 in 100 year rainfall events with a 40% allowance – in keeping with most recent guidance.

• Further clarification has been provided with regards previously combined SW & highways drainage. SW will be drained through on site soakaways where possible, any remaining run off generated from areas of the site not found to support infiltration will be collected and drained through an infiltration basin to the south of the site. Highways drainage will be drained separately in accordance with DCC Highways adoption standards. Provisional drainage layouts can be seen in Appendix 1 of the above FRA, although it is not clear in this drawing which ponds are for which type of drainage.

• We acknowledge the work completed by Cole Easdon Consultants in relation to maintenance of proposed infrastructure.

• We note the provision in the FRA of a plan which clearly identifies locations of where soakaway tests and boreholes were located.

• A mineral extraction plan is provided in the FRA – this remains unclear since areas on the drawing are marked as having a “Depth to Groundwater after extraction”, but are also marked as not viable for extraction. However, confirmation was provided that only the north eastern corner of the site will be subject to mineral extraction.

• We acknowledge that the applicant will design infiltration features such that Ground Water (GW) levels remain 1m below the base of any infiltration feature, based on maximum GW readings, taken when the local water table has reached its seasonal peak. At present, the ground investigation works do not provide a consistent picture of GW levels. Further ground investigation will need to be undertaken across the site to clarify matters.

• Seepages into trial pits are mentioned within the FRA, but are discounted as representative of the underlying water table. We accept that this is possible, however, seepages will affect the efficacy of any soakaways. Soakaways

should therefore be designed to take into account any loss of capacity that may result.

- We appreciate the clarification provided in regard to SW flow paths and landscaping works that will be completed after extraction in the FRA.

5.26 Given the additional clarification provided by the applicant and the formulation of a drainage strategy for all phases of the site we are able to Withdraw our Objection subject to conditions.

5.27 Wessex Water:

As we have not agreed a foul drainage strategy with the applicant please can you consider the use of a planning condition if the application gains approval.

5.28 Highways England:

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 02/2013 “The Strategic Road Network and the Delivery of Sustainable Development” and the DCLG National Planning Policy Framework (NPPF). Highways England has undertaken a review of the Transport Assessment and subsequent transport notes to conclude our audit of the proposals and in determining traffic impacts on the A35, specifically the A35 Max Gate Junction.

5.29 Trip Generation:

Combined residential trip generation includes 319 (AM) and 297 (PM) two-way trips. We are prepared to accept the combined trip generation level. The TA also includes for 550 residential dwellings, yet the planning application seeking planning permission for 500. This is a further factor in accepting the trip generation levels presented in the TA. The employment proposals are identified to include the potential for B1 office development, and therefore a ‘business park’ trip rate has been derived from TRICS. In the TA A two-way employment trip rate of 1.99 (AM) and 1.26 (PM) has been adopted, generating 213 (AM) and 134 (PM) two-way trips. It is assumed that the doctors surgery and village hall do not generate trips that would travel as far as the SRN. The TA also assumes 15% internalisation of employment trips, given that a large residential population will be located within a short walkable distance of the employment offices.

5.30 Trip Distribution:

Approximately 20% of development traffic is assumed to travel through the A35 Max Gate Junction. WYG have identified committed and/or allocated development for inclusion in traffic scenarios, where there is a reasonable degree of certainty that the development will proceed within the next three years. This has included the Silverlake proposals comprising of 1,000 holiday units, a hotel and leisure facilities.

5.31 Traffic Impact & Mitigation:

As part of the planning permission for the Silverlake development, a ‘no right-turn’ mitigation scheme is to be implemented at A35 Max Gate junction. The mitigation scheme is identified for both capacity and safety reasons, and includes the banning of right-turns from the A352 to A35 North. The geometry

of the junction will be amended to reflect this banned right turn. This junction scheme is to be implemented prior to the 225th holiday unit being occupied at the Silverlake site. This trigger was identified in relation to a 2014 opening year traffic scenario in accordance with Highways England policy requirements.

- 5.32** The development proposals are likely to be unacceptable, by virtue of a severe impact, if they increase demand for use of a section that is already operating at over-capacity levels, or cannot be safely accommodated. Following capacity assessment tests, WYG identified a mitigation scheme for the A35 Max Gate junction. This scheme was required in addition to the 'committed infrastructure' already identified for the Silverlake proposals. The combined junction scheme is shown in the WYG drawing. In addition to the banned right turn movements from the A352 to A35 (N), this scheme also includes widening the A35 carriageway and the right-turn lane, and extending the right-turn lane on the A35 by approximately 40m.

This mitigation scheme is supported by capacity assessments presented for a 2017 opening year traffic scenario, a Stage 1 Road Safety Audit (RSA) and Non-Motorised User (NMU) audit.

- 5.33** Mitigation Trigger:
Highways England has considered the implementation of the A35 Max Gate improvement scheme following a small amount of development build out at the Warmwell Road site. This was a request of WYG in ensuring development viability. Highways England has taken a pragmatic view that a short term pain at the junction would be acceptable, if this meant that a longer term scheme would imminently follow. To determine the trigger at which an improvement would be required (also taking account of its existing trigger level associated with the Silverlake proposals), we considered the potential for 100 dwellings at the Warmwell Road site, prior to the A35 Max Gate scheme being provided.

- 5.34** Taking traffic volumes presented by WYG and the Silverlake proposals, [we] tested a 2017 opening year, plus 224 holiday units (Silverlake) and 100 Warmwell Road units in both the weekday AM and PM peaks. No significant queuing issues were identified for the SRN right turn (A35 to A352) in the AM peak, although in the PM peak, the right turn box positioned central to the A35 carriageway would be at capacity. Taking a pragmatic view, Highways England is aware that the Silverlake proposals have made limited progress, and the potential for 224 holiday units to be delivered by 2017 is unrealistic. Without the 224 holiday units included, the right turn movement is capacity is extended for a short time.

- 5.35** We are able to accept that a maximum of 100 dwellings (based on 35% being affordable) are occupied (and assuming no employment land uses) prior to the full A35 improvement scheme being implemented.

We recommend that the proposals are acceptable subject to planning conditions.

- 5.36** **Dorset Wildlife Trust:**
As a general principle, given the exceptional national and international

importance of Dorset's habitats and associated wildlife, the Trust would wish to challenge the suitability of the county for a major increase in house numbers and would urge the District Council to seek a re-assessment of the housing targets for the area.

- 5.37** If major housing developments are required, the Trust agrees with the view that these should be located around existing towns and major service villages. Consideration should also be given to how mitigation could be used to provide optimal compensation for the detrimental effects on biodiversity of any potential developments. The proposed development raises particular concerns regarding the proximity of internationally important wildlife habitats, especially heathland. Any mitigation measures, including the provision for new open space, must be of a sufficiently large scale to absorb additional recreational pressure from the new development away from internationally important heathland areas.
- 5.38** However, if having gone through due planning process, the above development does progress, the site has considerable potential for enhanced biodiversity, access and recreation and the Trust is supportive of the significant mitigation proposals outlined in the SANG Management Plan. The proposals could also provide an important element of the Wool to Warmwell Living Landscape Area. The Trust also recognises the careful planning and consultation processes which have been undertaken in relation to this development, including the close involvement of Natural England, DCC Natural Environment Team and ourselves. In particular, the development of a 23ha SANG which, along with other heathland mitigation measures, is welcomed.
- 5.39** The Trust will not object to this planning application on the understanding that:
- All necessary surveys of the development site and proposed SANG area have been completed and full measures have been taken to avoid harm to any protected species and other existing biodiversity interest.
 - A detailed plan of the SANG is produced in consultation with DWT and other appropriate bodies, which ensures that all SANG criteria are met and biodiversity interest is maximised.
 - The above includes a specific restoration plan for the Skippet Heath SNCI.
 - Visitor and access management plan is produced ensuring the SANG operates effectively in the context of the wider area.
 - Effective long-term management of the site is secured in perpetuity (at least 80 years).
 - The use and effectiveness of the SANG is monitored and reviewed with an option for appropriate changes in management to be made if these prove necessary.
 - A holistic approach is taken for the whole area with appropriate biodiversity enhancement measures applied to the residential development including green corridors, native planting, roosting and nesting sites.

- Overall, the environmental impact of the development is minimal and the scheme is nitrogen neutral.

5.40 Dorset County Council Natural Environment Team:

Having looked at the application we have the following comments to make:

- The site supports populations of common protected reptiles, badgers, bats and nesting birds as well as other species/habitats of note. Further surveys will be needed to inform design and mitigation as part of the ongoing planning process.
- As the planning application is large enough to trigger EIA, we recommend that all ecological mitigation and enhancements are captured within a Landscape and Ecology Management Plan (LEMP) to ensure full integration of ecological considerations across the whole site.

The Natural Environment Team would be happy to provide further advice as needed as this application progresses.

5.41 Dorset County Council Rights Of Way:

Please note that the proposed works directly affect Footpath 2 and Bridleway 1, Crossways as shown on the enclosed plans, and I strongly advise that the conditions below are included in any planning approval:

- The footpath and bridleway must be diverted by legal order and that order must be confirmed before any works obstructing the path are commenced. If the path is obstructed in the absence of such a legal order this department will carry out enforcement action as deemed appropriate.
- It should be noted that the use of this footpath or bridleway by vehicular traffic without lawful authority is an offence contrary to the Road Traffic Act 1988.

Any damage to the surface of the path attributable to the development must be repaired to Dorset County Council's specification, in accordance with Section 59 of the Highways Act 1980. The free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights on the above path then a Temporary Path Closure Order must be obtained. This can be applied for through this office but the application must be completed and returned at least thirteen weeks before the intended closure date. It should be noted that there is a fee applicable to this application.

5.42 Dorset County Council Mineral & Waste:

The applicant has identified a number of relevant planning policies but no reference is made to Waste Planning Policy. The relevant statutory development plan concerning waste planning policy is the Bournemouth, Dorset and Poole Waste Local Plan adopted 2006. The Waste Local Plan, through Policy 17, deals with safeguarding waste management facilities. Policy 17 seeks to ensure that non-waste development does not encroach into areas where development could be adversely affected by the operation of waste facilities.

5.43 The Hybris Materials Recycling Facility (MRF) is located at the southern end of Hybris Industrial Estate. This is a small scale facility where materials

received from kerbside collections are bulked up and moved on to full MRFs or reprocessing facilities. From the plans available it appears that allotments and residential development is planned within 100m of the existing waste facility. The Waste Planning Authority does not object to these proposals.

5.44 However, to ensure that there would be no complaints in the future from residents regarding impacts on their amenity as a result of the waste facility if the proposed development is permitted, the Waste Planning Authority are requesting that the Local Planning Authority, through the Environmental Health Officer (EHO) or some other means, satisfy itself that the amenity of residents of the proposed development will not now or in the future be impacted by existing waste operations, and therefore the waste facility will not be restricted or have to bear additional costs to maintain operations.

5.45 If there is any indication, following investigations, that amenity could be affected with possible consequent impacts on the waste facility, the Waste Planning Authority would object to the proposed development and would want it to be refused, unless suitable mitigation can be agreed. If the Local Planning Authority are minded to override the objection and grant permission, the Waste Planning Authority would want it to be advertised as a departure from the Development Plan.

5.46 WDDC Housing Enabling Team:-

Housing need

The West Dorset District Council's Housing Register currently has over 1180 households registered as being in affordable housing need. To address this need the Council's Strategic Housing Market Assessment 2014 (SHMA) suggests that in the region of 104 new affordable dwellings will need to be developed each year. There are 40 households on the West Dorset Housing Register who have declared a local connection to Crossways. The above information is considered to demonstrate a significant level of housing need in the area.

5.47 This is a detailed application for 99 homes with an outline for 401 homes. The application makes it clear that the development will provide 35% affordable housing. The affordable homes in the detailed application for 99 homes are of a size that will help to meet local housing needs and are reasonably well spread and integrated across the development. The applicant states that all the affordable homes will be starter homes, although appendix B of the planning statement makes reference to affordable rent, shared ownership and the properties being detailed subject to the specification of a Registered Provider.

It would not comply with Local Plan policy for all the affordable homes to be provided as Starter Homes. While it is accepted that Starter Homes may be classed as affordable homes in the future this is not the case now. To comply with Policy 70% of the affordable homes should be rented and 30% intermediate, such as shared ownership. The mix suggested in the Affordable Housing Plan, as attached to the Planning Statement would be acceptable.

5.48 Summary:

There is a defined need for affordable housing in this area and this development could help to meet this. A review of the Housing Register shows

that the greatest need is for rented homes. In order to comply with the Local Plan, Policy Hous 1, 70% of the affordable homes should be for rent. It would not be acceptable for all of the affordable homes to be developed as Starter Homes.

5.49 Environmental Health:

Air Quality

The submitted Air Quality Assessment dated 13th January 2016 is agreed and accepted. However, it is noted that receptors within the Heathfield Park location have not been specifically included within the Assessment, merely mentioned, but I am satisfied that the outcomes of the report are applicable to this site also. The proposed development is located adjacent to a residential area and therefore is likely to have significant effects upon the environment and residents. It is recommended that the developer includes arrangements for protecting the environment and residents from Noise, Vibration and Dust.

- 5.50** This shall also include proposed provisions for the removal of any potentially hazardous waste found / generated on site. A Construction Environmental Management Plan would be an appropriate way to demonstrate that the developer has fully considered these matters. This would need to be submitted to, and agreed by the Local Planning Authority prior to commencement of demolition, and construction. Due to the close vicinity of existing residential dwellings to this site, the construction works should have regard to the following to protect residents from nuisance:

- No bonfires to be held on site at any time.
- Hours of noisy works are to be limited to Monday – Friday 0700 – 1900
Saturday 0800 – 1300 No noisy activity on Sundays or Bank Holidays

If there are to be any proposed deviations from these hours, the developer shall contact Public Health to discuss these. Start up of vehicles and machinery to be carried out in a designated area as far away from residential / sensitive areas as practicable. Start up and movement of vehicles / equipment etc will be limited to 30 minutes prior to the hours of construction only.

5.51 Noise

The Noise Assessment dated 28th January 2016 has been reviewed, and whilst it's contents are broadly agreed with, there are a few issues that need clarifying:

- Page 5 states that an area to the east of the site is proposed for employment land. It is noted that there is a potential for noise from this land. Further details will be needed at some point.
- Table 2 on page 11 shows LAeq's for one of the locations along with an average. Public Health have not been able to get the same average figure either arithmetically or logarithmically. Also, they have included the lower Saturday and Sunday LAeq's in the table. Although I am happy that tables 3 and 4 address this issue, clarification of the levels is required.
- The assessment refers to a 2 metre high acoustic barrier along the site boundary of the business park. This barrier reduces the level to acceptable values. However when a site visit was undertaken, it was noted that at the

northern part of the site the business park is at a much lower level than the proposed development. It is therefore assumed that the barrier would be located at the higher level – this needs to be clarified. At the southern end of the business park the ground level is the same as the proposed development and there are some units that are much higher than 2 metres, including a large ventilation stack on a unit on the eastern boundary of the site. We need clarification that the barrier will be effected in this location.

- Page 16 and 17 refers to the use of mechanical ventilation units on some of the properties so that windows can be kept closed to reduce internal noise levels. We need to know if an assessment of the noise produced by these units has been made.

Andy Bryant has reviewed the additional acoustic information supplied and is in agreement with the Assessment.

5.52 Contamination

The Phase 1 Preliminary Risk Assessment (March 2016) has been reviewed by the Council's Contaminated Land Consultants (WPA Consultants Ltd).

There were a couple of points raised:

1. The appendices were not available and consequently, the Assessment cannot fully be accepted.
2. If permission is granted for the development, Public Health would need to agree any proposed site investigation prior to it's commencement
3. The phasing of the site to be made available to Public Health so we may agree a phased approach to the discharge of conditions.

5.53 **WDDC Technical Services:**

The council does not hold records of any significant flooding event in this particular location other than for minor flood problems associated with surface water occurring on the housing estate on the north side of the development. Given the size of development we would expect DCC FRM to lead on all comments associated with surface water management.

Consultation Responses - Summary

6. Other representations

- 6.1** 14 letters have been received from third parties, including one letter on behalf of Woodsford Farms Ltd & Dorset Ramblers. This raises the following points. These raise the following issues;

- Lack of infrastructure to support development of this size.
- Opens floodgates for further development
- Lack of facilities for children
- whether the EIA screening opinion should be reconsidered in light of cumulative impacts following the submission of a gravel extraction proposal for the site.
- the scheme would sterilise more mineral interest than is proposed for extraction & no unacceptably significant environmental impacts from extraction of minerals from the remainder of the land sterilised by the development have been shown

- the employment provision is below that in Policy CRS1
- no assessment of the masterplan by a BREEAM assessor
- should be more detail on proposed improvements in the Travel Plan (refers to footway/cycle links to Moreton station)
- insufficient information on landscape impact of development on the village
- further detail should be provided as regards phasing
- further archaeological work should be carried out in order to assess impacts on the Scheduled Ancient Monument
- no evidence comprehensive masterplan has been drawn up
- perceived “loss” of around 250m of existing public footpath by being incorporated into estate road following development
- It is Rambler’s policy to resist footpath diversions onto estate roads
- presence of rights of way must be taken into account in determining the application
- 3-storey dwellings out of keeping
- Loss of privacy
- Long established right of way along Summer Farm is lost
- Large number of open market and therefore unaffordable houses against affordable housing numbers
- Lack of capacity at local schools
- Road network unable to cope
- 3-storey houses at entrance will dominate the street
- Housing close to Hybris would be contrary to guidelines to keep residential away from B2 uses. Will be affected by noise from Hybris due to prevailing wind
- Management of Warmwell Caravan park do not wish to have access to the SANG and reject offer to remove the fence and install a gate to provide access to the open space due to concerns over safety and security. No approval has been given for works on our land.
- Concerns with additional HGV traffic
- Dangerous crossing Warmwell Road for occupiers
- Other plans for development in the village are not finished
- Application for a slurry lagoon at Summer Farm was a tactic to make this application appear more acceptable

Copies of the letters of representation are available to view on the website - www.dorsetforyou.com.

7. Human Rights

7.1 Article 6 - Right to a fair trial.

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

7.3 The first protocol of Article 1 Protection of property

8. Relevant Planning History

App. No	Type	Proposal	Decision	Date	Officer
WD/D/16/000 652	DCC	Gravel extraction of up to 131,000 tonnes of sand and gravel; new vehicular access onto B3390 Warmwell Road	DEL		DH

9. The Development Plan

West Dorset, Weymouth & Portland Local Plan (2015)

CRS1 - Land at Crossways
CRS2 - Land Around Crossways
INT1 - Presumption in favour of sustainable development
SUS1 - The Level of Economic And Housing Growth
SUS2 - Distribution of Development
ENV1 - Landscape, seascape and sites of geological interest
ENV2 - Wildlife & Habitats
ENV4 - Heritage assets
ENV5 - Flood Risk
ENV9 - Pollution & Contaminated Land
ENV10 - The landscape and townscape setting
ENV11 - The pattern of streets and spaces
ENV12 - The Design and Positioning of Buildings
ENV15 - Efficient & Appropriate Use of Land
ENV16 - Amenity
ECON1 - Provision of Employment
ECON2 - Protection of Key Employment Sites
HOUS1 - Affordable Housing
HOUS3 - Open market housing mix
HOUS6 - Other Residential Development Outside Defined Development Boundaries
COM1 - Making Sure New Development Makes Suitable Provision For Community Infrastructure
COM7 - Creating a Safe and Efficient Transport Network
COM9 - Parking Standards in New Development
COM10 - The Provision of Utilities Service Infrastructure

Bournemouth, Dorset & Poole Minerals Strategy (2014)

Policy SG1 - Mineral Safeguarding Area

10. Supplementary planning documents

10.1 Design & Sustainable Development Planning Guidelines SPD (2009).

- Design Policy A - Work in harmony with the site and its surroundings and the limitations and opportunities these create
- Design Policy B - Involve the right people at the design stage
- Design Policy C - Create walkable and accessible neighbourhoods and plan for a thriving public transport network
- Design Policy D - Create and sustain an appropriate mix of uses
- Design Policy E - Make efficient use of land
- Design Policy F - Create well-defined streets and spaces
- Design Policy G - Create active and overlooked public areas and secure private areas
- Design Policy H - Maintain and enhance local character
- Design Policy I - Create high quality architecture
- Design Policy J - Achieve high standards of environmental performance

10.2 Landscape Character Assessment SPD (2009)

11. Supplementary planning guidance

11.1 None

12. Other Material Planning Considerations

12.1 National Planning Policy Framework (NPPF)

The National Planning Policy Framework was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. In terms of decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, grant permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole;
 - or where specific policies in the Framework indicate development should be restricted.

12.2 The NPPF also states that:

Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground. (Para. 186)

Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work pro actively with applicants to secure developments that improve the economic, social and environmental conditions of the area. (Para. 187).

12.3 Other sections of the NPPF relevant to this application are listed below. These will be referred to in the "Planning issues" section of the report.

1. Building a strong, competitive economy
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
12. Conserving and enhancing the historic environment

12.4 Planning Practice Guidance

12.5 On 6 March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This

includes the following statement:

“This guidance is intended to assist practitioners. Ultimately the interpretation of legislation is for the Courts but this guidance is an indication of the Secretary of State’s views. The department seeks to ensure that the guidance is in plain English and easily understandable. Consequently it may sometimes be oversimplified and, as the law changes quickly, although we do our best, it may not always be up to date.”

- 12.6** Elements of the Planning Practice Guidance relevant to this application will be referred to in the “Planning issues” section of the report.

Public Sector Equalities Duty

- 12.7** Public Sector Equalities Duty (PSED) came into force in 2011 under the Equalities Act 2010. All public bodies in discharging their functions must have “due regard” to the duty. There are three main aims of the duty;
- removing or minimising disadvantages suffered by people due to their protected characteristics;
 - taking steps to meet the needs of those in protected groups where the needs are different from others;
 - encouraging participation in public life or activities where participation is disproportionately low

- 12.8** It is clear from this that there is no absolute requirement to fully remove any disadvantage – the duty is to have regard to and remove or minimise disadvantage. For this scheme, the responses of third parties have not raised particular equalities issues which need to be addressed.

- 12.9** In addition it is noted that the scheme will provide a new doctors’ surgery. This will expand provision and improve access to healthcare for residents, also meeting increased demand created by the development. A modern purpose-built facility also provides improved healthcare for residents and the pharmacy will also benefit access to this type of healthcare advice and provision locally. All new buildings within the development will be required to comply with Building Regulations which have their own criteria to apply for the design of buildings which also has due regard to the Act.

- 12.10** In facilitating improved healthcare access and the provision of BR-compliant buildings throughout the scheme, it is considered the Local Planning Authority can demonstrate due regard to PSED has been made.

13. Planning issues

Principle of Development

- 13.1** Section 38(6) of the Planning and Compulsory Planning Act 2004 provides that when making a determination under the Planning Acts “the determination must

be made in accordance with the plan unless material considerations indicate otherwise.” The development plan in this case is the West Dorset, Weymouth & Portland Local Plan 2015 (the “Local Plan”).

13.2 In exercising judgement on the policies in the LP, it is clear that the presumption in favour of sustainable development is pre-eminent, and “should be seen as a golden thread running through both plan-making and decision-taking” (NPPF para.14). That presumption is also enshrined in Policy INT1 which stating:

- i) There will be a presumption in favour of sustainable development that will improve the economic, social and environmental conditions in the area. Where there are no policies relevant to an application, or relevant policies are out of date at the time of making the decision, the following matters will be taken into account:
 - the extent to which the proposal positively contributes to the strategic objectives of the local plan;
 - whether specific policies in that National Planning Policy Framework indicate that development should be restricted; and
 - whether the adverse impacts of granting permission could significantly outweigh the benefits.

13.3 The spatial strategy in the adopted Local Plan (LP) is set out in Policy SUS2. This establishes a 3-tiered approach to achieving a sustainable pattern of development in the joint plan. The greater proportion of development will be directed towards the main settlements of Weymouth & Dorchester. These towns are the highest priority for development in the LP as the most sustainable locations for future growth. At the second tier in the hierarchy are the smaller towns and largest villages in the plan area. This includes Crossways. Policy SUS2 advises that elsewhere in the plan area, these 2nd-tier settlements will be a focus for future development. Within the settlements with Defined Development Boundaries, Policy SUS2 advises that residential, employment and other development to meet the needs of the local area will normally be permitted.

13.4 The land concerned is allocated in the adopted Local Plan for a mixed-use development under Policy CRS1 and the Defined Development Boundary for Crossways was extended to accommodate this allocation as part of the Local Plan.

Policy CRS1 states as follows;

- “i) Land at Crossways, as shown on the policies map, will provide for a comprehensive mixed-use development to include new homes, local community facilities and at least 3.5ha of employment land.*
- ii) The development will be required to mitigate any adverse effects upon internationally designated heathlands.*
- iii) The development will be required to incorporate measures to secure effective avoidance and mitigation of any potential adverse effect of additional nutrient loading upon the Poole Harbour internationally designated sites.*
- iv) The development will deliver highway improvements necessary for the development to go ahead. The site should be developed in accordance with a comprehensive masterplan for the development prepared by the developer / landowner in conjunction with Crossways Parish Council, adjoining parish councils, Dorset County Council, Purbeck District Council, Network Rail and*

the local community, and agreed by West Dorset District Council. In order to address sustainable development issues, the masterplan will need to be subject to a sustainability assessment, such as a BREEAM Communities Assessment, carried out by a suitably qualified assessor. The masterplan should ensure that:

- There is an appropriate mix and layout of uses, including community facilities within the village and there is adequate provision of community infrastructure;*
- The layout secures opportunities to provide improved access and recreational use and promote biodiversity within a network of spaces. This will include the provision and location of Suitable Alternative Natural Green Space (SANGS);*
- Good links to the wider footpath and cycle network are provided through the village. This should include pedestrian/cycle links to Moreton station;*
- The design and layout relates positively to the surrounding area, enhances local character and does not have an adverse impact on the landscape setting of the village;*
- Existing hedgerows, trees and woodland within the development are retained where possible and provision for their future retention and management put in place;*
- Sustainable drainage methods are implemented to manage surface water flooding issues and ensure flood risk is not exacerbated elsewhere;*
- The development is appropriately phased;*
- The layout of the development protects and preserves the significance of Bowley's Camp scheduled monument."*

13.5 The current application follows the boundaries of the allocated site in the adopted Local Plan. The extent to which the scheme complies with all of the criteria in Policy CRS1 is examined in detail in part 14 of the report. However, the principle of the development of the site is supported by an adopted policy in the Local Plan and is considered acceptable. In addition, officers including the Council's Implementation Team have worked with the applicants to bring forward the hybrid scheme before members. The submission of a detailed scheme for the first phase along with the outline permission for the remainder of the site was intended to contribute positively towards the Council's housing land supply, allowing the detailed Phase 1 to be counted as deliverable within the first 5 years. It is noted that during the consideration of the application, the Council has had to revise its current housing land supply (HLS) from 5.3 years down to 4.94 years following the latest monitoring.

13.6 Principle of Development - Conclusion: When the Local Plan was adopted, the Inspector noted that the Council could only just demonstrate an adequate supply of housing in the LP – 5.1 years. Their view was that; *"The overall number of dwellings derived from the various sources of supply is unlikely, however, to be sufficient to meet housing targets to the end of the plan period making it necessary for the Councils to identify further land."* To this end the Council has already embarked on a review of the Local Plan which is only 2 years old in an effort to identify such further land to meet the housing target to the end of the plan period in 2031.

13.7 In a situation where the Council is actively seeking to identify further sites to address the long-term housing land supply in its main settlements, there remains a pressing need to commit to and deliver the sites already allocated in

the current LP to bolster the short- and medium-term supply. Furthermore, Crossways will remain as a sustainable location for further development at the 'second tier' of the spatial strategy in Policy SUS2. Failure to meet housing needs will continue to leave the LPA vulnerable to the sort of speculative applications which members will have become familiar with when the HLS has slipped below 5 years. For these reasons, the principle of the development of the site as a sustainable extension to Crossways continues to be supported.

Housing Land Supply

- 13.8** The Council has recently released its Annual Monitoring Report of its housing land supply (HLS). Due to an increase in dwelling completions which were at their highest since 2011 and thereby very close to the annual housing target of 775 dwellings per annum across the two Councils, coupled with permissions granted, the HLS currently stands at 4.94 years. This is an increase on the conclusions of an appeal Inspector who considered the Councils' HLS in a public inquiry in January 2017 to be at 4.63 years. Whilst the Authority is very nearly at the 5 year level set out in the NPPF, it nonetheless remains below the required housing supply level.

Paragraph 49 of the NPPF advises that;

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

- 13.9** In a recent Supreme Court ruling; *Suffolk Coastal District Council v Hopkins Homes Ltd & Richborough Estates Partnership LLP v Cheshire East Borough Council* [2017] - the Courts established that where a Council cannot demonstrate a 5-year supply, the "tilted balance" in paragraph 14 of the NPPF will apply. This advises that where policies are out-of-date permission should be granted unless;
- "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;*
or—specific policies in this Framework indicate development should be restricted".

- 13.10** In relation to the reference to "specific policies", a footnote to paragraph 14 of the NPPF confirms that this includes policies relating to Sites of Special Scientific Interest (SSSI) which has implications for the discussion on protected heathlands below. Also the Supreme Court ruling confirmed that "specific policies" relates to policies in the development plan as well as the guidance in the NPPF.

- 13.11** The Supreme Court decision clarified that "relevant policies for the supply of housing" has a narrow interpretation and relates only to those policies concerned with the delivery of housing. This would specifically include Policy CRS1 as a policy allocating the land for housing in the LP. It would also in this situation include Policies SUS1 & SUS2. It should be noted that these policies are not simply disregarded where they are 'out-of-date'. Policy CRS1 still has direct relevance to the determination of the application, but it does not attract

its full statutory weight as part of the development plan as the remaining Local Plan policies unaffected by paragraph 49 continue to do.

- 13.12** The Supreme Court ruling confirmed that the weight to be attached to the affected policies in such circumstances is a matter for the professional judgement of the decision-maker. However, the ruling did clarify that the weight to be applied will be dependent on;

“the extent to which relevant policies fall short of providing for the five-year supply of housing land, the action being taken by the local planning authority to address it, or the particular purpose of a restrictive policy – such as the protection of a “green wedge” or of a gap between settlements.”

- 13.13 Housing Land Supply – Conclusion:** In the Council's case, the HLS is only marginally below the 5 years, and moreover can be shown to be heading in the right direction with an increase both in delivery rates and permissions granted. In this set of circumstances, your officer's opinion is that it would be reasonable to continue to apply considerable weight to policies CRS1, SUS1 & SUS2 even if the full statutory weight cannot currently be applied. In addition, the Court ruling provides clarity that the other policies in the LP not affected by paragraph 49 shall continue to enjoy their full statutory weight.

- 13.14** What this means for the consideration of this application is that the principle of development on this allocated site should continue to be supported. The delivery of these strategic allocations in the LP remain critical to the delivery of the strategic objectives of the Plan and achieving a sustainable pattern of development. The current lack of 5-year supply does add a degree of weight to approving the scheme, however this does not automatically override all other considerations. However, the reduced weight to be attached to CRS1 in particular does have consequences for the Council's ability to insist on compliance with all of the criteria set out in the policy. This has implications for the employment land provision and the requirement for a BREEAM assessment for example which is explored further in the report.

- 13.15** Notwithstanding this, the delivery of CRS1 remains a key component of the Council's HLS and maintaining progress towards a consistent 5-year supply. If construction rates are increased through delivery of the current LP's strategic allocations, there is the prospect of the Councils no longer being regarded as a “20% authority” for the purposes of paragraph 47 of the NPPF (LPAs which have to provide a larger additional 20% buffer- as opposed to 5% - to its HLS in recognition of a record of persistent under delivery of housing). The Local Plan Review Issues & Options consultation exercise acknowledged the need to bolster the current housing allocations in the LP through identifying further allocations on which the I&O document sought responses. It follows that the existing commitments in the LP will remain an integral part of the meeting the short- to medium-term housing supply whilst sites in the I&O exercise will be needed to meet the long-term supply over the plan period. For these reasons, there remains a need to support the existing Local Plan allocations to maintain the current progress on the Councils HLS and very considerable weight is attached to this aspect of the development.

The Outline Application

Proposed masterplan

13.16 The development is accompanied by an indicative masterplan the outline application area. This divides the proposed areas to be developed into 8 'character areas' (CAs) – [Design & Access Statement – p.47; [http://wam.westdorset-dc.gov.uk/WAM/doc/Design%20and%20access%20statement%20\(4%20OF%205\).pdf?extension=.pdf&contentType=application/pdf&id=1332288](http://wam.westdorset-dc.gov.uk/WAM/doc/Design%20and%20access%20statement%20(4%20OF%205).pdf?extension=.pdf&contentType=application/pdf&id=1332288)]. The remainder of the application site is given over to the employment provision and the SANG to the south. The CAs are identified as follows;

- 13.17**
1. The Village Green – an area immediately south of Warmwell Road between the proposed vehicular access into the site. This is intended to provide a new focal point for the village and provide the village a centre with landscaping and surveillance provided by dwellings to the north and south.
 2. Spitfire Place - This area is located around the main vehicular entrance to the site, east of Heathfield Park. The intention for this zone is to provide a clearly identifiable entrance to the development. The community buildings are located fronting onto the access road with a hard 'piazza' to the south fronted by residential buildings.
 3. Moigne Combe Walk – This area runs on a NW-SE axis through the middle of the larger eastern side of the allocation. The intention is to provide a pedestrian-friendly link through the scheme to link the village green area to the proposed SANG to the south. In addition, as a straight avenue, this character area serves to frame views through the development towards the SANG and the open countryside beyond.
 4. Central Avenue – This area sits in two parts either side of CA3 and includes the majority of the residential development to the east of the Hybris Business Park. The CA assessment notes these areas to be developed at medium to high densities up to 2½-storeys (10.5m) with focal buildings up to 3-storeys
 5. Field View – This area lies to the southern edge of the residential development on the eastern side. This is to be a lower density development of mainly detached properties in larger plots – a characteristic of much of the village's current housing stock. These properties will enjoy a more open outlook at the development's edge whilst also providing surveillance over the SANG. Larger apartment blocks in spacious grounds are also noted for CA5.
 6. Moreton Walk – This part of the site lies on the north-eastern side, adjoining the former Summer Farm buildings and the road to the employment land. This is similarly intended to be an area of low-density development, in sympathy with existing development along Warmwell Road.
 7. Skippett Road – This area lies to the south of the Hybris. It is intended to be a medium- to high density residential development with a mix of terraced, detached & semi-detached dwellings and some apartment

blocks. This area also incorporates provision of allotments adjoining the southern boundary of the existing business park, providing a buffer to the residential areas beyond. This area also intends for terraced and apartment blocks to front onto the proposed allotments to provide a noise barrier from the recycling centre.

- 8. Moigne Combe Lane** – This area lies to the west of Hybris on the site of the current village hall and bordered by the public bridleway heading south towards Mount Skippet. This is shown as a low- to medium-density residential area along its edge with higher density to its core. The central avenue will run parallel to the bridleway, allowing its route and bordering vegetation to remain intact. This CA also incorporates an area of open space around the Scheduled Ancient Monument of the Bowley's Plantation earthwork.

- 13.18** The indicative masterplan (MP) demonstrates how the elements of the proposed development can be accommodated within the site. Thus it can be seen where the SANG and biodiversity mitigation will be provided. The MP shows how current key landscape features on the site can be incorporated into the overall proposals for 500 units. This includes for example the existing copses of trees beyond the south-east corner of the Hybris Business Park, the field hedge and copse bordering the employment allocation and the area around the Bowley's Plantation Scheduled Ancient Monument (SAM). The MP indicates provision for drainage attenuation for the allocation as part of the SANG.
- 13.19** The MP shows how a scheme for 500 units on the site can continue the proposed garden suburb layout approach taken for the detailed Phase 1 layout across the remainder of the proposals. Through this, the hierarchy of streets proposed is set out with the primary route providing circulation through the site and linking the three accesses to the B3390. The hierarchy is further reinforced in the masterplan with secondary roads leading from the primary streets which in turn lead to shared surfaces, home zones and parking courts at the private scale of the street hierarchy. The spaces given over to the street hierarchy allows the scheme to deliver on the height-to-width building ratios in the Council's adopted Design SPD (p.16), thus complying with Design Policy F of the SPD to create well-defined streets and spaces.
- 13.20** The illustrative MP would be able to provide a well-defined perimeter block layout, which the Design SPD acknowledges is an efficient and appropriate use of land, allowing the wider scheme to comply with Policy ENV15 of the LP and Design Policy E of the SPD. Through this layout the scheme can deliver active and overlooked public frontages along the new streets created but also onto the proposed open spaces, particularly the new village green and square for example. It also allows for the provision of secure private areas for residents and would by this meet the requirements of Design Policy G of the SPD.
- 13.21** The nature of the indicative layout and its road hierarchy allows for permeability throughout the scheme, facilitating the following of 'desire lines' for pedestrians and cyclists. Through the scheme, residents and visitors can reach its key elements via direct routes, avoiding lengthy cul-de-sacs or winding dead-ends. The layout allows the incorporation of focal buildings at

key points which assists route finding through the scheme. Thereby provision is made for access to the various elements of the development by a variety of transport modes. It also serves to support links into the remainder of the settlement, a key aspect of helping the scheme and its residents integrate into the village. The MP thereby takes on the requirements of Design Policy A of the SPD to work in harmony with the site and its surroundings, understanding the local landform, how the site fits into the street network, the neighbouring land uses and local features of interest.

- 13.22** The illustrative masterplan also show how the proposed community buildings can form a hub to the development and the wider village at the entrance from Warmwell Road. There is also provision for other amenity open spaces and play areas and allotments incorporated into the MP layout and provision of access to this new infrastructure. It is noted that the remainder of the policies in the Design SPD are largely concerned with detailed design matters which will come to the fore at the reserved matters (RM) stage. Notwithstanding this, Policy H of the SPD requires development to maintain and enhance local character. In the policy it notes that in applying this policy *“this doesn’t mean that development should simply copy what already exists, or that new technologies cannot be used.”* The more formal planned garden suburb style proposed within the masterplan does not have any real existing precedence within Crossways which has had a more organic, less obviously planned pattern of development during the post-war period. It does not however, mean this approach is unacceptable. Delivered well, with regard to the remaining criteria in the Design SPD, the proposed masterplan has the opportunity to enhance its local character, providing a new chapter in ~~its~~ Crossway’s growth and development.
- 13.23 Proposed masterplan – Conclusion:** Establishing a suitable masterplan for the proposal across the wider outline consent is important in ensuring that the scheme can deliver a quality development over the whole site. Policy CRS1 seeks to ensure that quality by having the masterplan subject to a *“sustainability assessment such as a BREEAM Communities Assessment, carried out by a suitably qualified assessor.”* [my emphasis]. This part of the policy is emphasised because it is officer’s opinion that due to the wording of the policy, the Council could not take a position that the lack of a BREEAM assessment was a failure against the policy if a suitable sustainability assessment is otherwise submitted.
- 13.24** The submitted sustainability assessment evaluates the scheme against the criteria and policies in the Design SPD. As can be seen from your officer’s assessment above, it is considered that the MP addresses the relevant aspects of the SPD’s policies to deliver a scheme which works in harmony with the site and its surroundings whilst creating places with an appropriate mix of uses where people can get about easily without needing to use their cars. The masterplan creates well-defined streets and spaces whilst making efficient use of the land. It also provides for public areas of activity, overlooked by people in buildings, and private areas which are secure. It further with maintain and enhance local character. In addition, as can be seen from the discussion on the Phase 1 below, it can be seen that at the detailed stage, the designs will deliver on strengthening the local identity of the area whilst creating high quality architecture.

- 13.25** Your urban design officers note in relation to the submitted scheme, the broad layout, landscape strategy, provision of SANGS, linkages to the wider area, community infrastructure and treatment of Warmwell Road have all been dealt with successfully. It is also noted that the Design & Access Statement provides further suitable commentary on the masterplan principles although this is not technically all part of a single comprehensive masterplan. For these reasons the proposed illustrative masterplan is considered to provide a suitable basis for guiding the proposed outline development. It can be seen from the Phase 1 proposals how the wider masterplan can be delivered in practice as a detailed scheme. Provided the later RM submissions for the outline permission achieve the standard of the first phase, there can be confidence of delivering quality across the allocation. The proposals are therefore considered to comply with this aspect of Policy CRS1 and the Council's adopted Design & Sustainable Development Planning Guidelines SPD (2009).

Traffic and Travel

13.26 Highway Network Capacity:

The application is accompanied by a Transport Assessment and Travel Plan. A key aspect is the impacts of traffic movements on the wider highway network, particularly where the local highway network meets the A35 trunk road with the west-heading traffic using the Max Gate junction of primary concern. There is also the prospect of this traffic increasing usage of the level crossing from Crossways over the Weymouth - Waterloo mainline train line. Members will be aware of these issues affecting additional traffic from Crossways in relation to their consideration of proposals for the Silverlake holiday home development and the Frome Valley Road residential scheme (WD/D/15/001606). The consultation exercise has not produced particular concerns over traffic movements in other directions such as south to the A353 or north to the Tolpuddle junction of the A35.

- 13.27** It is noted in this instance that Network Rail have not raised objections to the proposals and in this particular situation, no further matters are raised with the respect to the prospect of additional traffic using the level crossing at Woodsford.

- 13.28** As with the Silverlake proposal, Highways England had raised concerns during the consultation process over the prospect of additional traffic using the Max Gate junction of the A35 with the A352 on the south-east edge of Dorchester. Highways England state that the applicant's assessment of trip rates from the proposed affordable housing units was too low but nonetheless overall accepts the residential trip rates put forward by the applicants. With regards to the employment provision, Highways England's view is that the trips rates associated with up to 12,522 m² of employment floorspace (based on B1 uses) could be accommodated on the highway network from the site. This includes a discount for 15% of the trips to be local – i.e. from Crossways to the employment site. The TA includes assessment of existing commitments such as Silverlake in the assessment of impacts.

- 13.29** Overall, Highways England's view is around one-fifth of trips generated by the proposals will travel via the Max Gate junction. Part of the proposals for

Silverlake included a scheme for making Max Gate preventing right turns from the A352 turning onto A35. As part of the Silverlake permission, there is a trigger to deliver these works before 225 of the holiday units are occupied. As part of this development, further improvements to this junction are proposed by widening the carriageway and extending the right-turn lane on the A35 to increase capacity. HE accept the principle of this scheme and agree this to be an acceptable approach to mitigate the traffic impacts of the development.

- 13.30** Highways England have considered a position from the applicants that the costs of delivering these improvements as a precursor to any development happening on the Warmwell Road site would have considerable impacts on the development's viability. They have sought to apply a degree of flexibility and accept that some short-term inconvenience may be acceptable provided that a long-term solution is delivered to improve the junction. They therefore advise that up to 100 dwellings can be occupied before triggering the need to deliver the proposed improvements to the Max Gate junction. This is proposed to be secured in the legal agreement.

13.31 Highway Safety & Parking:

The principal access to the site will be from Warmwell Road at the location of the proposed new surgery and village hall. A separate access further east along Warmwell Road is indicated to serve the employment allocation, linking into the residential area to provide permeability through the site. A further estate road from Warmwell Road on the position of the existing access to the village hall will provide access to the later phases linking in to the remainder of the scheme.

- 13.32** As set out below in the section on layout and urban design, works are proposed to Warmwell Road either side of the proposed new junction to serve Phase 1 to improve pedestrian safety across this road. The scheme will provide a cycleway along part of Warmwell Road between the western and central access points as well as a financial contribution towards DCC providing new cycle links further afield toward Moreton Station.

- 13.33** The nature of the site allows vehicular accesses with adequate visibility to be provided from Warmwell Road and with a package of measures to manage and reduce speeds along this current stretch of the B3390. Similarly within the site, there are no particular constraints to providing a layout to meet highway standards for safety and movement whilst complying with urban design aims of connectivity and permeability. The capacity of the local highway network to accommodate the additional traffic generated by the proposed residential, community and employment development has been taken into account.

- 13.34** As set out in the Phase 1 discussion below, the scheme provides parking for the proposed dwellings in a mix of on-site, on-road and parking courts. The parking levels accord with the standards set down in the adopted Bournemouth, Poole & Dorset Residential Car Parking Study, the implementation of which is set down in the adopted Policy COM9. Having regard to the indicative masterplan layout for the remainder of the site, there are no obvious concerns about the ability of the later phases to similarly deliver development with parking to meet these standards utilising the same variety of provision whilst remaining in accordance with the garden suburb vision for the

scheme.

- 13.35 Traffic & Travel conclusion:** Policy COM7 seeks to locate development generating significant movement in locations where the need to travel will be minimised and the use of sustainable transport modes including public transport, walking and cycling can be maximised. As a focus for development under the spatial strategy in the LP, Crossways is a settlement which meets these criteria with access to public transport facilities with both bus and train services within walking distance of the site. The estate road has been designed to accommodate bus services being diverted through the development to serve residents. Links to the station will also be improved for pedestrians and cyclists and measures in the submitted Travel Plan will promote use of these alternative options.
- 13.36** As a mixed-use scheme, the development provides opportunities long-term to access employment locally as well as community facilities and extensive recreational areas. Thus the scheme can deliver access to a range of day-to-day facilities by means other than the private car, delivering social and environmental benefits. Furthermore, the scheme allows for access to the remainder of the village, providing suitable links for new residents to access the school, shops, library and so on. By providing these in a safe manner, the development can promote integration into the village. Through the physical measures and the Travel Plan, encouragement can be given to accessing these facilities by sustainable travel modes.
- 13.37** Highways England have confirmed that the development will have acceptable impacts on the trunk road network subject to safeguards to ensure improvements to the Max Gate junction to accommodate the additional traffic on this route. The Highways Authority have not raised objections with regards to the capacity of the remainder of the highway network to accommodate the traffic generated by the overall development. For these reasons, the scheme is considered to meet the test in Policy COM7 to ensure the volume of traffic likely to be generated can be accommodated without exacerbating community severance or resulting in severe cumulative impacts on the efficiency of the transport network. It is further considered to have demonstrated it complies with the test in COM7 not have a severe detrimental effect on road safety.
- 13.38** Phase 1 of the proposals complies with adopted parking standards set down in Policy COM9 and there are reasonable prospects the remaining phases can deliver the rest of the proposed residential element whilst meeting this parking standard. The Highways Authority have considered these proposals and have not raised objections to the scheme subject to the provision of financial contributions towards the off-site highway works. With these contributions secured, it is considered that the scheme will comply with the tests in Policy COM7 & COM9.

Employment Provision

- 13.39** The outline permission proposes to provide 2.5ha of employment land. This is located at the far eastern end of the allocation adjoining the junction of Warmwell Road with Moreton Road. A separate vehicular access from Warmwell Road is proposed to serve the employment allocation which will link into the residential element to the south, providing a secondary route into the

development. The area of the employment allocation largely follows the field boundaries of an existing parcel of land lying inside the junction of the two roads. The illustrative masterplan indicates retention of the existing field hedges and a small copse to the south providing a physical and visual buffer between the employment and residential areas and the proposed SANG.

- 13.40** In terms of the location of the employment land, it is noted that this is not sited next to the current business park at the Hybris which might be an expected location for the further business units. However, the adjacent land could not serve as an 'extension' to the business park as it is not feasible to effectively link into Scotton Way due to the relative ground levels, thereby defeating the purpose of siting the employment allocation next to the Hybris. As noted in the discussion on the masterplan above, greater importance is given to creation of a centre or hub for the village around Warmwell Road where this also links well to current facilities along Mount Skippet Way for example. This would be compromised by locating the employment land east of the Hybris.
- 13.41** In addition, there is considered to be logic in the proposed location of the employment land at the Fiveways junction. Here ~~ist~~ relates to a number of existing businesses clustered around this road junction and is furthermore closer to public transport links at the railway station. Paragraph 12.3.1 of the LP notes that the north-east corner of the site is *"likely to be more suited to employment uses as a key employment site."*
- 13.42** The policy requirement in the CRS1 allocation is for the provision of at least 3.5ha of employment land. The proposal is therefore deficient in its employment provision against the policy by 1ha or 30%. The proposal is therefore ~~on its face~~ contrary to Policy CRS1. The question is therefore, is it acceptable to approve the outline application where it is under-provides against the criteria in CRS1.
- 13.43** It is important to note that the current lack of 5-year supply does render this policy out-of-date as explored above. The policy continues to have considerable weight as clarified in paragraph 13.13 above but the lack of statutory weight which can be attached does in your officer's opinion impact on the ability of the Authority to resist the application solely because of an under-provision of employment land. It should be noted that this assessment is a matter of fact and degree. If the scheme did not provide any employment provision at all, the assessment may be different – it doesn't and the extent to which it is deficient (30%/1ha) is relevant. In making this assessment it also needs to be borne in mind that the allocation is further protected as a Key Employment site as set down in Table 4.1 of the Local Plan (p.82). It is therefore covered by Policy ECON2 which does still enjoy statutory weight.
- 13.44** It is noted that the employment provision for the joint Local Plan area is one of the elements the Council is consulting on as part of the LP review in its Issues and Options document (Feb. 2017). This notes that the NPPF requires Councils to regularly review its employment allocations and not to protect sites indefinitely where there is no reasonable prospect of the allocation coming forward. The proposed approach in the I&O consultation is to retain the key employment allocations (Fig. 20.1 p.119) with the allocation on CRS1 part of these.

13.45 The consultation process asked whether the Key Site approach was potentially frustrating other objectives of the plan. In particular it sought to identify whether only those sites performing a very important role in the local economy should be identified as “key” and therefore offered the strict protection under Policy ECON2. The remaining sites falling to be considered under Policy ECON3 (protection of other employment sites). The consultation exercise also sought views on whether other areas should be added to the Key Sites list.

13.46 Views have been sought from Planning Policy with regards to the proposed employment provision. They have responded as follows;

“The proposal only includes 2.5ha of employment land, 1ha below the minimum requirement as set out in policy CRS1, Policy SUS1 and lower than the level protected as a key employment site as set out in table 3.3 of the adopted Local Plan (2015). The applicant did however submit some evidence to support the proposal of a lowered amount of employment land which includes a Commercial Property Demand Report carried out by Symonds and Sampson (10th September 2015). The report states the issues with transportation to the site including a low rail bridge from the eastern direction and small winding roads accessing Crossways from the southern and northern directions, resulting in Crossways being less accessible for larger vehicles. The report also states that the bulk of the demand in Crossways is for smaller lock up units (750-2,000sqft) and these will reach saturation fairly quickly. Although the findings of the report are important in relation to this application, we would say that report provided is very basic and does not provide a significant amount of evidence to support the conclusions raised. One of the major conclusions raised in the Commercial Property Demand Report is the lack of demand for especially larger units in the area, we do understand these concerns however at present the aim of allocating employment land in the adopted Local Plan is not necessarily for the current level of demand but for the need for employment land throughout the plan period.”

13.47 *“However although the proposal does go against policies in the adopted Local Plan in relation to employment land it is very apparent that the site delivers other positive benefits, including 35% affordable housing, a replacement village hall and new doctors surgery. In the planning balance the other provisions provided by the development for the local community outweigh the lower provision of employment land by 1ha and will provide a positive benefit to the local area.”*

13.48 The Authority is not necessarily convinced therefore by the applicant’s economic statement. Nonetheless at this point it does not have any specific evidence to counter this position and there is a lack of comparable situations in the vicinity to suggest otherwise. A long-standing former employment allocation at land adjoining Oaklands Park (also known as the Hippy Field) which is 100m from the site and has had a number of planning permissions but remains undeveloped.

13.49 **Employment Provision - Conclusion:** A potential under-provision of employment land on a key site is considered to be a negative aspect of the scheme due to its conflict with Policy ECON2 & CRS1. This will need to be

weighed in the balancing exercise set out in Section 14 below. The extent to which this is a negative factor is dependent on the fact that the scheme will continue to provide new employment opportunities in a settlement in the 'second tier' of the Council's spatial strategy. It will help to provide balance in the community due to significant expansion under Policy CRS1, meeting the objectives in the LP to support the local economy to provide opportunities for high quality, better paid jobs and provide greater opportunities to reduce car use. This is why a scheme which provides the greater proportion – but not all - of the employment allocation in a sustainable location is viewed differently to one which did not deliver any employment and therefore led to considerable out-commuting from Crossways.

- 13.50** The extent of employment provision which may be provided on the proposed site could still be considerable in meeting local needs and there is not always a direct correlation between site areas, building sizes and employee numbers; some sites being operated more intensively than others. The proposed employment allocation still has the potential to provide significant economic benefit and this affects the extent to which the under-provision of employment land is a negative factor in the balancing exercise. It is feasible that the employment area could be extended into the future although this may have implications for the SANG provision and therefore only limited weight is attached to this. These matters will be given due weight in the balancing exercise.

Minerals

- 13.51** The site lies in a Minerals Safeguarding Area (MSA) identified in the adopted Bournemouth, Dorset & Poole Minerals Strategy (2014). As a result, Policy SG1 of the Minerals Strategy applies to the site. This provides that:

“The Mineral Planning Authority will resist proposals for non-mineral development within the Mineral Safeguarding Area, as shown on the Policies Map, unless it can be demonstrated that the sterilisation of proven mineral resources will not occur as a result of the development, and that the development would not pose a serious hindrance to future mineral development in the vicinity.

Where this cannot be demonstrated, and where there is a clear and demonstrable need for the non-minerals development, prior extraction will be sought where practicable and where it would not leave the site incapable of non-mineral use.”

- 13.52** Mineral Safeguarding Areas are defined in the Minerals Strategy as areas considered to contain a valuable mineral resource which should be safeguarded against sterilisation by development. The application site lies within the Superficial Sand and Gravel Resource Block and the Bedrock Resource Block, the primary sources of sand and gravel in Dorset, with the resource blocks covering large areas of the county including the vast majority of Crossways parish outside the village DDB and a considerable proportion of the Frome valley.
- 13.53** The purpose of the MSA designation is not to sterilise all forms of non-mineral development in these areas but to ensure the mineral interest is given due

weight when non-mineral development is proposed. To this end, paragraph 14.13 of the adopted Minerals Strategy indicates that where non-mineral development within an MSA would pose a serious hindrance to future extraction or processing of mineral resource in the vicinity, the mineral planning authority will work with the relevant district/borough and or/the developer to assess the feasibility of, and where possible ensure, prior extraction of an agreed proportion of the mineral resource before it is sterilised. It is further noted that proposals for prior extraction of minerals must demonstrate that the site will not be left incapable of development for non-mineral use. Paragraph 14.14 adds that it is expected that the developer will carry out the necessary site investigations to prove the mineral resource and that these will take into account factors such as the availability of the minerals, its relative scarcity, the timescale for the development going ahead, the possible extraction of the mineral and the viability of such extraction.

13.54 Trial pit data provided for the application site indicates the presence of sandy topsoil and River Terrace Deposit Sands varying in thickness between 0.25 and 1.2 metres, overlying River Terrace Deposit Gravels varying in thickness between 0.4 and 3.25 metres (absent from Trial Pit 10), overlying Poole Formation. The River Terrace Deposits ('sharp' sand and gravel) and Poole Formation ('soft'/building sand and gravel) are the mineral resources exploited in local quarrying activity and are of relevance to Policy SG1. Estimates quoted in the Minerals Strategy for unconstrained areas within the identified resource blocks indicate remaining reserves of approximately 684 million tonnes in river terrace deposits and 1,803 million tonnes of sand within the Palaeogene bedrocks (paragraph 7.40).

13.55 In accordance with the provisions of the Minerals Strategy, representatives of the mineral planning authority (Dorset County Council) were involved in pre-application discussions concerning the mixed-use development proposals. Accepting that the mixed-use allocation responds to identified development needs and in recognition of the pressing need for housing in West Dorset, the County Council's officers have sought provision for securing the prior extraction of a proportion of the mineral resource underlying the site before it is sterilised by the proposed development. This has led to the submission of a planning application to the mineral planning authority proposing the extraction of up to 131,000 tonnes of sand and gravel from an area of approximately 5.71 hectares of land within the allocated area (App. No. WD/D/16/000652 - <http://countyplanning.dorsetforyou.com/ePlanningOPS/loadFullDetails.do?apld=5598>). The subject area extends south of the Summer Farm buildings and stretches east to the Moreton Road and therefore includes the employment allocation and part of the proposed SANG area as well part of character areas 3, 4, 5 & 6. It does not include the area in which full planning permission is sought at this stage.

13.56 The application envisages that extraction would take one year to complete, with the restoration of the site being through the site's redevelopment as part of the outline planning application before members. In brief, the proposal provides for the extraction of up to a 1.0 metre depth of sand and gravel, thereby avoiding any deep ground disturbance and allowing for the maintenance of 2 metres of unsaturated ground above the natural water table. It is submitted that this would then allow for the use of soakaways as a means

of managing storm water discharge from the proposed mixed use development, prevent potential contaminants from reaching groundwater's and avoid the need for infill material to be imported to the site prior to the site's mixed use development. No mineral processing facilities are proposed to be provided on site, the proposal being that the extracted sand and gravel be exported by lorry for processing at an existing facility elsewhere.

13.57 The County Council advises that the level of extraction proposed is likely to account for between one quarter and one eighth of the gravel resource anticipated to underlie the areas proposed for development. Dorset County Council considers this to be a small, but significant proportion of the mineral resource believed to be present. In the opinion of the mineral planning authority, a greater proportion of the available mineral resource could be obtained through shallow extraction across a wider area than presently proposed and/or slightly deeper extraction followed by such backfilling as may be necessary to ensure maintenance of the desired 2 metres of unsaturated material above the groundwater level, with such backfilling utilising material imported to the site and/or excavated from other parts of the development site, but acknowledges that such extraction is likely to be near, and potentially beyond, the margins of economic viability. It has also been acknowledged that importing fill material to render the site capable of development could significantly delay the delivery of the allocated development.

13.58 Minerals – Conclusion: Accordingly, subject to the grant of planning permission securing the prior extraction of mineral at least equivalent to that proposed in planning application WD/D/16/000652, the County Council has indicated that the mixed used development proposal is considered acceptable under Policy SG1 of the adopted Minerals Strategy and that such extraction is unlikely to leave the allocated area incapable of non-mineral use.

13.59 The minerals application remains undetermined by the County Council, in part pending the decision on this application. The scheme provides for prior excavation where this is practical whilst at the same time not compromising the delivery of the Phase 1 full permission. A 12 month extraction period for the minerals would work with a construction period on Phase 1, limiting the possibility of residents of the new development being affected by minerals operations nearby. In order to deliver this – thus complying with Policy SG1 – a requirement for this is proposed in the Heads of Terms of the s106 agreement. This is to ensure not only that the minerals excavation takes place but also that this is scheduled at the beginning of works on the land as part of an agreed phasing plan. With these safeguards, the proposal is considered to comply with the provisions of the adopted Minerals Strategy.

Archaeology & heritage assets

13.60 Within the western side of the wider outline application is sited a Scheduled Ancient Monument (SAM) described as a “prehistoric earthwork in Bowley’s Plantation”. It is noted that there is no Conservation Area for Crossways. The nearest listed buildings to the site are the Frampton Arms pub and its outbuildings at the level crossing at Moreton station. Due to the distances involved – over 800m from the nearest point of the site along Warmwell Road – the development is not considered to materially impact on the setting of these listed buildings. There is a further SAM approximately 350m south-east

of the corner of the proposed SANG. This is Tinkers Barrow, a Bronze Age bowl barrow set within a woodland.

- 13.61** Due to the distances to the other heritage assets listed above, it is considered that the assessment of the impacts on heritage assets is concentrated on the Bowley's Plantation SAM. Around half of the area of the monument lies outside the application site in a wooded area adjoining the Hybris. Within this area, it survives as an identifiable above-ground earthwork consisting of raised banks of two sides of a rectangular enclosure. It is only this part which is protected as a SAM. Within the site itself, visible remains of the monument have been ploughed out. However, a geophysical survey undertaken in support of the application appeared to establish the remainder of the enclosure survives as a sub-surface feature.
- 13.62** Field investigations of the site carried out earlier this year found dating evidence within the bank and ditch feature dating back to the late Iron Age. No evidence of the use of the interior of the enclosure were found. Iron Age enclosures are common across Dorset but this site is unusual for its lowland location as opposed to the more widely known hillforts and also its double-banked construction, making it an important element of the later Iron Age central Dorset landscape.
- 13.63** The application is accompanied by a settings assessment. This advises that there will be impacts to the setting of the SAM and thereby its significance with the possibility that the current indicative layout could involve a road over the sub-surface remains, or at best right up to the remains. The report notes; *While the physical integrity of the monument as a whole will be maintained, the asset will be visually isolated from its setting with the introduction of suburban elements to this rural monument. As such, it is argued that the net effect will be to cause harm to the significance of the asset*".
- 13.64** The report therefore proposes mitigation for these impacts. As no features were identified outside of the SAM, they suggest a 5m protection buffer to the remains. This will require the indicative layout to be amended in the vicinity of the monument. The report also recommends assisting in the interpretation and appreciation of the SAM by providing enhancements to the understanding of the remains. It suggests it would be desirable to establish access around the entire monument, removing current undergrowth which partially obscures the upstanding remains outside the application site to allow for better understanding of the site. In addition, interpretation panels are suggested along with a walking route around the monument.
- 13.65** **Archaeology & heritage assets – Conclusion:**
It is noted that aspects of the proposed mitigation suggested by the Settings Assessment cannot be secured because they lie outside of the applicant's control. The statutory designation of the SAM extends only to the upstanding earthwork which lies outside the site and therefore the impact of the development is on the monument's setting. As the full mitigation could not be delivered, then it must be assumed that the net effect will be harm to the significance of the asset as set out above. The assessment which needs to be made is whether this results in substantial harm as this introduces different tests under the NPPF.

- 13.66** The NPPG advises that for a development to result in significant harm is a high test so it may not arise in many cases. It is the degree of harm to the asset's significance rather than the scale of the development that is relevant. The NPPG confirms the harm may arise from development within its setting. In this case where the integrity of the actual remains can be preserved by amendments to the layout of the scheme at the RM stage and there are no physical impacts to the SAM itself, the conclusion is that the development would result in less than substantial harm to the significance of the monument.
- 13.67** Paragraph 134 of the NPPF advises 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 securing its optimum viable use. The responses of Historic England and the County Archaeologist are noted. In these circumstances the impacts to the SAM are considered to be acceptable when balanced against the considerable benefits the remainder of the development provides.

Landscape impact:

- 13.68** The site lies within the Crossways Gravel Plateau Landscape Character Area in the Council's adopted Landscape Character Assessment SPD (LCA). The site is outside the AONB. The assessment identifies this as a heath and forest mosaic landscape type. The LCA identifies the southern and eastern parts of this character area have a more intimate feel due to the undulating landform and increased woodland cover and notes the characteristic intimate landscape and filtered views from within the wooded and undulating land in the east. Due to the relatively flat nature of the site and the surrounding area coupled with the mosaic of woodland over the wider area, long-range views of the site are limited.
- 13.69** As set out in the masterplan assessment, the scheme looks to incorporate existing landscape features within the site thereby retaining important parts of the existing landscape framework. This retains existing trees and copses/woodland areas as well as field hedges. Consequently views of the development would only become apparent in closer range views. From these points, the development would result in the change from an agricultural character to a built development, extending the village into the surrounding countryside.
- 13.70** **Landscape impact - Conclusion:** As part of the scheme, the key landscape elements in the LCA are retained. Views of the development are filtered through the retained hedges and tree belts. In the vicinity of Warmwell Road, the development would appear as a logical extension to the settlement where the developed area of the village is readily apparent. The garden suburb layout fits well with village fringe character where a sense of spaciousness and a verdant appearance are characteristic. Moreover, with the provision of the SANG, the scheme represents an opportunity for the scheme to contribute to the landscape character of the area. The proposals are therefore considered to comply with Policy ENV1 of the Local Plan.

Heathlands and Poole Harbour Site of Special Scientific Interest

13.71 Dorset Heathlands:

The application site is within 5km of both the Warmwell and Winfrith heathland SSSIs. These European-level designations are in recognition of the international importance of the surviving fragments of lowland heath in Dorset. These provide habitats for numerous protected species including all native reptile species. A requirement of CRS1 is for the development to mitigate any adverse effects upon internationally designated heathlands. .

13.72 Monitoring and evidence from Natural England demonstrates the negative impacts of increased residential development in proximity to the protected heathlands. The SSSIs are particularly vulnerable to detrimental effects from domestic pets with dog walking identified as a principal issue where species such as nightjar and other ground nesting birds can have their habitats disturbed. As a consequence of these impacts, Natural England has recommended an effective embargo on new residential development within 400m of the protected heaths.

13.73 In addition, NE's evidence demonstrates that increases in residential populations up to 5km from heathlands can adversely impact on the integrity of the heaths particularly when the cumulative impacts of all residential development within a 5km zone is taken into account. This is due to the propensity for residents to still travel to the heaths for recreation, dog walking and so on at these distances. However, Natural England recognise that to prevent all form of development within the 400m to 5km zone would have significant implications for the growth of the main settlements in the County, in effect stymying all further residential development within the Poole/ Bournemouth conurbation for example.

13.74 In order to facilitate a solution to this issue, NE's position is that residential development can occur within the zone up to 5km provided suitable mitigation is provided for the impacts of development on the integrity of the heathlands. In the majority of cases this takes the form of a financial contribution per dwelling which is used for management of existing heaths such as wardening or education and the provision of Suitable Alternative Natural Greenspace (SANG). For the majority of applications, the Council's CIL contributions in the affected areas are 'top-sliced' to provide the heathland mitigation contribution to be put towards appropriate projects off site.

13.75 However, where the number of units exceeds 50, Natural England's position within its adopted Planning Framework SPD is that SANG provision should be made on-site as part of the development. It is also noted that this Strategic Allocation is specifically excluded from CIL by the Local Plan and therefore there is a need to secure bespoke infrastructure contributions via a s106 agreement.

13.76 The SANG contribution is as detailed in para. 2.12 – 2.13 above and the application proposes the change of use of this land from agriculture to SANG. The applicants have worked with Natural England in developing the SANG proposals for this site. The application is accompanied by a management plan for the SANG which sets out the criteria for establishing the extent of SANG required which is based on a formula of between 8 – 16ha of SANG per 1,000 population growth depending on the quality of the SANG. At 500 units the management plan calculates the overall population growth across the total

scheme as 1,200, creating a SANG requirement for between 9.6 – 19.2ha. Therefore at 22ha, the SANG would represent an overprovision irrespective of the quality of the natural greenspace provided.

- 13.77** The SANG contribution is divided into five parcels to be delivered as phases relative to the nearest residential element. The management plan sets out the key management objectives / operations for each SANG unit including the restoration of heath within one of the phases and the habitats contained within them with a clear plan. In addition, the management plan sets out a cost for the setting up the SANG and an annual maintenance costs for the life of SANG (80yrs) at a cost of £960k. This will need to be secured via the legal agreement. Full details of the management of the SANG can be found here; [http://wam.westdorset-dc.gov.uk/WAM/doc/Supporting%20Documents%20\(SANG%20MANAGEMENT%20AND%20PHASING%20PLAN\).pdf?extension=.pdf&contentType=application/pdf&id=1343510](http://wam.westdorset-dc.gov.uk/WAM/doc/Supporting%20Documents%20(SANG%20MANAGEMENT%20AND%20PHASING%20PLAN).pdf?extension=.pdf&contentType=application/pdf&id=1343510)

13.78 Poole Harbour SSSI

Natural England's advice is that additional; residential development results in additional nutrient loading (nitrogen & phosphorous) into the Frome river catchment and thereby into Poole Harbour. Poole Harbour has SSSI, SPA and Ramsar designations. Additional nutrient loading into Poole Harbour is adversely affecting the nature conservation interest in these internationally designated sites and therefore NE's position is to ensure that new development should mitigate for these impacts by not increasing nutrient loading whilst addressing agricultural impacts – the chief cause of nutrient loading at Poole Harbour. Again, within the areas affected, the CIL contribution is normally used to take financial contributions to be used in mitigation for these impacts. However, this does not apply to this CIL-exempt site.

- 13.79** The change of use of the land from agriculture to SANG and from agriculture to urban represents a benefit in addressing the nutrient issues which is balanced against the additional nutrients generated from additional residents. The deficit created by this requires a financial contribution of £149,089. This will need to be secured as part of the legal agreement.

13.80 Heathlands and Poole Harbour Site of Special Scientific Interest –

Conclusion: As advised in Natural England's consultee response, the LPA is the competent authority for the purposes of the Habitats Regulations. Due to the potential impact of the development on the European-level protected sites, the Council is required to carry out an appropriate assessment before determining the application. In conjunction with the advice from Natural England, the assessment is that with the proposed mitigation measures of the provision of SANG and its management along with the proposed financial contribution towards the Poole Harbour nutrient impacts, the scheme provides acceptable mitigation for the development's impacts on the internationally protected sites. Therefore the scheme complies with Policy ENV2 of the Local Plan.

Surface Water & Flood Risk

- 13.81** The requirement in Policy CRS1 is for sustainable drainage methods to be implemented to manage surface water flooding issues and ensure flood risk is not exacerbated elsewhere. This mirrors the test in Policy ENV5 to steer

development towards the areas of lowest risk and ensuring development will not generate flooding through surface water runoff or exacerbate flooding elsewhere.

13.82 The site lies within Flood Zone 1 outside the area of highest flood risk, thereby complying with this aspect of ENV5. The scheme is accompanied by a drainage strategy for the site. This is based on sustainable methods and has affected the proposals for mineral extraction on the site as set out in para.13.56 above. The strategy also includes provision for drainage ponds within the SANG which is compatible with the wildlife and habitat aims of the SANG provision.

13.83 **Surface Water & Flood Risk – Conclusion:** The drainage strategy has been considered by the LLFA. They advise that the proposed strategy will provide an acceptable solution for dealing with surface water run-off issues on the site with a scheme designed to the 1:100 flood event with an additional 40% for climate change. On the basis of DCC's response, it is considered that the applicant has provided sufficient information to demonstrate that the development can take place whilst complying with the criteria in CRS1 and the tests in ENV5 to ensure that development does not cause flooding within the site or exacerbate flood risk elsewhere.

Impact to neighbouring properties

13.84 For the purposes of this assessment, this covers both the impact of the wider outline permission and the detail of Phase 1. The impact to properties in Phase 1 is assessed in detail. The impact against the remainder of the outline is considered in principle. Consideration is also given to the living conditions of occupiers of the proposed properties.

13.85 Outline consent: Considering the scale of the development, only a relatively limited number of existing dwellings will be directly physically affected by the proposed scheme. These are the four properties at Heathfield Park which are considered against the Phase 1 scheme below. The remainder of the properties impacted by the scheme are those with a current frontage or outlook over Warmwell Road.

13.86 The majority of these properties lies to the north of Warmwell Road. Due to the nature of the site, no dwellings are indicated facing directly across properties to the north of Warmwell Road. The dwellings to Old Farm Way have their back gardens backing onto Warmwell Road where the proposed access and new community buildings are proposed. The distance from the community buildings to these properties is approximately 25m at the closest points. At this distance the privacy of properties to the north of Warmwell Road will be within the guidance set down within the Council's adopted Design SPD and thereby these neighbours will continue to enjoy sufficient privacy. Similarly at these distances, the scale of the proposed community buildings are not considered to adversely affect the outlook from these neighbours or cause an over bearing impact.

13.87 On the western side of the site, the properties at 1 – 5 Warmwell Road face towards the later phases of the site on the site of the current village hall. On the indicative masterplan there would be in excess of 30m between properties

at this part of the site. There are well established hedges and field trees along this boundary of the site which officers would seek to retain as part of the detail of this part of the scheme – the masterplan indicates development set back from this boundary. This would further limit impacts to the properties concerned. There are no grounds to conclude that a scheme could not be designed for this part of the site which would not significantly adversely affect these neighbours' living conditions.

13.88 There are currently 2 dwellings on the south side of Warmwell Road, No.7 & No.13 which are east of the Summer Farm buildings. Again, development will be in the proximity of these properties during the later phases of the scheme. As they lie to the south of Warmwell Road, the development will come to the boundary of these properties with greater potential for impacts to these dwellings. Both properties lie in substantial plots but No.13 in particular lies close to its southern boundary with an outlook over the fields behind.

13.89 On the indicative masterplan, no dwellings backing directly onto these properties are shown with dwellings set back behind an access road. This is in the Moreton Walk character area, which as noted above will be a low density area of development. There is also a play area space indicated in this area. Notwithstanding that these properties will be potentially affected to a greater degree than other surrounding properties, there is no reason to suggest that a scheme cannot be designed to minimize the impact on the amenity and quiet enjoyment of both existing residents as set out in Policy ENV16.

13.90 Phase 1 – With the exception of the impacts to the properties in Old Farm Way from the proposed village hall and surgery explored above, the principal impacts from the residential elements of Phase 1 are to the properties in Heathfield Park, west of the detailed consent. There are four properties, originally built as 'live-work' units with separate live/work buildings within the plot. All four dwellings lie in generous plots.

13.91 The nearest proposed properties to these neighbours are the 3-storey Block A apartments. These are 20m from the boundary with Heathfield Park, meeting the standard in the Council' adopted design guidance (para. 7.5.2) and ensuring adequate privacy at these neighbours. Whilst this apartment block is taller than the proposed houses at 10.8m, due to the separation to the nearest property Oaktree Barn which is set a further 12m into its plot, the development is not considered to cause a significant overbearing impact or loss of outlook to this neighbour.

13.92 The proposed semi-detached dwellings south of Block A which back onto Heathfield Park are slightly closer at 16m to the boundary. Nonetheless the building-to-building distance is approximately 30m which will be sufficient to maintain acceptable privacy at the nearest property (6 Warmwell Road). These semis are 2-storey and lower than the apartment block and at these distances are not considered to adversely impact on outlook or cause an overbearing impact. There are also well established trees along the eastern boundary of Heathfield Park outside of the application site. These are protected by a Tree Preservation Order and further serve to screen the development from these neighbours. The properties will enjoy a typical suburban relationship.

13.93 Impact to neighbouring properties – Conclusion: A comparatively limited number of properties are directly impacted by the development considering its scale. Having considered both the detailed layout for Phase 1 and the indicative masterplan for the wider site, it is clear that the site can accommodate the proposed number of dwellings whilst meeting the criteria for dwelling relationships set out in the Council's Design SPD. Therefore there is acceptable evidence at this stage that development can be designed to minimize the impact on the amenity and quiet enjoyment of existing residents.

13.94 Due to the nature of the proposed layout and the limited constraints within the site, it is considered there is no cause at this stage to be concerned that the development could not provide new properties with acceptable living conditions for the proposed occupiers. Overall the impacts of the development on existing properties would be minor- to moderate at most. As such the scheme would comply with the test in Policy ENV16 to ensure development does not have a significant adverse effect on living conditions.

Scheme Viability

13.95 Policy HOUS1 requires 35% of the units across the scheme to be provided as affordable housing. Over the totality of the scheme, this would be a provision of 175 units, a very considerable benefit in meeting the very high needs for affordable housing in the plan area. Under HOUS1, the AH contribution would be a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing, unless identified local needs indicate that alternative provision would be appropriate.

13.96 The applicant had concerns over the viability of the scheme and had submitted an assessment which advised that the scheme was only sufficiently viable to provide an affordable housing contribution of 5% of the units, these to be starter homes – an initiative of the previous Government. The Council's viability advisors the District Valuer assessed the viability case and concluded that the scheme was nonetheless sufficiently viable to make a policy-compliant AH contribution. The applicants revised their position to a contribution of 30% of the units. Officers instructed the DV to assess this revised position, however their conclusions were that the scheme still remained sufficiently viable to deliver the 35% in the policy.

13.97 Scheme Viability – Conclusion: Officers continued to negotiate with the applicants on the issue of the affordable housing contribution. In light of the DV's response we have reached an agreed position of an affordable housing contribution of 35% of the units which is policy-compliant. However, this is based on a 50/50 tenure split between rented and other low-cost forms of affordable housing. This is considered to be appropriate in this particular context and preferable to delivering fewer units overall by trying to deliver more rental units. In addition, the applicant's position is that this contribution be subject to a review mechanism to assess the viability over the course of the development. Bearing in mind the scale of the development and thereby the length of build-out period, officers are content with this as an acceptable way of assessing that the predicted sale prices are realised throughout the course of the scheme. This will need to be secured as part of the legal agreement.

Sports Provision:

- 13.98** The proposals are subject to an objection from Sport England (SE). SE are an advisory consultee on all residential developments above 300 units, however they are not a statutory consultee in the Procedure Order for such a development. Therefore due weight will need to be given to SE's response in the balancing exercise in part 14 below and provision for sport is given weight bearing in mind its social and economic benefits.
- 13.99** In their consultee response SE identify that occupiers of the development will create demand for sporting provision. Their conclusion is that provision in the local area may not be able to accommodate this increased demand without adversely impacting on existing provision or overwhelming provision into the future. Their solution is to look for on-site provision or contributions to off-site provision. The nature of such provision to be informed by robust evidence. SE's response then suggests the following contribution figures towards Sports halls (£234,176) Swimming Pools (£182,570), Artificial Grass Pitches (£25,916) if 3G (£22,693 if sand) and Indoor Bowls (£35,352). This equates to a total of £478,014 (if 3G) or £474,791 (if sand).
- 13.100** In the discussion of the Heads of Terms below (para.13.100 onwards), the current legal basis for securing contributions via a legal agreement. SE's response does not identify which facilities in the local area are deficient but applies a tariff-based contribution based on the total number of units fed into their calculators. In order to justify SE's proposed contributions and comply with the CIL regulations, the Council needs to identify a specific project to which the contributions would be used. Therefore officers have sought advice internally from its Leisure Manager. They note that the nearest facilities for swimming pools and sports halls are in Dorchester and this provision is regarded as good. As a result there are no current projects identified to expand this capacity. Furthermore the proposed contributions would not be sufficient to increase capacity at these facilities.
- 13.101** In addition, officers have sought advice from the Parish Council as to their views on sports provision within the village. Currently there is an existing sports pitch on Dick O' Th' Banks Road along with a well-established skate park and Multi-Use Games Area (MUGA) granted back in 2009. The PC confirmed it does not have any outstanding projects to which such a contribution could be put. It is worth noting that as the remainder of residential development would be subject to CIL, the number of additional schemes which would make a specific contribution to any such project is likely to be limited. Where CIL already takes 17.5% of each contribution to Culture & Leisure Facilities, the Council cannot charge developers twice for the same contribution ("double-counting"). Therefore any project not fully funded by Sport England's proposed contribution would be unlikely to be delivered.
- 13.102** It is noted the PC comments also welcome the provision of the village hall. As well as full-sized badminton court, the PC note this could accommodate short mat bowls and they have also used the current village hall for archery. The village hall also provides play space for the playgroup and LEAPs are shown throughout the masterplan.

13.103 Sports Provision - Conclusion:

In making an assessment of the weight to be attached to SE's objection, it is necessary to consider the scheme as a whole. This will secure considerable amounts of informal open space directly accessible to residents and the wider village in terms of the SANG provision. It will also deliver improved cycle links. In terms of sports provision, due weight also needs to be given to the proposed village hall which provides for indoor sporting activities. Along with the Implementation Team, officers have investigated possible projects to which contributions proposed by SE could be put to. However at a local and wider district level, there is a lack of viable projects the contributions could fund. Bearing in the potential conflicts of Sport England's tariff-based approach with the CIL regulations and current Government advice on pooling infrastructure contributions, in the circumstances officers do not consider these contributions can be justified. Regard is also had to the possible marginal viability of the scheme as set out from paragraph 13.95 above.

Phase 1 – Detailed Permission

- 13.104** The full permission element of this hybrid application relates to an area of land in the centre of the allocation, due east of the Hybris Business Park. The detail of the Phase 1 provision is set out from paragraph 2.5 above. As approval of the application will grant full permission to this element of the scheme, this needs to be considered as per a full detailed permission. This assessment is set out below.

Phase 1 – Layout:

- 13.105** The approach taken in terms of the layout and character of the Phase 1 detailed consent as put forward by the applicants is of a 'garden suburb', drawing on garden city principles, which the applicant notes is supported by paragraph 52 of the NPPF. The aim stated in the D&A statement is to *"offer new residents opportunities for higher quality lifestyles promoting wellbeing and to provide new facilities for existing neighbouring Communities."*
- 13.106** In terms of how this translates into the design of the scheme, the D&A statement notes the following key elements; a harmony between built and natural forms; a character which will respond to the townscape, suburban and urban landscape character of Crossways; residential development built around perimeter blocks with focal buildings to aid legibility; walkable neighbourhoods; high quality public realm; tree-lined streets; green infrastructure and provision for cars in a neighbourhood designed to encourage walking, cycling and the use of public transport.
- 13.107** In terms of the appropriateness of this as an approach, it is noted that of the other settlements in the second tier of the spatial strategy in Policy SUS2 – referred to as the 'market towns & large villages' in the LP – these settlements such as Sherborne, Portland and Beaminster arguably have stronger historic cores and a more easily identifiable vernacular tradition than Crossways. This means there is arguably less to draw on to show that the scheme is informed by the character of the site and its surroundings as set out in Policy ENV10. The test in this policy is to ensure that development contribute positively to the maintenance and enhancement of local identity and distinctiveness. The

advice in the NPPF (para. 58) takes a broader approach, advising that development should “*respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.*”

- 13.108** In this particular circumstance, it is considered that there is an opportunity with this site to enhance the wider character of the settlement by taking a fresh approach in layout and design terms and the broad garden suburb approach is considered to be acceptable. What will be critical then is designing a scheme which meets the urban design criteria set out in Policy ENV11 and the Council's adopted Design SPD and this is examined below.
- 13.109** Also of importance to the scheme is in creating a 'hub' for the village to provide a focus for the community facilities provided as part of the development. Crossways does not have an obvious centre or core comparable to a traditional village centre arranged along its main street – like Puddletown for example. Its facilities are separated across the village, its school in one location, the post office and current doctor's surgery elsewhere and the Co-op in a different location on the Warmwell Road. The scheme therefore seeks to create an obvious focus for the development – and thereby the wider village – at the entrance to the site from the Warmwell Road.
- 13.110** The layout shows the proposed doctor's surgery and village hall framing the entrance to the site, providing an obvious sense of arrival to the development but also a focus to it. The proposed village green open space east of the village hall also provides a complimentary space to the village hall, allowing community activities to spill out into this area but also similarly a focus for community activities.
- 13.111** Some of these benefits of the scheme could be undermined if the development failed to integrate into the wider village and Policy CRS1 specifically requires good links to the wider footpath and cycle network be provided through the village. A significant aspect of the scheme are the proposed works to Warmwell Road described above. The delivery of the proposed tree-lined boulevard along Warmwell Road in the vicinity of the site, is in this officer's opinion of considerable benefit to the character and appearance of this approach to the village and the development site. At the same time it is also integral to traffic management measures to reduce speeds along this stretch and assist in safe links across Warmwell Road from the development to the rest of the village and the school in particular.
- 13.112** These measures will help integrate the community facilities provided in the scheme to the remainder of the village. They also provide a 'bridge' between the village facilities along Mount Skippett Way like the library, Spitfire Club and post office/stores over to the Co-op further east along Warmwell Road. This will be further integrated into the village as the later phases of the development progress eastwards around Summer Farm towards Moreton Road and the employment area.

Phase 1 – Urban Design:

- 13.113** The detailed layout of Phase 1 implements the garden suburb key elements set out above in its urban design. The detailed design is assessed here

against the criteria in Policy ENV11 of the adopted LP and the Council's adopted design guidance. The layout has been amended by the applicants in response to issues raised by your urban design officers and the proposals before members are the result of close working between the parties to deliver a scheme compliant with the relevant policy and SPD.

- 13.114** In the masterplan discussion above, the eight proposed character areas (CAs) were identified. The Phase 1 layout delivers all of The Village Green & Spitfire Place CAs, one of the Central Avenue CAs and extends across part of Moigne Combe Walk CA. Thus the Phase 1 details show how the proposed character areas can be successfully incorporated into a detailed scheme which also delivers on the urban design principles set out in the Council's policies and SPD, but also on the applicant's garden suburb concept, notably in relation to the Moigne Combe Walk avenue area.
- 13.115** It is considered that the Phase 1 layout also delivers on the proposed route network hierarchy set out for the wider masterplan with the central avenue primary route. A common building line is also delivered along these routes. The secondary and 'home zone' routes are located off the central avenue and are not through routes. These respect the route hierarchy with narrower streets and parking provided in-plot or directly on the dwelling's frontage. Thus the layout follows the general principles in the Design SPD of varying the ratios of height of the buildings to the road width to reinforce route hierarchies. For example, the width of the central avenue at 20 – 25m wide achieves a ratio of up to 1:5 for the central avenue reflecting its significance which is also necessary for it to serve as a bus route. The taller (3-storey) properties would be located along these primary routes.
- 13.116** The Phase 1 scheme achieves a perimeter block layout with active frontages along both the residential streets but also to the community focus areas. This achieves surveillance but also encourages interaction between residents. This layout along with the route hierarchy explained above, delivers a legible layout with well-defined streets which will be simple for residents to navigate, whether on foot, cycling or driving. It also connects well into the wider village and will provide considerable benefits for the amenity and use of Warmwell Road. There are active public areas and secure private areas to the rear gardens. In urban design terms, the scheme is considered to have taken on board the requirements of Policy ENV11 and delivered these in the detail of Phase 1.

Phase 1 Building Designs – Public Buildings:

- 13.117** As noted in the masterplan discussion above the new surgery and village hall are key buildings in the scheme providing a focus and identifiable entrance to the development. The quality of these buildings (and their delivery) is therefore critical to the success of the scheme.
- 13.118** The proposed village hall is considered to be a particularly well-realised design. It's cropped hipped roof and chimney vents, low eaves, along with its gabled front entrance to the west, creating a clear agricultural character to the building. Thus the building has a strong horizontal emphasis, making it imposing at the entrance to the site. This is both appropriate to its location but is an approach which has been successfully used on a smaller scale for the

Spitfire Club nearby for example. In addition, it is a building 'seen in the round' as it fronts onto the main access road into the development on its west elevation but will also be clearly seen in views across Warmwell Road and the proposed village green. Whilst the front entrance is to the west, the east elevation incorporates substantial areas of glazing and terrace, further reinforcing its agricultural design. This main hall area overlooks the village green space.

- 13.119** In terms of the internal layout, this is single storey only. Nonetheless it incorporates a main hall sufficient to accommodate a badminton court footprint and necessary ceiling height in a double height space. In addition, there are the other facilities set out in para.2.9 above including offices for the Parish Council. A schedule provided shows the proposed materials for the hall to be plain clay tiles with bonnet hips for the roof, walls with a brick plinth, with render above and timber weatherboard and grey frames to the fenestration. Through this, it is considered the agricultural character of the design will be successfully realised.
- 13.120** The doctors' surgery follows a similar design approach and is considered to complement the new village hall at this critical entrance point to the site. Although this building is narrower, it is of a similar height to the new hall, being 2-storey. It also shares a strong horizontal emphasis. It therefore is considered to be a sufficiently imposing building to retain an appropriate presence in the street scene at the site entrance. The same approach to materials as listed in 13.119 above is proposed, further reinforcing the contribution of the community buildings at the entrance to Phase 1.
- 13.121** The village hall building will be a considerable public benefit and the Parish Council's enthusiasm for this aspect of the scheme is noted. More than this though the building is important to the scheme and the village as a whole. The existing hall is remote and isolated from the village and irrespective of its condition, this impacts on its ability to serve Crossways. As well as providing modern facilities for various clubs and services in the village, the prospect of delivering an accessible hub for Crossways is given considerable weight.
- 13.122** The provision of the doctors surgery and the prospect of retaining this community facility for the village long-term is also worthy of strong weight in the balancing exercise. That the designs of both buildings and their siting will also provide a major benefit to the character and appearance of the area and the overall success of the scheme serves to add additional weight to this aspect of the scheme.

Phase 1 Detailed design – House designs and Housing Mix

- 13.123** The scheme provides a range of house types, sizes and designs. When designing a new residential area from scratch, there is a balance to be struck in providing the variety sought by Policy HOUS3 and the efficiency and effective use of land in ENV15. An excessive variety in types, sizes, designs and materials lacks cohesion but a lack of variety limits choice and leads to monotony.
- 13.124** To describe each house type in this report would be excessively laborious and the designs can be viewed on the Council's website. The designs have been

refined following advice from your urban design officers. As can be seen from the table in paragraph 2.7 above, the first phase delivers a mix of units from 1- to 5-bed properties with a mix of flats, terraced, semi-detached & detached houses. The majority are 2- & 3-bed units, reflecting the noted area of need in HOUS3 (para. 5.3.1).

- 13.125** Also, the phase 1 house designs includes a number of feature buildings as dwellings at critical points in the scheme. These designs are serving an urban design function, particularly around the Spitfire Place character area at the site's entrance, with the 'Dovecot' and 'Lodge' house designs being noticeably strong features around the proposed hard piazza in this area. Therefore the remaining house types account for a greater proportion of the overall housing mix.
- 13.126** The materials schedule for the phase 1 designs shows a mixture of slate and tile for the roofs in a largely even mix. The walls of the dwellings are shown as a mix of brick, render, weatherboarding and tile-hanging with brick predominant. Windows are timber casements. The designs incorporate stone and oak frame detailing, string course and corbels with arched headers. Overall the designs and materials palette are considered to give a suitable basis for the delivery of a high quality scheme. Subject to agreement of precise samples of the proposed materials, the designs of the proposed houses are considered to be acceptable.

Phase 1 Detailed design – Landscaping

- 13.127** The phase 1 proposals are accompanied by landscaping proposals. These include detailed proposals for the village green landscaping, an important aspect of the delivery of this element. This is shown as a central grassed area surrounded by meadow grassland and ringed by oak trees. This proposed landscaping is considered to complement the green's function as an important public space within the development.
- 13.128** The landscaping is a fundamental aspect of delivering the proposed garden suburb character with softer frontages and street trees an integral part of the overall concept. So for example the Moigne Combe Walk avenue, a focal feature of the overall layout proposes an avenue of lime trees along this street. A feature of the landscape proposals is the consistency of the street tree planting. So the primary route on the eastern side is shown with an avenue of hornbeam regularly spaced around the dwelling's driveways, other streets have avenues of cherry trees and so on. Emphasising this design approach, the plot frontages are shown enclosed by beech, hornbeam and other hedges. This reinforces the formal planned character of the overall scheme, fitting neatly with the garden suburb concept.
- 13.129** The phase 1 proposals also include details of the planting for the proposed roadworks. This includes creating a treed boulevard with a central row of field maple. As well as the public benefits from slowing traffic and providing safer crossing points for pedestrians, it is considered these works will deliver a considerable visual improvement to this otherwise straight and featureless stretch of highway.

Phase 1 Detailed design – Conclusion

- 13.130** The proposed detailed layout will bring forward an identifiably new chapter in the development of the village introducing a fresh character to the settlement. It is considered an appropriate approach which the quality of the Phase 1 development demonstrates will be an asset to the village. Consequently the garden suburb layout shown on Phase 1 is considered to meet the tests in Policy ENV10 to enhance the distinctiveness of Crossways. Moreover it also sets a standard for the later phases – reflected in the overall masterplan – for the remainder of the development to follow.
- 13.131** The overall concept for the site has been followed through in the phase 1 design. The house designs, materials, the layout and landscape details all work to reinforce this design concept. Overall a high-quality development is proposed which officers can commend to members and is considered will be a considerable asset to the village. The public buildings proposed in phase 1 are also considered to be well-realised designs which as well as providing extensive social benefits to Crossways, will in addition be buildings which contribute positively the character and appearance of the area.
- 13.132** For these reasons the proposed Phase 1 detailed scheme is considered to comply with Policies ENV10, ENV11 & ENV12. It also makes efficient use of the land in accordance with ENV15 and provides a suitable range of housing in line with HOUS3.

Section 106 – Heads of Terms:

- 13.133** Members' attention is drawn to para. 6.2.3 of the Local Plan which specifically exempts this site as well as four other strategic sites in the LP from CIL. Therefore, infrastructure contributions for this scheme need to be secured via a s106. If the Council is to take financial contributions in a s106 legal agreement, under the CIL Regulations (2010) as amended, the contributions must comply with the following three 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.
- In addition, Government guidance in the National Planning Practice Guidance advises that "*Planning obligations must be fully justified and evidenced.*"
- 13.134** In practice what this means for the Council is that in taking any financial contributions it must be able to demonstrate that the money will be put towards specific projects which directly address the impact of the growth in population on the site and thereby the increase in demand created. It would therefore be necessary to ascertain that local provision is currently deficient or would be in the future with increased demand and then identify suitable mitigation to address that demand failure to which the contribution could be put towards.
- 13.135** The scheme seeks financial contributions towards education provision. This would ordinarily be secured through the Council's CIL-charging regime and is therefore considered to be a legitimate planning related contribution. The response from DCC clearly sets out the rationale for the education provision across the length of development and the need at various ages of education provision locally which new residents will access. The contribution will

mitigate for these impacts, necessary for the development to go ahead and is considered to be suitably justified in relation to the development.

13.136 The provision of SANG and the financial contribution are necessary mitigation for the impact of the development on the internationally protected heathlands. These contributions are necessary to make the development acceptable and allow residential development to take place within 5km of the protected heaths. The extent of the contribution is set out in Natural England's response and is a standard applied across their adopted planning framework throughout Dorset. Similarly, the proposed calculation of the Poole Harbour nutrient mitigation contribution is calculated against a set standard for the transfer of agricultural land to non-agricultural use set out in NE's consultee response and is related to the scale of the development with due regard to the mitigation provided by the proposed SANG. This mitigation is essential to allow development to proceed which contributes to nutrient loading in Poole Harbour.

13.137 The highway improvements to Max Gate are set out in an agreed plan. These highway works are necessary to accommodate increased traffic onto the strategic trunk road network arising from the development using a sub-standard junction with the A35. In addition, the contributions towards highway improvements within the vicinity of the site are a requirement to comply with Policy COM7 to ensure development is integrated into the highway network and provides facilities to encourage non car-borne trips.

13.138 The affordable housing contribution is necessary for the development to comply with Policy HOUS1 of the Local Plan. The scheme for the mineral extraction is necessary to comply with Policy SG1 of the adopted Bournemouth, Dorset & Poole Minerals Strategy. The provision of LEAPs (Locally Equipped Areas for Play) within the site is in line with the standards in Table 6.1 of the Local Plan, being a requirement of Policy COM1. The contribution for ongoing maintenance requirements is a stipulation of COM1.

13.139 For these reasons the proposed contributions in the s106 are considered to meet the statutory tests for infrastructure contributions in a legal agreement as set down in the CIL regulations.

14. Summary

14.1 Assessment of the scheme against the criteria in Policy CRS1:

14.2 The adopted policy seeks to provide numerous elements. The proposals currently before members are assessed against the policy requirements below.

14.3 Provide a comprehensive mixed-use development: The scheme includes the entire allocation in the LP thereby delivering a comprehensive scheme. It provides 500 homes which is the suggested figure in para. 12.3.1 of the Local Plan. It delivers new local community facilities in the village hall and surgery. It proposes 2.5ha of employment land, meeting the broad aspiration for a mixed-use development but is 30% below the employment space figure in the policy. The employment allocation is in the area envisaged in the policy. However, it does not fully comply with this part of the policy.

14.4 Development to mitigate any adverse effects on designated heathlands: The

scheme provides around half of the site area as SANG. It also provides for management of the SANG but also a contribution for Strategic Access Management and Monitoring, thereby not only benefitting the ecological interest of the protected heaths by providing alternative recreational areas closer to Crossways village but also contributing towards management of the protected heaths themselves. The SANG proposals are accepted by Natural England and progress has been made with regards to transferring the land to Dorset Wildlife Trust for long-term management.

- 14.5** As the competent authority, the Council has undertaken an appropriate assessment of the impacts of the development on the European protected sites. In conjunction with the advice from Natural England, the conclusion is that the development would meet the conservation objectives to maintain and where in decline, restore the heathland and other habitat and species interest features. The scheme thereby complies with this aspect.
- 14.6** Secure effective mitigation for potential adverse effects upon Poole Harbour internationally designated sites: The scheme has demonstrated how it can be nutrient neutral subject to a financial contribution towards mitigation measures. Through this the scheme complies with this part of CRS1.
- 14.7** Deliver necessary highway improvements: The scheme makes provision for highway works in the vicinity of the site. These have been agreed by the Highways Authority. In addition, Highways England have confirmed they have no objections subject to securing junction improvements to the Max Gate A35/A352 junction by the occupation of 100 units. This aspect of the policy is met.
- 14.8** Provision of a masterplan: The scheme is accompanied by an illustrative masterplan. The detailed first phase complies with the remainder of the indicative MP. The illustrative masterplan shows how the detailed permission and the remaining phases of the wider outline approval would deliver the remaining criteria in iv) of Policy CRS1. The masterplan is considered to comply with the guidance in the Council's adopted Design SPD. The application is accompanied by a Statement of Community Involvement which sets out how the applicants have engaged with the local community in drawing up the proposals. The masterplan has not been subject to a BREEAM Communities Assessment, but the requirement in the policy is only for a sustainability assessment to be carried out. This has been submitted and sets out how the MP has been considered against the advice in the Council's adopted Design SPD.
- 14.9** The masterplan includes a mix of uses and provides for community facilities and infrastructure. The scheme will deliver SANG, along with improved access to the surrounding countryside, increasing recreational opportunities with opportunities for improvements to biodiversity. The MP will deliver links to the wider rights of way network and improve cycle network provision with contributions towards improved links to Moreton station.
- 14.10** The scheme responds positively to existing constraints, incorporating landscape features within the site into the masterplan and detailed first phase. With additional landscape areas shown on the MP, the scheme is considered to have an acceptable impact on the landscape setting of the village. The

scheme is considered to have the ability to deliver a considerable enhancement to local character, providing a distinct beneficial development in the wider character of the village.

- 14.11** The scheme provides for an acceptable drainage strategy, based on sustainable principles. The scheme has shown it can be developed without exacerbating flood risk elsewhere. The proposals show how the scheme can be phased to deliver the long-term growth of the settlement over the course of this strategic allocation.
- 14.12** The development has necessitated additional work on behalf of the applicants to appropriately assess the impact of the development on the Scheduled Ancient Monument at Bowley's Camp. The additional assessment has satisfied Historic England and the County Archaeologist in terms of the impact of the outline proposals on the SAM. This is likely to be the only aspect of the current illustrative masterplan which may need some revision at the reserved matters stage. However, this is not considered to adversely impact on the ability of the MP to continue to deliver on the remaining elements above.
- 14.13** Taking all of the elements above and bearing in mind the weight to be attached to CRS1 in light of the Council's current HLS, it is considered that the development is sufficiently in compliance with Policy CRS1.

Whether sustainable development

- 14.14** Policy INT1 of the Local Plan contains a presumption in favour of sustainable development, reflecting paragraph 14 of the NPPF. This requires an assessment of the economic, social and environmental factors affecting the scheme.
- 14.15** In terms of economic factors, the scheme would provide a long-term build programme – including the mineral extraction. This will provide economic benefits over a number of years during the construction stage. The proposed community facilities will support existing jobs within the doctors' surgery and potentially create new employment through the pharmacy and also potentially the facilities within the village hall; playgroup and so on. The development would bring a large number of economically active residents over the course of the development to a sustainable location in one of the settlements which is a focus for future development in Policy SUS2 of the LP.
- 14.16** In addition, this mixed-use development proposes 2.5ha of new employment provision. This provides a substantial economic benefit to the village, with the potential to create significant new job opportunities in a sustainable location. However, the extent of the economic benefit is not as high as envisaged in the Local Plan. This makes the assessment of the economic benefits less straightforward because the delivery of the employment site would undoubtedly be a positive aspect, but its extent will be less than sought by the adopted policy. Consequently less weight is attached to this economic benefit than otherwise would be the case.
- 14.17** Accepting this, there is nonetheless considerable weight given to bolstering the Council's housing land supply. Delivery of these Strategic Allocations will be of sizeable importance to maintaining a housing land supply at the required

level and sustaining building rates. Overall the economic benefits are considered to be positive.

- 14.18** The social factors benefits of the scheme are considered to be widespread. New community facilities will be delivered replacing existing facilities in improved locations with substantially better provision. Social benefits flow from creating a new 'centre' or hub to the village which it arguably currently lacks. The scheme also provides improved links for residents to access existing facilities in the village, with the opportunity to reinforce social cohesion and a sense of community. The additional population also serves to support existing facilities, with the potential that these are sustained into the future. The extensive provision of SANG as heathland impact mitigation provides a considerable benefit for residents 'on their doorstep' with access to recreation and leisure facilities, being beneficial for healthy lifestyles for occupants. These benefits would also accrue to existing residents.
- 14.19** The provision of 175 units of affordable housing cross the scheme would be a very significant social benefit to the area, helping to meet a substantial unmet need currently. A considerable amount of weight is given to this in the balancing exercise. The development would also provide additional choice in the local housing market. Overall the social factors would be positive and considerable weight is given to these.
- 14.20** In relation to the environmental factors, these are set out in the assessment of scheme against Policy CRS1 above. The development provides suitable mitigation for its impacts on protected heathlands and the Poole Harbour internationally protected sites, maintaining the integrity of these sites. The scheme has acceptable impacts on the Scheduled Ancient Monument when balanced against the benefits of the scheme. The scheme incorporates existing landscape features for retention and supplements this appropriate details for new landscaping of the developed areas. There is sufficient detail to conclude that the scheme complies with Policy ENV5 and will not increase flood risk on the site or elsewhere.
- 14.21** The scheme is compatible with the living conditions of neighbouring properties, complying with ENV16. The development, with suitable conditions and contributions, can be accommodated on the current highway network. The scheme can be designed to comply with Policy COM7 to retain efficiency and safety on the highway network, protecting against community severance whilst providing improvements to provision for pedestrians and cyclists. The scheme complies with adopted parking guidance.
- 14.22** The development will contribute positively to the maintenance and enhancement of local identity and distinctiveness whilst resulting in a new chapter of the settlement's character, bringing wider benefits overall to the appearance of Crossways. The development is considered to have acceptable impacts on the wider landscape character bearing in mind its extent and the substantial extension to the village that the development represents. In addition, the bolstering of the Council's HLS with development in sustainable locations makes the Authority less vulnerable to development occurring in more environmentally sensitive or less desirable locations. The development provides acceptable mitigation for its impacts on biodiversity within the site. Overall the environmental factors are considered to be

positive.

- 14.23** Overall the scheme is considered to result in economic, social and environmental benefits and therefore complies with Policy INT1 and is recommended for approval.

15. Recommendation

15.1

i. Plans list

OUTLINE PERMISSION

- ii. Approval of the details of the access, layout, scale and appearance of the development and the landscaping of the site (hereinafter called the Reserved Matters) for the remainder of the site outside of the full permission granted for Phase 1 of this hybrid permission shall be obtained from the Local Planning Authority in writing before any development is commenced on these other phases of the development.**

REASON: To ensure the satisfactory development of the site.

- iii. Application for approval of any 'reserved matter' under Condition 2 must be made not later than the expiration of ten 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.

- iv. 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).

- v. Not more than 401 dwellings total shall be constructed under this outline permission.**

REASON: The assessment of the impacts of the scheme are based on a maximum of 500 dwellings across the whole site and additional dwellings would require further assessments of impacts to heathland SSSIs in accordance with Policy CRS1 and ENV2 of the adopted West Dorset, Weymouth & Portland Local Plan (2015).

PHASING

- vi. Prior to the commencement of the development a Phasing Plan for**

the entirety of the development shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall make provision for

- a) Extraction of the mineral interest
- b) Delivery of Village Hall and Village Green as part of Phase 1. No further dwellings in later phases to be constructed in later residential phases until these are complete
- c) Delivery of serviced employment land as part of the development of the adjacent residential phase
- d) Provision of allotments as part of the development of the adjacent residential phase
- e) Provision of Locally Equipped Areas for Play as part of the development of the adjacent residential phase

Any subsequent changes to the agreed phasing plan must also be agreed in writing by the Local Planning Authority .

REASON: In the interests of achieving the objectives of the Local Plan and in accordance with Policy CRS1 of the adopted West Dorset, Weymouth & Portland Local Plan (2015).

MASTERPLAN

- vii. The development of the later phases of the Outline permission shall substantially accord with the layout and details of the Illustrative Masterplan Drwg. No. 1677/P04 Rev.C.

REASON: In the interests of achieving the objectives of the Local Plan and in accordance with Policy CRS1 of the adopted West Dorset, Weymouth & Portland Local Plan (2015).

HIGHWAYS

- viii. The highway improvements to the Warmwell Road on the site frontage shall be constructed substantially in accordance with the submitted details shown on the application drawings before the development is first occupied.

REASON: In the interests of road safety.

- ix. The Phase 1 full application hereby permitted shall not be occupied or utilised until the access, geometric highway layout, parking and turning areas shown on the application drawings have been constructed, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, these shall be maintained, kept free from obstruction and available for the purposes specified.

REASON: In the interests of road safety.

- x. No more than 100 residential units (to include 35% affordable housing) shall be occupied until the A35 Max Gate junction

arrangement, as shown in the WYG Transport drawing 'SK09' dated 21 October 2015 is completed and open to traffic, unless any variation in the design of the proposals is otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the safe and efficient operation of the Strategic Road Network (A35).

- xi. No development shall commence until a Construction Traffic Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority.**

The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The Plan shall also include contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities). The plan shall also include a scheme of signing of the heavy vehicle route to the site agreed with advice/warning signs at appropriate points. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

The CTMP shall thereafter be implemented in accordance with the approved details upon the commencement of the construction phase of the development and adhered to for the complete duration of the construction programme, unless a variation to the CMP is otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the safety of traffic on the Strategic Road Network.

TRAVEL PLANS

- xii. ~~On occupation of the development hereby approved,~~ Before the development hereby approved is first occupied or utilised the Travel Plan and Strategy included in the submissions shall be implemented and operational**

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

- xiii. Prior to the submission of any reserved matters under Condition 2 above for the approved employment allocation, a Travel Plan suitable to deal with the travel impacts of the whole 2.5ha**

employment allocation shall be submitted to and approved in writing by the Local Planning Authority. The employment Travel Plan shall be implemented in accordance with its agreed details prior to the first occupation of any approved employment building on the site.

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

DRAINAGE

- xiv. No development shall take place until a detailed and finalised surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the submitted details before the development is completed.

REASON To prevent increased risk of flooding and to improve and protect water quality.

- xv. No development shall take place until details of maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

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

FOUL WATER

- xvi. The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker • a drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing • the drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

REASON: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of

sewer flooding to downstream property.

CONTAMINATED LAND

xvii Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

The report of the findings must include:

- (a) a survey of the extent, scale and nature of contamination;
- (b) an assessment of the potential risks to: • human health, • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, • adjoining land, • groundwaters and surface waters, • ecological systems, • archaeological sites and ancient monuments;
- (c) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON: In the interests of ensuring there is no unacceptable risk to occupiers of the development in accordance with Policy ENV9 of the adopted West Dorset, Weymouth & Portland Local Plan (2015).

xviii. Submission of Remediation Scheme

Before commencement of development, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: In the interests of ensuring there is no unacceptable risk to occupiers of the development in accordance with Policy ENV9 of the adopted West Dorset, Weymouth & Portland Local Plan (2015).

xix. Implementation of Approved Remediation Scheme The approved

remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

REASON: In the interests of ensuring there is no unacceptable risk to occupiers of the development in accordance with Policy ENV9 of the adopted West Dorset, Weymouth & Portland Local Plan (2015).

- xx. **Reporting of Unexpected Contamination** In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be submitted to and approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of ensuring there is no unacceptable risk to occupiers of the development in accordance with Policy ENV9 of the adopted West Dorset, Weymouth & Portland Local Plan (2015).

EMPLOYMENT ALLOCATION

- xxi. **The development shall provide a minimum of 2.5 hectares of employment land.** No dwelling adjoining the eastern boundary of the residential development, adjacent to the proposed employment access road within the Character Areas 4, 5 & 6 as set out on page 48 of the submitted Design & Access Statement, shall be occupied before the employment allocation has been provided as serviced employment land in accordance with the phasing scheme submitted under Condition 5 above.

REASON: In the interests of securing the economic benefits of this Key Employment Site allocation in the Local Plan

- xxii. **Buildings constructed within the employment allocation hereby approved shall not exceed a total floorspace of 13,000m² (measured externally).**

REASON: In the interests of the impacts of the traffic generated by that level of employment development on the strategic highway network in accordance with Policy COM7 of the adopted West

Dorset, Weymouth & Portland Local Plan (2015).

BIODIVERSITY

- xxiii. Prior to the commencement of development, a Biodiversity Mitigation Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless any subsequent variation is agreed in writing by the Local Planning Authority .**

REASON: In order to protect the landscape qualities of the area and to safeguard and enhance the ecological value of the site in accordance with Policies SA3 and SA12 of the adopted West Dorset Local Plan (2006) and the advice in the NPPF (2012).

SCHEDULED ANCIENT MONUMENT

- xxiv. The submission of details of reserved matters under Condition 2 shall make provision for a minimum 5m buffer around the identified remains of the Bowley's Plantation enclosure as set out on page 10 of the submitted Settings Assessment by Context One received on 16 October 2017.**

REASON: In the interests of the setting of the Scheduled Ancient Monument in accordance with Policy ENV4 of the adopted West Dorset Local Plan (2006) and the advice in the NPPF (2012).

BROADBAND

- xxv. No development above damp proof course of any building hereby approved shall take place until a scheme for facilitating infrastructure to support superfast broadband technology to serve the development has been submitted to, and approved in writing by, the local planning authority. The scheme shall include a timetable for implementation, including triggers for a phased implementation if appropriate, Thereafter, the development shall proceed in accordance with the agreed scheme.**

REASON: To ensure that the utilities service infrastructure is sufficient to meet the extra demands imposed by this development, in accordance with West Dorset, Weymouth & Portland Local Plan policy COM10. (The Provision of Utilities Service Infrastructure).

PHASE 1 DETAILED CONSENT

- xxvi. The Village Hall hereby approved shall be laid out with a full-size badminton court in the main hall as shown on Drwg. No. 1677 P VH 01 prior to the Village Hall first being brought into use.**

REASON: In the interests of sports provision as part of the development in accordance with Policy COM1 of the adopted West

Dorset Local Plan (2006) and the advice in the NPPF (2012).

- xxvii. The Phase 1 full permission development shall be carried out in accordance with the materials details in the approved Drwg. No's 1677 P10-1 REV A, 1677 P10-2 REV A & 1677 P11. No development above damp proof course of any dwelling approved under the Phase1 full permission shall take place before samples of the materials to be used on that building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details unless otherwise agreed in writing by the Local Planning Authority .**

REASON: In the interests of the character and appearance of the area in accordance with Policy ENV12 of the adopted West Dorset Local Plan (2006) and the advice in the NPPF (2012).

- xxviii. The development shall be carried out in accordance with the boundary treatments set out in the approved plans Drwg. No's 1677 P 03-1 to 5 REV A. The boundary treatments to each individual building shall be completed in their entirety prior to the first occupation of the building concerned. The boundary treatments shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority .**

REASON: In the interests of the character and appearance of the area in accordance with Policy ENV12 of the adopted West Dorset Local Plan (2006) and the advice in the NPPF (2012).

- xxix. The development of the Phase1 full permission shall be carried out in accordance with the landscaping details set out in the approved plans Drwg. No's TD742_04B & TD742_05 – 08. The landscaping shall be carried out in accordance with the soft landscape works specification set out on the approved plan Drwg. No. TD742_08.**

All planting seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the commencement of the works on the landscaping plan concerned unless the Local Planning Authority gives written consent to any variation.

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. The landscaping shall thereafter be retained.

REASON: In the interests of the character and appearance of the location in accordance with Policy ENV10 of the West Dorset, Weymouth & Portland Local Plan (2015) and the advice in the NPPF

(2012).

- xxx. The development shall be carried out wholly in accordance with the Arboricultural Assessment & Method Statement by Barrell Tree Consultancy dated January 2016. The agreed tree protection measures shall be retained during the course of the development and there shall be no variation to the agreed protection measures without the prior written agreement of the Local Planning Authority.

REASON: To protect preserved trees within and adjoining the site during construction in the interests of preserving the character and of the area in accordance with Policy ENV10 of the West Dorset, Weymouth & Portland Local Plan (2015) and the advice in the NPPF (2012).

INFORMATIVE NOTES

INFORMATIVE NOTE: The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under Section 38 and those works under Section 278 of the Highways Act 1980, the applicant should contact Dorset County Council's Development team. They can be reached by telephone at 01305 225401, by email at dli@dorsetcc.gov.uk, or in writing at Development team, Dorset Highways, Environment and the Economy, Dorset County Council, County Hall, Dorchester, DT1 1XJ.

INFORMATIVE NOTE: If the applicant wishes to offer for adoption any highways drainage to DCC, they should contact DCC Highway's Development team at DLI@dorsetcc.gov.uk as soon as possible to ensure that any highways drainage proposals meet DCC's design requirements.

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

INFORMATIVE NOTE: The applicant intends to rely heavily on infiltration. They will therefore need to demonstrate, through further post extraction ground investigation, that soakaways remain feasible. Given the proposed use of soakaways across the site, it is important that soakaway tests and GW readings are representative of all the areas expected to support infiltration. DCC's FRM team as relevant LLFA will be unable to discharge condition (??) above,

without detailed information concerning ground conditions that substantiate the use of drainage through infiltration. Should the site, after mineral extraction, be found not to support infiltration, then the applicant will need to propose alternate and detailed designs for capturing and attenuating SW.

The DCC/FRM generic guidance note regarding SW management, can be found at www.dorsetforyou.com/localfloodrisk

INFORMATIVE NOTE: The highway proposals for the A35(T) associated with this consent involve works within the public highway, which is land over which you have no control. Highways England therefore requires you to enter into a suitable legal agreement to cover the detailed design and construction of the works. Please contact the Asset Manager, Steve Hellier, (telephone 0300 470 4383) at an early stage to discuss the details of the highways agreement.

The applicant should be aware that an early approach to Highways England is advisable to agree the detailed arrangements for financing the design and construction of the scheme. Commencement of works will also need to be timed to fit in with other road works on the strategic road network or local road network to ensure there are no unacceptable impacts on congestion and road safety.

Please be advised that Highways England will charge Commuted Sums for maintenance of schemes delivered by third parties. These will be calculated in line with HM Treasury Green Book rules and will be based on a 60 year infrastructure design life period.

INFORMATIVE NOTE: At all times, a contact telephone number shall be displayed on site for members of the public to use to raise issues. A named person will also be provided to Environmental Health in order for contact to be made should complaints be received.

The use of any radio / amplified music system on site must be kept at a level not to cause annoyance to noise sensitive premises beyond the boundary of the site.

Any future sub-contractors to the site shall be made aware of, and comply with any guidelines/conditions relating to site management of emissions of noise, dust, smoke, fumes etc., made in as part of the determination of this application. Letter drops to adjacent residents in close proximity should be considered as part of the Construction phase to give a minimum of 48 hours notice of any exceptional activities proposed.

Any waste arising at the site shall be appropriately segregated and controlled prior to its removal by an appropriately licensed

contractor. Any waste arising from the activity which could potentially be contaminated in any way shall also be segregated again, and removed appropriately. Environmental Health must be informed if this occurs.

1.0 Application Number: WD/D/16/000378

Application Site: Land south of Warmwell Road, Warmwell Road, Crossways

Proposal: Full planning permission for the erection of 99 open market dwellings & affordable dwellings, a new doctors surgery, a replacement village hall, a car park, a new village green, new vehicular and pedestrian accesses and works to Warmwell Road. An outline application for the erection of 401 open market and affordable dwellings, the provision of 2.5ha of employment land, new vehicular and pedestrian accesses, roads, footpaths and cycleways, a car park for the proposed Site of Alternative Natural Greenspace (SANG) and 2 pumping stations; and a full application for the change of use of 22.4ha of land to Site of Alternative Natural Greenspace (SANG).

Applicant: C & G Properties Ltd

Case Officer: Ann Collins

Ward Member(s): Cllr N Ireland

This application is on this Planning Committee agenda as the application has been the subject of a committee resolution in November 2017, but the decision has not yet been issued and amendments are now being sought to that resolution.

2.0 Summary of Recommendation:

2.1 Recommendation A: Delegate authority to the Head of Planning to grant planning permission subject to planning conditions as detailed in section 16 of this report and the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Head of Planning to secure the following:

- 35% of the units as affordable housing with 50/50 tenure split between rented and shared ownership/low-cost affordable housing
- A clause to revisit the viability of the scheme and the affordable housing provision at 100, 200, 300 & 400 units
- Education contribution of £5,444 per dwelling with 2 or more bedrooms index linked using RPI from the date of this committee report
- Provision of a minimum of 22.4ha of suitable alternative natural greenspace (SANG) with a maintenance contribution of £960,000 and supporting funding provisions of £241 per dwelling (SMM) index linked using RPI from the date of this committee report
- Financial contribution of £149,089 towards mitigation for the impacts of the development on nitrogen levels in Poole Harbour index linked using RPI from the date of this committee report
- Highway contributions of £560,000 towards off-site highway works to include works to Warmwell Road and a Cycle Route Scheme index linked using RPI from the date of this committee report

- Provision of a minimum of three no. Locally Equipped Areas for Play, approval of maintenance and management arrangements and financial contributions towards maintenance of the proposed LEAPs of £58,540 index linked using RPI from the date of this committee report if they are transferred to the Parish Council to manage and maintain

Recommendation B: Refuse permission for the reasons set out below if the S106 agreement is not completed within 6 months of the date of the committee resolution or such extended time as agreed by the Head of Planning.

1. Policy HOUS1 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 requires a minimum on-site provision of 35% of the units as affordable housing. In the absence of a planning obligation to secure these affordable units the scheme would fail to meet the substantial unmet need for affordable housing in the district and the proposal would therefore be contrary to Policy HOUS1 of the adopted Local Plan.
2. Policy COM1 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 sets out that where new development will generate the need for new or improved community infrastructure and this need is not being met through the Community Infrastructure Levy, suitable provision should be made on site. Policy CRS1 of the Local Plan sets out the expected infrastructure for this site and its development. In the absence of a planning obligation to secure the required community infrastructure the scheme would fail to mitigate the increase in demand for the necessary infrastructure to support the development and to avoid and mitigate for the adverse effects upon internationally designated heathlands and additional nutrient loading upon the Poole Harbour internationally designated sites. It would namely fail to provide for:

Education;

Recreation spaces in the form of Sites of Alternative Natural Greenspace and the supporting maintenance and funding mechanisms required for the future;

Mitigation of the impacts upon the Poole Harbour internationally designated sites;

Highway improvements;

Children's play provision.

In the absence of a planning obligation the proposals therefore fail to meet the provisions of Policies COM1, CRS1, INT1, ENV2 and COM7 of the West Dorset, Weymouth and Portland Local Plan (2015) and the National Planning Policy Framework (2019).

2.2 This is very similar to the recommendation made to the planning committee on 16th November 2017 when the planning committee resolved to delegate authority to the Head of Planning in accordance with the officer's recommendation to them. The difference to the recommendation now is in respect of the proposed conditions, the elements to be included in the S106 agreement and part B of the recommendation in respect of what could happen if the S106 agreement is not completed within 6 months of the date of the committee resolution.

AMENDMENTS/ADDITIONS TO PREVIOUSLY RECOMMENDED CONDITIONS

2.3 It is proposed that the wording of condition no. 6 be amended to read as follows:

1. Prior to the commencement of the development a Phasing Plan for the entirety of the development shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall make provision for:
 - a) Extraction of the mineral interest in accordance with a scheme to be first approved in writing by the Local Planning Authority from the area outlined in red on the Site Location Plan Drwg no. 1701 P01 Rev A prior to the commencement of any development the subject of this outline planning permission within that same area.
 - b) Delivery of the Village Green as part of Phase 1. No further dwellings in later phases to be constructed until it is complete.
 - c) Delivery of serviced employment land as part of the development of the adjacent residential phase.
 - d) Provision of allotments as part of the development of the adjacent residential phase.
 - e) Provision of Locally Equipped Areas for Play as part of the development of the adjacent residential phase.
 - f) The proposed village hall and adjacent parking spaces being constructed and ready for first use prior to the demolition of the existing village hall or the commencement of construction of the final phase of the development, whichever is soonest, and the submission of a scheme for the interim landscaping of the proposed village hall site until such time as the village hall is constructed. The interim landscaping scheme for the village hall site is to include details of the planting and its maintenance and shall be implemented and completed in full as part of Phase 1 and shall be maintained and retained thereafter until such time as the village hall is constructed on the site.
 - g) Provision of the doctor's surgery.

Thereafter the development shall be carried out in accordance with the phasing plan and any subsequent changes to the agreed phasing plan must also be agreed in writing by the Local Planning Authority.

REASON: In the interests of achieving the objectives of the Local Plan and the site specific policy.

2.4 It is also proposed to reflect the National Planning Policy Framework (2019) to include a condition regarding the design of the development to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. Paragraph 110 of the NPPF requires applications for development to make such provisions in respect of design.

2.5 It is therefore recommended that an additional condition is included as follows:

No development above damp proof course of any dwelling in the phase 1 full application area shall be carried out until a scheme showing how the charging of plug-in and other ultra-low emission vehicles is to be provided in safe, accessible and convenient locations has been submitted to and approved in writing by the Local Planning Authority. Furthermore as part of any reserved matters application relating to design, details shall be provided to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development. Thereafter the development shall be carried out in accordance with such details as have been approved by the Local Planning Authority.

REASON: To ensure that adequate provision is made to enable occupiers of and visitors to the development to be able to charge their plug-in and ultra-low emission vehicles.

2.6 It is proposed to amend the condition, no. 23, regarding the submission and implementation of biodiversity mitigation plans. This is to ensure that as the development is proposed to be phased a mitigation plan is submitted for each phase prior to the commencement of development on that particular phase and is based on up-to-date ecological survey work so that the impacts, mitigation and enhancement of biodiversity is fully addressed.

2.7 It is proposed to simplify the wording of condition no. 11 to avoid repetition. It is proposed to omit the reference to Wessex Water from condition no. 16 as its inclusion is not considered necessary. The wording of condition no. 17 is proposed to be amended to add "prior to the commencement of development" at the beginning of the first sentence. The wording of condition no. 18 is proposed to be amended to reflect the outcome of condition no. 17. In respect of condition no. 19 it is proposed to amend the wording to allow for remediation to potentially be carried out in phases should it be considered appropriate and safe to do so

and for the remediation scheme to be varied if necessary. In respect of condition no. 29 it is proposed to introduce the need to have a timetable for the implementation of the landscaping for phase 1 to be approved.

2.8 Some very minor amendments are also proposed to the conditions in respect of typographical errors and reference to an outdated local plan.

AMENDMENTS TO PREVIOUSLY RECOMMENDED S106 AGREEMENT

2.9 The previous committee resolution (as it stands) states that the following should be included within the S106 agreement in accordance with the officer recommendation at that time:

“Highway improvements at Max Gate payable not later than the occupation of 100 units and provision of a scheme for the extraction of mineral interest from the site and the restoration of the land concerned prior to its development.”

“Provision of a scheme for the extraction of mineral interest from the site and the restoration of the land concerned prior to its development.”

2.10 It is now proposed to omit those elements from the proposed S106 agreement as it is considered that they could be adequately covered by planning conditions. Condition no. 6 is amended in respect of the mineral extraction requirements.

2.11 The committee resolution in respect of the education contribution refers to a sum of £2,722,212 which is the correct figure if all houses were qualifying dwellings i.e. had 2 bedrooms or more. However as 1 bedroom properties would not be required to contribute it is proposed to break the contribution down into a per dwelling figure of £5,444 which would be required for all 2 or more bedroom properties.

2.12 The committee resolution refers to supporting funding provisions (SAMM) for the suitable alternative natural greenspaces (SANGs) but a figure was not stated. This figure has been calculated in consultation with Natural England to be £241 per dwelling and it is now proposed that this is stated in respect of the S106 requirements.

2.13 The committee resolution refers to financial contributions towards the maintenance of the proposed LEAPs. They would be required if the LEAPs management and maintenance were transferred to the Parish Council after completion of them and for clarity it is proposed to state that and include the maintenance figure which would be £58,540.

2.14 The committee resolution doesn't specifically refer to the financial contributions being index linked although this would have been written into the

S106 agreement. However in line with current practice for Dorset Council it is proposed to specifically state this in the wording of the recommendation.

ADDITION TO PREVIOUS RECOMMENDATION

2.15 The final amendment is in respect of the inclusion of recommendation B and that the application be refused if the S106 agreement is not completed within 6 months of the date of the committee resolution or such other extended time period as agreed by the Head of Planning.

2.16 A copy of the officer's committee report from 2017 is appended for information.

3.0 Reason for Recommendation:

3.1 To allow the village hall to be constructed outside of phase 1 of the development but to ensure it is constructed and ready for first use prior to the demolition of the existing village hall. The amendment to the wording of the condition in the committee resolution would also ensure that the proposed village hall site is landscaped in the interim and has a suitable visual appearance until such time as it is developed. As such it is considered that the amendment to the phasing should aid the viability of the scheme in its initial stages but would ensure that the provision of the village hall in a later phase is not jeopardised and the site remains visually acceptable in the meantime given its location adjacent to the road.

3.2 The additional condition regarding the design of the development to allow for the plugging in of vehicles in safe, accessible and convenient locations accords with the NPPF as updated in 2019.

3.3 Amending the condition regarding the submission of biodiversity mitigation plans will ensure they are based on up-to-date ecological survey work and as such fully address the impacts, mitigation and enhancement of biodiversity.

3.4 Amending the wording of other conditions will provide clarity and address issues regarding compliance with them.

3.5 It is considered that the highway works at Max Gate and mineral extraction from the site can be addressed by conditions and should not therefore be duplicated in the S106 agreement.

3.6 It is considered that the additional wording in respect of the index linking of the financial contributions and breaking the education contribution down per dwelling and including a figure for the supporting funding provisions provides clarity.

3.7 The inclusion of the provision of the doctor's surgery within the phasing condition will ensure that it is provided as the development progresses and as demand on the existing surgery increases as a result of the additional population.

3.8 The additional recommendation B is to ensure the completion of the S106 agreement occurs in a timely manner in order that a permission exists for the development of this allocated site.

4.0 Table of Key Planning Issues

Issue	Conclusion
Impact on the provision of community facilities	There would be no reduction in the provision of community facilities as the existing hall will not be demolished until the proposed village hall is constructed and ready for first use. Including the doctor's surgery in the phasing plan will ensure that it is provided as the development progresses.
Impact on visual amenity	The requirement for the site of the proposed village hall to be landscaped until such time as the hall is constructed will ensure that the visual amenity of the area is not adversely affected.
Sustainable development and transport	Designing the development to enable charging of plug-in and other ultra-low emission vehicles would aid sustainable development and transport options for residents of the development in accordance with the NPPF (2019).
Impact on setting of heritage assets and SSSIs	Regard has been had to the changes to the NPPF since 2017, however being largely an outline application and with the planning conditions and S106 mitigation as indicated, it is considered that the NPPF assessment of importance for the setting of heritage assets/Sites of Special Scientific Interest has been undertaken and proper regard to their importance acknowledged and appropriately mitigated.
Impact on biodiversity	It is considered that the amendments to the condition wording for the submission of biodiversity mitigation plans would ensure that the impacts, mitigation and enhancements are based on up-to-date ecological survey work.

5.0 Description of Site:

5.1 The site is located to the south of Warmwell Road and incorporates a large area of currently undeveloped land as well as Summer Farm and the existing village hall. It wraps around 3 sides of Hybris Business Park and is adjacent to Heathfield Park and a number of other residential properties. To the south west of the site is Warmwell Country Touring Park.

5.2 The land is allocated in the adopted Local Plan for a mixed-use development under Policy CRS1 and the defined development boundary for Crossways was extended to accommodate this allocation as part of the Local Plan. The application follows the boundaries of the allocated site in the local plan.

5.3 The site lies in a Minerals Safeguarding Area identified in the adopted Bournemouth, Dorset and Poole Minerals Strategy (2014).

5.4. Within the western side of the wider outline application is sited a Scheduled Ancient Monument (SAM) described as a “prehistoric earthwork in Bowley’s Plantation”. There is no Conservation Area for Crossways. The nearest listed buildings to the site are the Frampton Arms pub and its outbuildings at the level crossing at Moreton station. There is a further SAM approximately 350m south-east of the corner of the proposed SANG. This is Tinkers Barrow, a Bronze Age bowl barrow set within a woodland.

5.5 The site lies within the Crossways Gravel Plateau Landscape Character Area in the Council’s adopted Landscape Character Assessment SPD. The site is outside of the AONB. The application site is within 5km of both the Warmwell and Winfrith heathland SSSIs.

6.0 Description of Development:

6.1 The application is a hybrid proposal for full planning permission, change of use and outline planning permission for this strategic site allocation in the adopted local plan. The site area covers the entire allocation set out in Local Plan Policy CRS1 which includes an allocation for mixed-use development and an indicative area for suitable alternative natural greenspace (SANG) as mitigation for the impacts of this residential development on the protected heathlands which are within 5km of the site. The overall site area is 44.21 hectares.

6.2 The outline application seeks permission for 401 dwellings in addition to the detailed consent element for 99 dwellings. The 401 dwellings would be on land to the east of the Hybris Business Park and south of Summer Farm, extending down from the B3390. The residential elements also extend around to the current village hall site to the west of the Hybris and the residential areas extend south

wrapping around the lower part of Scotton Way to link back into the application area to the east of the business park.

6.3 Within the residential elements of the scheme are indicated areas of open space with three LEAPS (play areas) shown. There are also areas of open space including around the site of the Bowley's Plantation Scheduled Ancient Monument. There are also open areas around retained tree copses within the land. A series of allotments is indicated immediately adjoining the southern boundary of the recycling centre. A separate car park west of the public bridleway along the western boundary is located to serve the proposed SANG in this area.

6.4 At the eastern corner of the site at the junction of Warmwell Road and Moreton Road, an area of 2.5 hectares of employment land is indicated. This will be served by a separate access from the B road opposite 16 Warmwell Road. This road is then shown linking into the remainder of the development to the south. Overall there are three vehicular accesses indicated with a main central access forming part of the full permission element below. The third access is at the far western end of the site on the position of the current village hall access road.

6.5 The application includes a full permission element for an initial 99 dwellings to form the first phase of the development. 35% of these units are to be provided as affordable housing with a tenure split of 50/50 between rented and shared ownership/low-cost provision. In addition to the residential proposals, the full permission element also provides for the erection of a new village hall and doctors surgery at the entrance to the site from Warmwell Road with a new car park to serve these facilities. The detailed scheme element in addition proposes a new village green behind the village hall. New vehicular and pedestrian accesses and works to Warmwell Road also form part of the detailed proposals.

6.6 Village Hall – The village hall is a single-storey but double height building located to the east of the main access onto Warmwell Road. It is intended to be a key focal point for the development whilst also serving as a hub for the wider village. The building includes a main hall sufficient to accommodate a badminton court, stage area/ancillary committee room, small hall, store rooms, playgroup facilities including an outdoor play space, foyer/entrance area, kitchen, office, toilets and changing facilities. The village hall fronts west onto the new access road into the site but also includes large glazed areas on the east elevation. This will face out onto the proposed village green running alongside the main road. 9 parking spaces are shown immediately adjacent to the new hall with the majority of the parking demand to be met by the car park behind the new surgery (see below).

6.7 Doctors Surgery – The new doctor's surgery is proposed to the west of the new junction to the B3390. This has a smaller footprint than the new village hall

but instead is 2 storey. It includes three GP rooms, a nurse's treatment room, three multi-function rooms, a private consultation room, two offices, a reception and waiting area, toilets and a staff room. A pharmacist is shown as incorporated into the surgery on the ground floor with external public access and an internal connection to the surgery's waiting room. A total of 53 car parking spaces are shown along with motorcycle spaces, designed to be shared between the community facilities. Cycle parking for both the village hall and new surgery are shown to the front.

6.8 Change of use to SANG – 22.4ha of land within the site – a little over half – is proposed to be provided as suitable alternative natural greenspace. The application seeks permission for a change of use of this land from a nil/agricultural use to be used as open space as mitigation for the impacts of the increased residential development on the site on the nearby heathland Sites of Special Scientific Interest (SSSI) at Warmwell Heath and Winfrith Heath.

6.9 The proposed SANG includes areas of grassland, woodland and heath. The SANG is shown divided into four "units" with the open grassland areas immediately surrounding the proposed residential areas. On the eastern side these adjoin the woodland at Moigne Coombe Wood. The proposals for the SANG involve limited physical intervention to these areas. The main changes are to provide new links to these areas to bring these into the public domain, creating interest for informal walking routes to be used for dog walking and informal recreation.

7.0 Relevant Planning History:

Application. No	Application Description	Decision	Date of Decision
WD/D/16/000652	Gravel extraction of up to 131,000 tonnes of sand and gravel; new vehicular access onto B3390 Warmwell Road	Not yet determined	

8.0 List of Constraints:

- In defined development boundary
- Allocated site in Local Plan – CRS1
- Landscape character area - Crossways Gravel Plateau
- Within 5km of both the Warmwell and Winfrith heathland SSSIs
- In a minerals safeguarding area
- Scheduled ancient monuments

9.0 Consultations:

9.1 Full consultations took place on the application prior to its consideration by the Planning Committee in November 2017. All comments and representations can be viewed on the Council's website and were considered in the committee report from November 2017 as appended.

9.2 This report is recommending changes to the in respect of the conditions and 106 requirements within the previous committee resolution. As such there has been no re-consultation on the application at this time regarding the proposed amended conditions or any of the other amendments within this report.

9.3 Since the application was considered by the Planning Committee in November 2017 three further pieces of correspondence have been received. The first is from the Dorset Clinical Commissioning Group and is dated 19th September 2018. The letter can be summarised as follows:

- From recent premises visits and discussion with the practice, Dorset CCG can confirm that the current GP surgery building is reasonably fit for purpose to deliver primary care services to the location population. It's ideally located for the catchment population and provides good access with parking close by.
- The surgery clinical accommodation is fully utilised although there is some scope for extension at the site, subject to planning approval.
- Having taken into account the cost and revenue implications of a possible new build surgery as opposed to the option of extension Dorset CCG can confirm, with agreements from the practice that the preferred option would be to extend the existing building.
- For local primary care services, the estimated cost of creating an additional clinical room (plus increased ancillary space i.e. corridors, amending waiting areas etc.) is in the region of £60,000. Based on these costs the CCG are seeking a contribution of £40,000 from the development.

9.4 In response to the CCG letter of September 2018 the Parish Council wrote a letter to the CCG, copying in the local planning authority. The letter can be summarised as follows:

- The Parish Council consider that an extension to the surgery will only provide a sticking plaster for a few years before another major extension is required to cater for the increasing population of Crossways.
- Seeing sick patients while major building works are carried out is potentially dangerous, noisy, dusty and provides poor working conditions.
- The Parish Council's preferred option is for a new medical centre. This would provide a modern building with low maintenance and improved

insulation suitable for the expanding needs of the local population for now and many years in the future.

- It has been the vision that the new medical centre will not just be a doctor's surgery but also house other complimentary services for the Crossways area such as dentistry, chiropractic, opticians etc. which would pay toward the running costs and provide an inclusive health service for clients.

9.5 A letter has also been received from the Ramblers, Dorset Area. The letter can be summarised as follows:

- Attention is drawn to Chapter 8 of the NPPF and paragraph 98 – decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.
- Public rights of way have not been included in the recommendations for this application.
- The illustrative masterplan, whilst illustrative, does not show any rights of way either existing or new and it would be helpful to have included them, if nothing more than to remind all concerned that they do exist, and are part of the “highway” network.
- Future plans should remedy this and that any recommendations include funding for rights of way and that anticipated diversions of public rights of way will be undertaken using the appropriate legal procedures, and with full consultation with user groups.

10. Relevant Policies:

Adopted West Dorset and Weymouth & Portland Local Plan (2015)

CRS1 – Land at Crossways

INT1 – Presumption in favour of sustainable development

SUS1 – The level of economic and housing growth

SUS2 – Distribution of Development

ENV1 – Landscape, seascape and sites of geological interest

ENV2 – Wildlife & Habitats

ENV4 – Heritage Assets

ENV5 – Flood Risk

ENV9 – Pollution & Contaminated Land

ENV10 – The landscape and townscape setting

ENV11 – The patterns of streets and spaces

ENV12 – The design and positioning of buildings

ENV15 – Efficient & appropriate use of land

ENV16 – Amenity

ECON1 – Provision of employment

ECON2 – Protection of key employment sites

HOUS1 – Affordable housing
HOUS3 – Open market housing mix
HOUS6 – Other residential development outside defined development boundaries
COM1 – Making sure new development makes suitable provision for community infrastructure
COM7 – Creating a safe and efficient transport network
COM9 – Parking standards in new development
COM10 – The provision of utilities service infrastructure

National Planning Policy Framework

As far as this application is concerned the following section(s) of the NPPF are considered to be relevant;

- 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
- 17. Facilitating the sustainable use of minerals

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

11. Human Rights:

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

12. Public Sector Equalities Duty:

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

Removing or minimising disadvantages suffered by people due to their protected characteristics

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

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

12.3 It is noted that the scheme will provide a new doctors’ surgery. This will expand provision and improve access to healthcare for residents, also meeting increased demand created by the development. A modern purpose-built facility is also likely to provide improved provision and a pharmacy will also benefit residents providing access to this type of healthcare advice and provision locally. All new buildings in the development will be required to comply with building regulations which have their own requirements in respect of access.

12.4 In addition the development would provide additional open space and access to the countryside through the provision of SANGs, allotments and LEAPs. The provision of open space provides greater opportunities for recreation, exercise and spending time outside, all of which have health benefits.

13. Financial Benefits:

Material benefits of the proposed development	
Housing Nos.	Up to 500 dwellings
Affordable housing Nos	35% of 500 = 175 dwellings
Employment land	2.5ha
Site of Alternative Natural Greenspace	22.4 ha
Replacement Village hall	
Doctors Surgery	
Village Green	
Allotments	

3 x LEAPs (play areas)	
Financial contributions to be secured via S.106 agreement	
Education contribution	£25,444 per dwelling
SANG maintenance contribution	£960,000
Strategic Access Management and Monitoring (SAMM) provisions	£241 x 500 dwellings = £120,500
Contribution towards mitigation for the impacts of the development on nitrogen levels in Poole Harbour	£149,089
Highway contributions towards off-site highway works including works to Warmwell Road and a cycle route scheme	£560,000
Highway improvements at Max Gate	Financial amount not known at this time – will be based on the physical works required by Highways England to be carried out.
Non-material benefits of the proposed development	
Business Rates	Unknown – outline application only
Council Tax	Unknown – part of the site is outline only
New Homes Bonus	Unknown – part of the site is outline only

14. Climate Implications:

14.1 The development is considered to be in a sustainable location with facilities such as a shop, village hall, library, first school and doctor's surgery all within the vicinity of the site such that a resident would not be reliant on a car to access such day to day services. SANGs and LEAPs are proposed as part of the development providing recreational opportunities on site rather than travelling further afield. The village is served by buses and it is intended that a bus would come into the site to pick up and drop off. There is a railway station at Moreton.

14.2 It is proposed to condition the provision of points for charging plug-in and other ultra -low emission vehicles.

14.3 It is proposed that the minerals would be extracted from the site prior to the development of that part of the site and thereby avoiding the sterilisation of the resource.

14.4. Energy would be used as a result of the production of the building materials and during the construction process. However that is inevitable when building houses and a balance has to be struck between providing housing to meet needs

(both open market and affordable) versus conserving natural resources and minimising energy use.

14.5 The dwellings would be built to current building regulation standards at the time of construction.

15. Planning Assessment:

Provision of the village hall:

15.1 As explained above the application was considered by the now decommissioned West Dorset District Council Planning Committee in November 2017. The committee resolved to approve the application subject to a number of conditions and the completion of a S106 agreement.

15.2 During 2019 there has been correspondence and meetings with the agent and officers of the Council with regards to the application and the lack of progress made in respect of the S106 agreement. The applicant has now agreed that they will proceed with the drafting of the S106 agreement. In the meantime the applicant is seeking an amendment to the committee resolution and specifically condition no. 6.

15.3 Condition no. 6 of the committee resolution currently reads:

Prior to the commencement of the development a Phasing Plan for the entirety of the development shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall make provision for:

- a) Extraction of the mineral interest
- b) Delivery of Village Hall and Village Green as part of Phase 1. No further dwellings in later phases to be constructed in later residential phases until these are complete.
- c) Delivery of serviced employment land as part of the development of the adjacent residential phase.
- d) Provision of allotments as part of the development of the adjacent residential phase.
- e) Provision of Locally Equipped Areas for Play as part of the development of the adjacent residential phase.

Any subsequent changes to the agreed phasing plan must also be agreed in writing by the Local Planning Authority.

REASON: In the interests of achieving the objectives of the Local Plan and in accordance with Policy CRS1 of the

15.4 The applicant has asked that the change in the village hall delivery date be reconsidered (as detailed in condition 6) as they consider that the village hall and related car parking does not need to be delivered in phase 1 but rather it would need to be delivered either prior to the demolition of the existing village hall or before the commencement of phase 4 whichever is the sooner.

15.5 Although the applicant refers to the village hall potentially being constructed in phase 4, the phasing of the development has not yet been agreed as that is the first part of the requirements of condition no. 6. As such officers are therefore recommending that for the avoidance of doubt the new village hall be constructed and ready for first use prior to the demolition of the existing village, as until the existing is demolished there is essentially not the need for a new hall, although it is recognised that the new hall not only replaces the existing but provides upgraded facilities. However, it could be built into the condition that the hall be constructed and be ready for first use prior to the construction of the final phase of development being commenced. This would ensure that the new hall is provided prior to the construction of the final phase of development to ensure the developer provides the facility.

15.6 Not providing the village hall until the existing hall is programmed for demolition or prior to the final phase of development commencing, whichever is the sooner, is considered not to jeopardise the provision of community facilities within the village, as at all times one or other of the halls would exist.

15.7 Policy CRS1 of the adopted Local Plan requires a comprehensive mixed-use development to include new homes, local community facilities and employment land. The proposed village hall is a new community facility, along with the doctor's surgery, although the policy is not specific about what those community facilities should be or when during the development they should be provided. As such it is considered that the proposed new phasing of the village hall provision would not conflict with Policy CRS1.

15.8 There is the issue of what would happen in respect of the site of the proposed hall until such time as it is constructed as it is within the area of the site the subject of the full application for planning permission. However to address that it is proposed to require an interim soft landscaping scheme as part of the condition for the site of the proposed village hall which would be required to be implemented in full and maintained until such time as construction on the site for the new village hall commenced. The condition would require the interim planting to be carried out in phase 1 of the development. This would protect the visual amenity of the area having regard to the site being at the gateway to the development. The area adjacent to the site of the proposed hall is to be a village green and landscaping of the hall site would mean that it would visually assimilate with the green until such time as the hall was constructed.

Charging of plug-in and other ultra-low emission vehicles:

15.9 Since the consideration of the application in 2017 by the committee a new version of the NPPF has been published the latest version being February 2019 (updated June 2019). At paragraph 110 of the NPPF it states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. This is a material consideration and as such it is considered that the provision of such plug-in points should be conditioned. The design of phase 1 is already detailed in the full application but a scheme could still be required prior to development above damp proof course. The majority of the dwellings (401) are subject to the outline application only and therefore the matter can be addressed and designed into the scheme at reserved matters stage.

Heritage and Landscape Assets:

15.10 The new NPPF also increased the importance of heritage assets and landscape assets and the impact of development upon them. Due regard has been had to the amendments in the NPPF and being largely an outline application and with the planning conditions and S106 mitigation as indicated, it is considered that the NPPF assessment of importance for the setting of heritage assets/Sites of Special Scientific Interest has been undertaken and proper regard to their importance acknowledged and appropriately mitigated.

Biodiversity:

15.11 Amending the wording of the condition regarding the submission of Biodiversity Mitigation Plans (BMP) would ensure that each BMP was based on up-to-date ecological survey work and that should there be substantial delays between the implementation of each phase of the development such that the ecological context could have changed this would be addressed by the BMP through a review mechanism. Doing so would ensure that the development would have an acceptable impact on biodiversity.

Other Amendments to Conditions:

15.12 In reviewing the planning conditions the subject of the resolution some typographical errors have been corrected. Also it is suggested that amendments are made to condition no. 11 regarding the construction traffic management plan to simplify the wording and avoid repetition. The changes do not in anyway change the meaning or requirements of the condition.

15.13 In respect of the foul drainage condition (no. 16) whilst officers would liaise with Wessex Water over the submitted information it is not necessary or relevant to state this in the condition and therefore reference to Wessex Water is omitted.

15.14 Condition no. 17 requiring the submission of an investigation and risk assessment in respect of contamination requires a trigger for the submission of that information and therefore the words “Prior to the commencement of development” are added at the start of the condition.

15.15 Condition no. 18 concerns the submission and approval of a remediation scheme for land contamination. Whether such a scheme is required will depend on the outcomes of condition no. 17 and the investigation and risk assessment. As such the wording of the condition has been amended to reflect that.

15.16 Condition no. 19 deals with the implementation of an approved remediation scheme should it be required in respect of contaminated land matters. It is proposed to amend the wording to potentially allow for the submission and approval of a remediation phasing scheme if it transpires that it's appropriate for the approved remediation scheme to be carried out in a phased manner and also for amendments to be made to the remediation scheme should they transpire to be necessary during the course of the remediation process.

15.17 Whilst previously it was stated that the planning permission would be the subject of a plans list condition the plans themselves were not listed. The condition has now been included in full with the plans listed (condition no. 1).

15.18 It is proposed to include within condition no. 29 the requirement to submit a timetable for the implementation of the landscaping for phase 1 and that subsequently the landscaping be carried out in accordance with the agreed timetable.

Doctor's Surgery:

15.19 The proposals within the application for the Doctor's surgery remain as they were when the application was considered by the Planning Committee in 2017. There has since been the correspondence from the CCG and the Parish Council's response to it, however that has not impacted on the application at this time. Officers are aware of, but not party to, ongoing discussions between the CCG and the applicant as to whether a new doctor's surgery should be provided on the site or alternatively a contribution made to extend the existing surgery building. Those discussions and the research associated with them are unlikely to be completed for some time.

15.20 The previous committee resolution (as it currently stands) does not include a trigger for the provision of the doctor's surgery. Therefore whilst it is included within the full planning application and indicated as being within phase 1 there would be no requirement to actually provide the building in phase 1 or later in the development. However, consideration should be given to secure provision of the surgery within condition no. 6 which is the phasing condition. The doctor's

surgery would not necessarily have to be provided as part of phase 1 as the population increase may be met by the existing surgery provision within Crossways. However as the development proceeded and more houses were occupied pressure on the existing surgery would increase and so the doctor's surgery would be required.

Public Rights of Way:

15.21 The matter of public rights of way were considered in the committee report in 2017, however, a further representation has now been received from the Ramblers. Their concern is that public rights of way must be considered in the development and that it is Rambler's policy to resist footpath diversions onto Estate Roads.

15.22 Figure 32 in the Design and Access Statement submitted with the application suggests that Footpath S49/2 which crosses the site may be proposed to be diverted at least in part along the estate road within phase 1 of the development. This would be contrary to the Rambler's policy and they are concerned that a length of the rural path would be lost.

15.23 The illustrative masterplan doesn't indicate what may be proposed for any necessary diversion of the public right of way, but of course the plan is only illustrative. Furthermore the granting of planning permission, be it full or outline, does not override the fact that in order to build on the line of an existing right of way an application to divert the right of way must first be submitted and development should not proceed unless it is approved. The granting of a planning permission does not in anyway indicate that the approval of a subsequent public right of way diversion application would be forthcoming. Nor does an application for planning permission have to show how an applicant proposes to divert a right of way should permission be subsequently forthcoming. As such it is considered that the matter of how the right of way is dealt with within the development is for a future application to divert the right of way which would be subject to consultation in accordance with the relevant legislation at that time.

S106 Agreement:

15.24 The committee resolution from November 2017, in accordance with the officer recommendation, included within the S106 agreement a scheme for mineral extraction and highway improvements at Max Gate. These matters were also, at least in part, also covered by planning conditions.

15.23 In reviewing the application and committee resolution and discussing with solicitors the details of the S106 agreement, these matters and whether they need to be included within the S106 agreement have been reviewed.

15.24 In respect of the highway improvements required by Highways England at Max Gate on the A35, these were to be the subject of a condition (no. 10 previously). It is considered that the condition adequately covers the requirement that the works be carried out and the junction be open for use prior to the occupation of the 101th dwelling. As such to also include this requirement within the S106 agreement would have been unnecessary duplication.

15.25 It was also proposed that the mineral extraction be included within the S106 agreement. The proposed mineral extraction is the subject of a separate application being dealt with by the minerals and waste planning team. The application has not yet been determined but it proposes the extraction of gravel from part of the site in accordance with the minerals safeguarding policy. The scheme for minerals extraction will be considered and controlled via that separate application and if subsequently granted would be subject to conditions. The matter to be considered as part of the application before you today is the timing of any such extraction in the interests of safeguarding the mineral and residential amenity. This matter has been discussed with the minerals planning officer who does not consider it necessary to carry out the extraction prior to the occupation of any dwelling on the site. The officer's view is that it should be carried out prior to the development of the land the subject of the minerals extraction to ensure the resource is not sterilised and that doing so would not unacceptably impact on residential amenity as the workings would apparently be shallow and not that different to ground works for a residential development. Any permission for minerals extraction given as a result of the separate application can have conditions attached to in respect of hours of working etc. if considered necessary to protect residential amenity. As such amended wording in respect of the minerals extraction is proposed in condition no. 6.

15.26 Other amendments are proposed in respect of the recommendations for the S106 agreements. It is considered that the education contribution should be broken down into a per dwelling contribution to reflect that only dwellings with 2 or more bedrooms would pay the contribution. The total contribution for supporting funding mechanisms for the SANGs (SAMM) is also now included and calculated on a per dwelling basis. A figure has been included for maintenance of the 3 LEAPs and it is clarified that this is required if they are transferred to the Parish Council upon completion.

15.27 It is now included within the recommendation that all financial contributions are index linked.

15.28 It is now proposed that for applications which require a S106 agreement to be completed that the agreement should be completed within 6 months of the committee resolution or such other time period as agreed with the Head of Planning. This should ensure that agreements are completed in a timely manner enabling the planning permission to be issued and providing greater certainty in respect of the development of the site and housing delivery.

16. Conclusion:

16.1 It is considered that the provision of the new village hall prior to the demolition of the existing hall or the commencement of the construction of the final phase of the development, whichever is sooner, would not adversely impact on the provision of community facilities within Crossways as a village hall would always be provided on site.

16.2 The provision of a new hall, albeit not within phase 1 of the development would accord with Policy CRS1 of the adopted Local Plan. As would the inclusion of the provision of the doctor's surgery within the phasing condition.

16.3 The requirement for the approval and implementation of an interim soft landscaping scheme for the site of the proposed village hall and its retention and maintenance until such time as works commences on the construction of the village hall would ensure that visual amenities were protected and that this gateway site to the development was not left in an unacceptable condition.

16.4 It is considered reasonable having regard to the NPPF (2019), which is a change in material considerations since the committee resolution in 2017, to attach a condition regarding the design of the development enabling the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

16.5 It is considered that given the planning conditions and S106 agreement mitigation (as now amended) the development would have an acceptable impact on the setting of heritage assets, Sites of Special Scientific Interest and biodiversity.

16. Recommendation:

16.1 Recommendation

A: Delegate authority to the Head of Planning to grant planning permission subject to planning 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 Head of Planning to secure the following:

- 35% of the units as affordable housing with 50/50 tenure split between rented and shared ownership/low-cost affordable housing
- A clause to revisit the viability of the scheme and the affordable housing provision at 100, 200, 300 & 400 units
- Education contribution of £5,444 per dwelling with 2 or more bedrooms, index linked using RPI from the date of this committee report
- Provision of a minimum of 22.4ha of suitable alternative natural greenspace (SANG) with a maintenance contribution of £960,000 and

- supporting funding provisions of £241 per dwelling (SMM), index linked using RPI from the date of this committee report
- Financial contribution of £149,089 towards mitigation for the impacts of the development on nitrogen levels in Poole Harbour, index linked using RPI from the date of this committee report
- Highway contributions of £560,000 towards off-site highway works to include works to Warmwell Road and a Cycle Route Scheme, index linked using RPI from the date of this committee report,
- Provision of a minimum of three no. Locally Equipped Areas for Play, approval of maintenance and management arrangements and financial contributions towards maintenance of the proposed LEAPs of £58,540 index linked using RPI from the date of this committee report if they are transferred to the Parish Council to manage and maintain

Planning Conditions:

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

Location Plan - Drawing Number 1677 P 01 received on 12/02/2016
Terrace - Type D - Proposed Floor Plans & Roof Plan - Drawing Number P-D-01 received on 12/02/2016
Terrace - Type D - Proposed Elevations - Drawing Number P-D-02 received on 12/02/2016
Mews - Type F - Proposed Floor Plans & Roof Plan - Drawing Number P-F-01 received on 12/02/2016
Mews - Type F - Proposed Elevations - Drawing Number P-F-02 received on 12/02/2016
Townhouse G - Type G - Proposed Floor Plans & Roof Plan - Drawing Number P-G-01 received on 12/02/2016
Townhouse G - Type G - Proposed Elevations - Drawing Number P-G-02 received on 12/02/2016
Manor - Type I - Proposed Floor Plans - Drawing Number P-I-01 received on 12/02/2016
Manor - Type I - Proposed Roof Plan - Drawing Number P-I-02 received on 12/02/2016
Manor - Type I - Proposed Elevations - Drawing Number P-I-03 received on 12/02/2016
Townhouse K - Type K Proposed Floor Plans & Roof Plan - Drawing Number P-K-01 received on 12/02/2016
Townhouse K - Type K - Proposed Elevations - Drawing Number P-K-02 received on 12/02/2016
Single Garage - Floor plans and Elevations - Drawing Number P-GAR-01 received on 12/02/2016
Double Garage - Floor plans and Elevations - Drawing Number P-GAR-02 received on 12/02/2016

Refuse & Cycle Store - Floor Plans & Elevations - Drawing Number 1677 P-REF-01 received on 12/02/2016
 Garden Store - Floor plans and Elevations - Drawing Number 1677 P-SHE-01 received on 12/02/2016
 Surgery - Proposed Elevations - Drawing Number 1677 P SU 03 received on 12/02/2016
 Surgery - Perspective - Drawing Number 1677 P SU 05 received on 12/02/2016
 Village Hall - Floor Plan - Drawing Number 1677 P VH 01 received on 12/02/2016
 Village Hall - West Elevation - Drawing Number 1677 P VH 02 received on 12/02/2016
 Village Hall - East Elevation - Drawing Number 1677 P VH 03 received on 12/02/2016
 Village Hall - North & South Elevations - Drawing Number 1677 P VH 04 received on 12/02/2016
 Proposed Roof Plan - Drawing Number 1677 P VH 05 received on 12/02/2016
 Surgery - Proposed Elevations - Drawing Number 1677 P SU 04 Rev. A received on 18/09/2016
 Site plan: Drwg. No. 1677 P 02 REV E (Amended) received on 18/09/2016
 Block plan: Sheet 2 of 5 Drwg. No. 1677 P 03-2 REV A (AMENDED) received on 18/09/2016
 Block plan: Sheet 1 of 5 Drwg. No. 1677 P 03-1 REV A (AMENDED) received on 18/09/2016
 Block plan: Sheet 3 of 5 Drwg. No. 1677 P 03-3 REV B (AMENDED) received on 18/09/2016
 Block plan: Sheet 4 of 5 Drwg. No. 1677 P 03-4 REV A (AMENDED) received on 18/09/2016
 Block plan: Sheet 5 of 5 Drwg. No. 1677 P 03-5 REV A (AMENDED) received on 18/09/2016
 Materials Sheet 2 - Drawing Number 1677 P10-2 Rev. A (AMENDED) received on 18/09/2016
 Materials Sheet 1 - Drawing Number 1677 P10-1 Rev. A (AMENDED) received on 18/09/2016
 Proposed Streetscene A-A - Drawing Number 1677/P07 REV A (AMENDED) received on 18/09/2016
 Proposed Streetscene B-B - Drawing Number 1677/P08 REV A (AMENDED) received on 18/09/2016
 Cottage - Drwg. No. P-P-02 TYPE P ELEVATIONS received on 18/09/2016
 Cottage - Floor Plans Drawing Number P-P-01 TYPE P PLANS received on 18/09/2016
 Dovecote Elevations - Drawing Number P-N-02 TYPE N received on 18/09/2016

Dovecote Floor Plan - Drawing Number P-N-01 TYPE N received on 18/09/2016
 Lodge Elevations - Drawing Number P-M-02 TYPE M received on 18/09/2016
 Lodge Floor Plan - Drawing Number P-M-01 TYPE M received on 18/09/2016
 Grange - Elevations: Drawing Number P-J-02 REV A TYPE J (AMENDED) received on 18/09/2016
 Grange - Floor Plan: Drawing Number P-J-01 REV A TYPE J (AMENDED) received on 18/09/2016
 Townhouse H - Elevations: Drawing Number P-H-02 REV A TYPE H (AMENDED) received on 18/09/2016
 Townhouse H - Floor Plan: Drawing Number P-H-01 REV A TYPE H (AMENDED) received on 18/09/2016
 Townhouse G (Gable Front) - Elevations: Drawing Number P-G-04 REV A TYPE G (AMENDED) received on 18/09/2016
 Townhouse G (Gable Front) - Floor Plan: Drawing Number P-G-03 REV A TYPE G (AMENDED) received on 18/09/2016
 Farmhouse - Elevations: Drawing Number P-E-02 REV B TYPE E (AMENDED) received on 18/09/2016
 Farmhouse - Floor Plan: Drawing Number P-E-01 REV B TYPE E (AMENDED) received on 18/09/2016
 Wide Front - Elevations: Drawing Number P-C-02 REV A TYPE C (AMENDED) received on 18/09/2016
 Wide Front - Floor Plan: Drawing Number P-C-01 REV A TYPE C (AMENDED) received on 18/09/2016
 Townhouse B - Elevations: Drawing Number P-B-02 REV B TYPE B (AMENDED) received on 18/09/2016
 Townhouse B - Floor Plan: Drawing Number P-B-01 REV C TYPE B (AMENDED) received on 18/09/2016
 Apartment - Elevations (front & side): Drawing Number P-A-05 REV A TYPE A (AMENDED) received on 18/09/2016
 Apartment - Elevations (rear & side): Drawing Number P-A-06 REV A TYPE A (AMENDED) received on 18/09/2016
 Apartment - Roof Plan: Drawing Number P-A-04 REV A TYPE A (AMENDED) received on 18/09/2016
 Apartment - Ground Floor Plan: Drawing Number P-A-01 REV A APARTMENTS PLOTS 2-7 (AMENDED) received on 18/09/2016
 Apartment - 1st Floor Plan: Drawing Number P-A-02 REV A APARTMENTS PLOTS 2-7 (AMENDED) received on 18/09/2016
 Apartment - 2nd Floor Plan: Drawing Number P-A-03 REV A APARTMENTS PLOTS 2-7 (AMENDED) received on 18/09/2016
 Landscaping scheme - Drawing Number: TD742_05 PLANTING PLANNING SHEET 1 (AMENDED) received on 18/09/2016
 Landscaping scheme - Drawing Number: TD742_06 PLANTING PLAN SHEET 2 (AMENDED) received on 18/09/2016

Landscaping scheme - Drawing Number: TD742_07 PLANTING PLAN SHEET 3 (AMENDED) received on 18/09/2016
 Landscaping scheme - Drawing Number: TD742_08 PLANTING PLAN SHEET 4 (AMENDED) received on 18/09/2016
 Landscaping scheme - Drawing Number: TD742_04B WARMWELL RD PLANTING PLAN SHEET 2 (AMENDED) received on 18/09/2016
 Surgery - Ground Floor plans: Drawing Number 1677 P SU 01 REV A (AMENDED) received on 18/09/2016
 Surgery - 1st Floor & Roof Plan: Drawing Number 1677 P SU 02 REV A (AMENDED) received on 18/09/2016
 Affordable Housing Plan - Drawing Number 1677 P 09 Rev. D received on 07/08/2017
 Village Hall and Doctors Surgery Materials - Drawing Number 1677 P11 received on 19/10/2017
 Proposed Streetscene B-B Drwg no. 1677/P08 Rev A received on 16/09/2016
 Materials Sheet 2 Drwg no. 1677 P10-2 Rev A received on 16/09/2016
 Refuse & Cycle Store - Floor Plan and Elevations Drwg no. 1677 P-REF-01 received on 20/08/2019

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

Outline Consent

2. Approval of the details of the access, layout, scale and appearance of the development and the landscaping of the site (hereinafter called the Reserved Matters) for the remainder of the site outside of the full permission granted for Phase1 of this hybrid permission shall be obtained from the Local Planning Authority in writing before any development is commenced on these other phases of the development.

REASON: To ensure the satisfactory development of the site.

3. Application for approval of any “reserved matter” under Condition 2 must be made not later than the expiration of ten 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. Not more than 401 dwellings in total shall be constructed under this outline permission.

REASON: The assessment of the impacts of the scheme are based on a maximum of 500 dwellings across the whole site and additional dwellings would require further assessments of impacts to heathland SSSIs.

Phasing

6. Prior to the commencement of the development a Phasing Plan for the entirety of the development shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall make provision for:
 - a) Extraction of the mineral interest in accordance with a scheme to be first approved in writing by the Local Planning Authority from the area outlined in red on the Site Location Plan Drwg no. 1701 P01 Rev A prior to the commencement of any development the subject of this outline planning permission within that same area.
 - b) Delivery of the Village Green as part of Phase 1. No further dwellings in later phases to be constructed until it is complete.
 - c) Delivery of serviced employment land as part of the development of the adjacent residential phase.
 - d) Provision of allotments as part of the development of the adjacent residential phase.
 - e) Provision of Locally Equipped Areas for Play as part of the development of the adjacent residential phase.
 - f) The proposed village hall and adjacent parking spaces being constructed and ready for first use prior to the demolition of the existing village hall or the commencement of construction of the final phase of the development, whichever is soonest, and the submission of a scheme for the interim landscaping of the proposed village hall site until such time as the village hall is constructed. The interim landscaping scheme for the village hall site is to include details of the planting and its maintenance and shall be implemented and completed in full as part of Phase 1 and shall be maintained and retained thereafter until such time as the village hall is constructed on the site.
 - g) Provision of the doctor's surgery.

Thereafter the development shall be carried out in accordance with the phasing plan and any subsequent changes to the agreed

phasing plan must also be agreed in writing by the Local Planning Authority.

REASON: In the interests of achieving the objectives of the Local Plan and the site specific policy.

Masterplan

7. The development of the later phases of the Outline permission shall substantially accord with the layout and details of the Illustrative Masterplan Drwg No. 1677/P04 Rev C.

REASON: In the interests of achieving the objectives of the Local Plan.

Highways

8. The highway improvements to the Warmwell Road on the site frontage shall be constructed substantially in accordance with the submitted details shown on the application drawings before the development is first occupied.

REASON: In the interests of road safety.

9. The Phase 1 full application hereby permitted shall not be occupied or utilised until the access, geometric highway layout, parking and turning areas shown on the application drawings have been constructed, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, these shall be maintained, kept free from obstruction and available for the purposes specified.

REASON: In the interests of road safety.

10. No more than 100 residential units (to include 35% affordable housing) shall be occupied until the A35 Max Gate junction arrangement, as shown in the WYG Transport drawing "SK09" dated 21 October 2015 is completed and open to traffic, unless any variation in the design of the proposals is otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the safe and efficient operation of the Strategic Road Network (A35).

11. No development shall be commenced until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority.

The plan shall include construction vehicle movements, operation hours, vehicular routes to and from the site, delivery hours, expected number of vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Practice and a scheme to encourage the use of public transport amongst contractors. The plan shall include contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities). The plan shall also include a scheme of signing of the heavy vehicle route to the site agreed with advice/warning signs at appropriate points.

The CTMP shall thereafter be implemented in accordance with the approved details upon the commencement of the construction phase of the development and be adhered to for the complete duration of the construction programme, unless a variation to the CTMP is otherwise first agreed in writing by the Local Planning Authority.

REASON: To ensure the safety of traffic on the Strategic Road Network.

Travel Plans

12. Before the development hereby approved is first occupied or utilised the Travel Plan and Strategy included in the submissions shall be implemented and operational.

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

13. Prior to the submission of any reserved matters under Condition 2 above for the approved employment allocation, a Travel Plan suitable to deal with the travel impacts of the whole 2.5ha employment allocation shall be submitted to and approved in writing by the Local Planning Authority. The employment Travel Plan shall be implemented in accordance with its agreed details prior to the first occupation of any approved employment building on the site.

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

Drainage

14. No development shall take place until a detailed and finalised surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, has been submitted to, and

approved in writing by the Local Planning Authority. The surface water scheme shall be implemented in accordance with the submitted details before the development is completed.

REASON: To prevent increased risk of flooding and to improve and protect water quality.

15. No development shall take place until details of maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

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

Foul Water

16. The development shall not be commenced until a foul water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing. The drainage scheme shall thereafter be completed in accordance with the approved details and to a timetable to be agreed in writing with the local planning authority.

REASON: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

Contaminated Land

17. Prior to the commencement of development an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

The report of the findings must include:

- (a) A survey of the extent, scale and nature of contamination;
- (b) An assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;
- (c) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

REASON: In the interests of ensuring there is no unacceptable risk to occupiers of the development.

18. Before commencement of development, should a remediation scheme be required based on the outcomes of the investigation and risk assessment required by condition no. 17 and the written response of the local planning authority as to whether a remediation scheme is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, shall be submitted and be subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: In the interests of ensuring there is no unacceptable risk to occupiers of the development.

19. Any approved remediation scheme agreed by the Local Planning Authority as a result of condition no. 18 must be carried out in accordance with its terms, or such other terms which have first been agreed in writing by the Local Planning Authority, prior to the commencement of development other than that required to carry out remediation, unless a remediation phasing scheme is first agreed in writing by the Local Planning Authority, in which case the remediation shall be carried out in accordance with such scheme as has been agreed. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (validation report) that

demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

REASON: In the interest of ensuring there is no unacceptable risk to occupiers of the development.

20. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be submitted to and approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of ensuring there is no unacceptable risk to occupiers of the development.

Employment Allocation

21. The development shall provide a minimum of 2.5 hectares of employment land. No dwelling adjoining the eastern boundary of the residential development, adjacent to the proposed employment access road within the Character Areas 4, 5 & 6 as set out on page 48 of the submitted Design & Access Statement, shall be occupied before the employment allocation has been provided as serviced employment land in accordance with the phasing scheme submitted under condition 6 above.

REASON: In the interests of securing the economic benefits of this Key Employment Site allocation in the Local Plan.

22. Buildings constructed within the employment allocation hereby approved shall not exceed a total floorspace of 13,000 square metres (measured externally).

REASON: In the interests of the impacts of the traffic generated by that level of employment development on the strategic highway network.

Biodiversity

23. Prior to the commencement of the development of each phase agreed by condition no. 6, a Biodiversity Mitigation Plan (BMP) for that phase based on up-to-date ecological survey work which is not more than 2 years old at the time of the submission of the BMP shall be submitted to and approved in writing by the Local Planning Authority. Each Biodiversity Mitigation Plan will include details of the review process to be implemented at the

time of commencement of development if the survey work on which the BMP is based is more than 2 years old. The development shall thereafter be carried out in accordance with the approved details unless any subsequent variation is agreed in writing by the Local Planning Authority.

REASON: In order to protect the landscape qualities of the area and to safeguard and enhance the ecological value of the site.

Scheduled Ancient Monument

24. The submission of details of reserved matters under Condition 2 shall make provision for a minimum 5m buffer around the identified remains of the Bowley's Plantation enclosure as set out on page 10 of the submitted Settings Assessment by Context One received on 16th October 2017.

REASON: In the interests of the setting of the Scheduled Ancient Monument.

Broadband

25. No development above damp proof course of any building hereby approved shall take place until a scheme for facilitating infrastructure to support superfast broadband technology to serve the development has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include a timetable for implementation, including triggers for a phased implementation if appropriate. Thereafter, the development shall proceed in accordance with the agreed scheme.

REASON: To ensure that the utilities service infrastructure is sufficient to meet the extra demands imposed by this development.

Phase 1 Detailed Consent

26. The village hall hereby approved shall be laid out with a full-size badminton court in the main hall as shown on Drwg No. 1677 P VH 01 prior to the Village Hall first being brought into use.

REASON: In the interests of sports provision.

27. The Phase 1 full permission shall be carried out in accordance with the materials details in the approved Drwg No's 1677 P10-1 Rev A, 1677 P10-2 Rev A & 1677 P11. No development above damp proof course level of any dwelling approved under the Phase 1 full permission shall take place before samples of the materials to be used on that building have been submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out in accordance with these details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the character and appearance of the area.

28. The development shall be carried out in accordance with the boundary treatments set out in the approved plans Drwg. No's 1677 P 03-1 to 5 Rev A. The boundary treatments to each individual building shall be completed in their entirety prior to the first occupation of the building concerned. The boundary treatments shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the character and appearance of the area.

29. The development of the Phase 1 full permission shall be carried out in accordance with the landscaping details set out in the approved plans Drwg. No's TD742_04B & TD742_05 – 08. The landscaping shall be carried out in accordance with the soft landscape works specification set out on the approved plan Drwg. No. TD472_08. No development above damp proof course level shall be carried out until a timetable for the implementation of the landscaping has been submitted to and approved in writing by the Local Planning Authority. Thereafter the landscaping shall be carried out in accordance with the approved timetable. 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. The landscaping shall thereafter be retained.

REASON: In the interests of the character and appearance of the location.

30. The development shall be carried out wholly in accordance with the Arboricultural Assessment & Method Statement by Barrell Tree Consultancy dated January 2016. The agreed tree protection measures shall be retained during the course of the development and there shall be no variation to the agreed protection measures without the prior written agreement of the Local Planning Authority.

REASON: To protect preserved trees within and adjoining the site during construction in the interests of preserving the character of the area.

Sustainable Transport Options

31. No development above damp proof course of any dwelling in the phase 1 full application area shall be carried out until a scheme showing how the charging of plug-in and other ultra-low emission vehicles is to be provided

in safe, accessible and convenient locations has been submitted to and approved in writing by the Local Planning Authority. Furthermore as part of any reserved matters application relating to design, details shall be provided to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development. Thereafter the development shall be carried out in accordance with such details as have been approved by the Local Planning Authority.

REASON: To ensure that adequate provision is made to enable occupiers of and visitors to the development to be able to charge their plug-in and ultra-low emission vehicles.

Informative Notes

Informative Note: The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under Section 38 and those works under Section 278 of the Highways Act 1980, the applicant should contact Dorset Council's Development team. They can be reached by telephone at 01305 225401, by email at dli@dorset.gov.uk, or in writing at Development Team, Dorset Highways, County Hall, Dorchester, DT1 1XJ.

Informative Note: If the applicant wishes to offer for adoption any highways drainage to Dorset Council, they should contact the Highway's Development team at dli@dorset.gov.uk as soon as possible to ensure that any highways drainage proposal meets the Council's design requirements.

Informative Note: Prior Land Drainage Consent (LDC) may be required from Dorset Council's FRM team, as relevant LLFA, for all works that offer an obstruction to flow to a channel or stream with the status of Ordinary Watercourse (OWC) – in accordance with S23 of the Land Drainage Act 1991. The modification, amendment or realignment of any OWC associated with the proposal under consideration, is likely to require such permission. We would encourage the applicant to submit, at an early stage, preliminary details concerning in-channel works to the FRM team.

Informative Note: The applicant intends to rely heavily on infiltration. They will therefore need to demonstrate, through further post extraction ground investigation, that soakaways remain feasible. Given the proposed use of soakaways across the site, it is important that soakaway tests and ground water readings are representative of all the areas expected to support infiltration. The Council's FRM team as relevant LLFA will be unable to discharge the relevant condition above without detailed information concerning ground conditions that substantiate the use of drainage through infiltration. Should the site, after mineral extraction, be found not to support infiltration, then the applicant will need to

propose alternate and detailed designs for capturing and attenuating surface water.

Informative Note: The highway proposals for the A35(T) associated with this consent involve works within the public highway, which is land over which you have no control. Highways England therefore requires you to enter into a suitable legal agreement to cover the detailed design and construction of the works. Please contact the Asset Manager, Steve Hellier (Tel: 0300 470 4383) at an early stage to discuss the details of the highways agreement. The applicant should be aware that an early approach to Highways England is advisable to agree the detailed arrangements for financing the design and construction of the scheme. Commencement of works will also need to be timed to fit in with other road works on the strategic road network or local road network to ensure there are no unacceptable impacts on congestion and road safety. Please be advised that Highways England will charge Commuted Sums for maintenance of schemes delivered by third parties. These will be calculated in line with HM Treasury Green Book rules and will be based on a 60 year infrastructure design life period.

Informative Note: At all times, a contact telephone number shall be displayed on site for members of the public to use to raise issues. A named person will also be provided for Environmental Health in order for contact to be made should complaints be received. The use of any radio / amplified music system on site must be kept at a level not to cause annoyance to noise sensitive premises beyond the boundary of the site. Any future sub-contractors to the site shall be made aware of, and comply with any guidelines/conditions relating to site management of emissions of noise, dust, smoke, fumes etc. made in as part of the determination of this application. Letter drops to adjacent residents in close proximity should be considered as part of the construction phase to give a minimum of 48 hours notice of any exceptional activities proposed. Any waste arising at the site shall be appropriately segregated and controlled prior to its removal by an appropriately licensed contractor. Any waste arising from the activity which could potentially be contaminated in any way shall also be segregated again, and removed appropriately. Environmental Health must be informed if this occurs.

Informative Note: The applicant's attention is drawn to the response of the Council's Rights of Way officer and the need to secure diversions for the existing rights of way.

16.2 Recommendation B: Refuse permission for the reasons set out below if the S106 agreement is not completed within 6 months of the date of the committee resolution or such extended time as agreed by the Head of Planning.

1. Policy HOUS1 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 requires a minimum on-site provision of 35% of the units as affordable housing. In the absence of a planning obligation to secure

these affordable units the scheme would fail to meet the substantial unmet need for affordable housing in the district and the proposal would therefore be contrary to Policy HOUS1 of the adopted Local Plan.

2. Policy COM1 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 sets out that where new development will generate the need for new or improved community infrastructure and this need is not being met through the Community Infrastructure Levy, suitable provision should be made on site. Policy CRS1 of the Local Plan sets out the expected infrastructure for this site and its development. In the absence of a planning obligation to secure the required community infrastructure the scheme would fail to mitigate the increase in demand for the necessary infrastructure to support the development and to avoid and mitigate for the adverse effects upon internationally designated heathlands and additional nutrient loading upon the Poole Harbour internationally designated sites. It would namely fail to provide for:

Education;

Recreation spaces in the form of Sites of Alternative Natural Greenspace and the supporting maintenance and funding mechanisms required for the future;

Mitigation of the impacts upon the Poole Harbour internationally designated sites;

Highway improvements;

Children's play provision.

In the absence of a planning obligation the proposals therefore fail to meet the provisions of Policies COM1, CRS1, INT1, ENV2 and COM7 of the West Dorset, Weymouth and Portland Local Plan (2015) and the National Planning Policy Framework (2019).

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Application Number:	P/FUL/2024/06334
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Abbotswell Lyme Road Uplyme DT7 3TJ
Proposal:	Retention of Shepherds Hut
Applicant name:	S Weldin
Case Officer:	Robert Parr
Ward Member(s):	Cllr Bawden

1. In accordance with the Council's scheme of delegation this application is brought to committee for determination as Dorset Council owns part of the land on the application site and the application was previously deferred at the meeting of the Western and Southern Area Planning Committee on 11th December 2025.

2. **Summary of recommendation:**

Grant planning permission subject to conditions.

3. **Key planning issues**

Issue	Conclusion
Principle of development	Within Defined Development Boundary and as such principle accepted under Local Plan Policy SUS2. Proposal is for new built tourist accommodation and as such the principle is accepted under Local Plan Policy ECON6.
Scale, design, impact on character and appearance	The design would be in keeping with the character of the area.
Impact on the living conditions of the occupants and neighbouring properties	Acceptable impact.
Flood risk and drainage	Acceptable subject to condition.
Economic benefits	Small contribution to local economy from tourism related spending.
Highway impacts, safety, access and parking	Acceptable now 20mph speed limit is in place
Impact on trees	Acceptable subject to condition.
Contaminated land	Acceptable.
Biodiversity	Biodiversity Net Gain exempt as development completed prior to 12 February 2024.
Environmental Implications	None.

4. Description of site

- 4.1 The application site is located within the curtilage of a detached property known as Abbotswell, which is situated on the border between Dorset and Devon County/East Devon District. Abbotswell is a generous sized detached property within its own grounds which includes part of the line of the former Axminster to Lyme Regis railway line at the southeast end of the property. The existing Shepherds Hut is set down at a much lower level than the main garden areas of the property, especially in the vicinity close to the site entrance where the Shepherd's Hut is located. Access to the site is off the B3165 Uplyme Road, which leads to a driveway and parking area serving the existing property and the proposed development. A timber fence is located at the top of the embankment, following the line of the driveway and this acts as a boundary to the area containing the Shepards Hut, which is accessed by a pedestrian gate and steps. The Shepherds Hut sits on a levelled area of gravel, in a sunken wooded setting.

5. Description of development

- 5.1 The proposal is to retain the existing Shepherds Hut for use as a holiday let. The Shepherds Hut is approximately 6.4 metres long, 2.4 metres wide and 3.2 metres in height from ground level, has a rectangular plan form, is raised off the ground on four wheels, has timber external walls in natural finish and a curved corrugated metal roof. On the northwest elevation is a window and steps leading to French doors 2/3 glazed.

6. Background and relevant planning history

None

7. List of constraints

Dorset Area of Outstanding Natural Beauty (AONB) (National Landscape)

Lyme Regis Defined Development Boundary

East Devon Area of Outstanding Natural Beauty (AONB) (National Landscape) - Distance: 10m

Devon County - Distance: 11m

Dorset Council Land

Risk of Surface Water Flooding Extent 1 in 30

Risk of Surface Water Flooding Extent 1 in 100

Surface water flooding - 1 in 100 year event plus 20% allowance

Surface water flooding - 1 in 100 year event plus 40% allowance

Radon: Class: Class 1: Less than 1%

RAD - Radon: Class: Class 4: 5 - 10%

Contaminated Land

8. Consultations

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

Consultees

1. East Devon District Council

No objections.

2. Forestry Commission

No comment.

2. Dorset Wildlife Trust

No response received.

3. Bournemouth Water Ltd (South West Water)

No comment.

4. Dorset Council Highways

Response 12 December 2024

- This application would mean an intensification of use at a site with substandard visibility onto a main road.
- The Highway Authority recommends that permission be REFUSED for the following reason:

The existing access lacks adequate visibility onto The B3165 Lyme Road, and its increased use would be likely to cause additional danger to road users.

Response 24 January 2025 (Following additional information and plan from applicant)

- Inadequate plan to show the visibility splay.
- Would expect a detailed Ordnance Survey drawing showing all key parts, such as the bridge railings and wall, hedge and telegraph pole.
- Need to show that the land was in the applicant's control.
- Cut vegetation can grow back.
- Replacing the hedge with a fence sounds like the visibility would not be opened up further.
- There is no information regarding the ownership of the hedge and believe that it is in the ownership of Dorset Council, but the applicant would need to show that they have control or ownership of land in which a visibility splay is shown.
- Cutting down vegetation may cause a hazard as a disused railway cutting is behind it.
- How would this area be made safe?
- If the area was open for visibility, then access to the public at this location may occur.
- It appears that even if the hedge and vegetation was removed the railings and bridge wall would obstruct visibility.

Response 31 March 2025 (Following plan showing visibility splays)

- Nothing further to add to its previous observation dated 24 January 2025.

Response 27 February 2026 (Following approval of a 20mph scheme for Lyme Regis)

- Following site visit, satisfied that if a 20mph scheme was put in, then the site visibility would be attained. Speed survey team have confirmed that the mean speed figures fitted their criteria for a the 20mph scheme.
- Likely that once a 20mph scheme is implemented speeds will be even lower. Therefore, once the 20mph scheme is in place I would not object regarding site visibility in future.

5. Dorset Council Env. Services – Protection

- Recommended that, should consent be granted, a suitable condition is applied which requires the applicant, in the event that ground contamination is encountered during any groundworks related to this development, to cease operations and seek specialist advice; operations should not recommence without the written consent of the planning authority.

6. Dorset Council Waste Team

No response received.

7. Dorset Council Building Control West Team

No comment.

8. Dorset Council Asset & Property

No response received.

9. Dorset Council Trees

No response received.

10. Lyme and Charmouth Ward Member

- The town council recommends approval.
- No objection to proposed Shepard's Hut.
- Consider the Shepards Hut to be a useful and appealing way to add to the accommodation offering for visitors in Lyme, albeit for occasional use.
- Confused by the Highways objection as the access is onto a straight stretch of the Uplyme Road, although the angle could make it partially unsighted, the proposed removal of the hedge should improve the visibility.
- If the proposed 20mph scheme relating to Uplyme Road is agreed the risk leaving the driveway should be reduced.

11. Lyme Regis Town Council

- Lyme Regis Town Council Planning Committee, Minutes of meeting held on 17 December 2024: Item 24/228/P - 3. - The town council recommends approval of the application because it is in broadly in accordance with the approved development plan and any impacts are extremely minor in nature.

Representations received.

No representations received.

8. 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.

Section 85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (formerly known as Areas of Outstanding Natural Beauty)

9. Relevant policies

Development plan

In this case the development plan comprises:

Local Plan 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

ENV5 - Flood Risk

ENV9 - Pollution and contaminated land

ENV10 - The landscape and townscape setting

ENV12 - The design and positioning of buildings

ENV16 - Amenity

SUS2 - Distribution of Development

ECON6 - Built tourist accommodation

COM7 - Creating a safe & efficient transport network

Material considerations

The Dorset Council Local Plan

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

National Planning Policy Framework 2024 (2025 as amended)

Paragraph 11 sets out the presumption in favour of sustainable development. 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 specific NPPF policies protecting areas or assets provide a strong reason for refusal and/or any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, with particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes.

Other relevant NPPF sections include:

- Section 4 'Decision making': Para 39 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 6 'Building a strong, competitive economy', paragraphs 88 and 89 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 9 'Promoting sustainable transport'
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places' This indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:

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

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

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- In National Landscapes (formerly known as Areas of Outstanding Natural Beauty), paragraph 189 requires great weight to be given to conserving and enhancing the landscape and scenic beauty. Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 191). Paragraphs 192-195 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Other material considerations

National Planning Practice Guidance

All of Dorset:

Dorset AONB Landscape Character Assessment

Dorset National Landscape Management Plan 2026 – 2031 - The policies considered relevant to this application are:

- Policy C1a: Development should seek to conserve and enhance the National Landscape
- Policy C2a: Require high-quality landscape assessment and evidence-based planning
- Policy C4a: Prevent and mitigate negative impacts of development on landscape and visual character affecting the National Landscape
- Policy C4c: Limit forms of development with the greatest potential for harm

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

Dorset Local Nature Recovery Strategy 2025

Supplementary Planning Documents/Guidance For West Dorset area:

WDDC Design & Sustainable Development Planning Guidelines (2009)

Landscape Character Assessment February 2009 (West Dorset)

10. 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.

11. 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.

- Access - The Shepards Hut proposed for retention is accessed by steps from the driveway/car parking area and then steps provide access into the Shepards Hut. Therefore, it would appear that access for people with disabilities such as mobility impairments or for people pushing buggies has not been accommodated in the design of the development.

12. Planning Assessment

Principle of development

- 12.1 Local Plan Policy SUS2 sets out that amongst other towns Lyme Regis will be a focus for future development and that within defined development boundaries (DDB) residential, employment and other development that meets the needs of the local area will normally be permitted. Furthermore, Local Plan Policy ECON6 sets out that new built tourist accommodation will be supported within an established settlement of more than 200 population. As the proposed site is in Lyme Regis DDB (which has greater than 200 population) and is proposed development in relation to new built tourist accommodation, the principle of development is accepted in this instance.

Scale, design, impact on character and appearance

- 12.2 The existing Shepherds Hut proposed to be retained is in a discrete location being set down in the landscape, being in a wooded setting and having a timber boundary fence approximately 1.8 high on top of the embankment on the northeast side of the Shepherds Hut. As such the development is considered to have minimal impact on the landscape surrounding the site. Furthermore, the traditional form and materials are considered to be in keeping with the character of the site and the area. Lyme Regis is a tourist destination, with existing tourist accommodation within close proximity of the site and as such the provision of holiday accommodation at this location is considered to be in keeping with the character of the area. Therefore, it is considered that the appearance of the development in the site and its use as holiday accommodation would be in keeping with the site and the area and would not harm the character or natural beauty of the National Landscape. Furthermore, the proposal is considered to accord with the relevant policies of the Dorset National Landscape Management Plan.

Impact on the living conditions of the occupants and neighbouring properties

- 12.3 The proposed Shepherds Hut is set down in the landscape in a secluded location, with a generous amount of separation from adjacent dwellings. As such it is considered the proposal would not result in a significant adverse impact on amenity as a result of loss of privacy, overbearing, overshadowing or noise impact. Therefore, it is considered the proposal is acceptable in terms of amenity impact.

Flood risk

- 12.4 The application site is in an area recorded as being at a 1:30 and 1:100-year risk of surface water flooding in the Council's Strategic Flood Risk Assessment (SFRA) level 1. In the Environment Agency's recently published new National Flood Risk Assessment (NaFRA2) the site is at 1:1000 year risk of surface water flooding. As such the application is supported by a Flood Risk Assessment (FRA). The FRA has identified the surface water flood risk and sets out mitigation measures to address this including, the ground level having been raised by more than 900mm (the expected flood risk depth for a 1 in 100-year event) and the area covered with a water permeable layer of granite chippings. Furthermore, the FRA sets out

that the Shepherds Hut sits on spoked steel wheels which raises the floor level a further 900mm above ground level and allows any surface water to run beneath it. The FRA does not include any information of how potential flood events would be monitored and no emergency plan details are provided.

- 12.5 Paragraph 175 of the NPPF (2025 as amended) sets out that the sequential test should be used in areas known to be at risk now or in the future from any form of flooding. However, Planning Practice Guidance Reference ID: 7-027-20220825 Paragraph: 027 sets out the following guidance in regard to the need for a sequential test to be applied to planning applications.

“In applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied”.

- 12.6 Given the flood risk mitigation measures set out in the FRA and the minor scale of the development, it is considered that the occupiers of the Shepherds Hut would remain safe for the lifetime of the development, without increasing flood risk elsewhere. As such it is considered the requirement for a sequential test is not triggered in this instance.
- 12.7 Therefore, it is considered that the scheme would be acceptable in terms of flood risk subject to details being submitted and approved in regard to flood warning and emergency procedures.

Economic benefits

- 12.8 It is considered that the retention of the Shepards Hut as tourist accommodation would make a small contribution to the local economy through the likely spend of guests, which would support retail, food and drink and travel services in the area.

Highways

- 12.9 Local Plan Policy COM7 sets out that development will not be permitted unless it can be demonstrated that it would not have a severe detrimental effect on road safety, or measures can be introduced to reasonably mitigate potentially dangerous conditions.
- 12.10 The Highway Authority previously recommended the application was refused given the proposal is considered to result in an intensification of use of the site where the existing access onto the Lyme Road (B3165) has substandard visibility and this lack of adequate visibility onto the highway and the intensification of use would likely cause additional danger to road users. However, following deferral of the application at the Western and Southern Planning Committee on 11 December 2025, a 20mph speed limit for parts of Lyme Regis, which includes the visibility splay section of Lyme Road (B3165) relevant to this proposal. Following this change in speed limit, the Highway Authority has set out that once the 20mph scheme is in place the development would have acceptable visibility onto the highway.

- 12.12 The Visibility Splay drawing no.1576.005 submitted with this application sets out proposed alterations to the boundary fence to the north of the site access and removal of a hedge to the south of the site access. The hedge proposed to be removed is on Dorset Council land and the applicant has provided an email from the Dorset Council Arboricultural Officer in which they raise no objection to the applicant removing the hedge, subject to the removal taking place outside of bird nesting season (1st March to August 31st). The hedge has already been removed.
- 12.13 The proposal is considered to be an intensification of use of the site for holiday accommodation. However, given the visibility of the access to the site as detailed on drawing no. no.1576.005, the reduced speed limit of 20mph in Lyme Regis and the comments by the Highway Authority, the proposed development is now considered to be acceptable in terms of highway safety and as such accords with Policy COM7 of the West Dorset, Weymouth & Portland Local Plan 2015 and paragraphs 115b and 116 of the NPPF (2025 as amended).

Impact on trees

- 12.14 There are numerous mature trees on the application site, however the development has already taken place, and no response has been received from the Tree Officer. The proposal includes the removal of a boundary hedge, and correspondence with the Dorset Council Arboricultural Officer has raised no objection to this subject to its removal taking place outside of the bird nesting period. The hedge has already been removed.

Contaminated land

- 12.15 The application site sits on land which previously formed a section of the Lyme Regis branch line to Axminster and is recorded as potentially contaminated. The Environmental Protection officer recommends that should planning permission be granted a precautionary condition is required, which sets out that in the event that ground contamination is encountered during any groundworks related to this development, to cease operations and seek specialist advice; operations should not recommence without the written consent of the planning authority. However, it is considered that as the proposal is to retain the existing development and as no further groundworks are proposed, such a condition is not necessary.

Biodiversity

- 12.16 The proposed development has already been carried out and according to the application the scheme has been in place since June 2023. As the development was carried out prior to 12 February 2024, the scheme is considered to be exempt from the requirements of Biodiversity Net Gain. Furthermore, as the development is in place it is not possible to assess what ecology has been impacted by the development. However, given the modest scale of the application site, which is not a designated habitat, it is considered the impact on biodiversity is likely to be acceptable.

Environmental implications

- 12.17 The application is to retain the existing development and there are considered to be no significant environmental implications in doing so.

13. Conclusion

- 13.1 The proposed development is considered acceptable in regard to its scale, design, impact on character and appearance, amenity in the street, flood risk, impact on trees, contamination and

biodiversity, and highway safety subject to conditions. As such the proposal is considered to accord with Policies INT1, ENV1, ENV5, ENV9, ENV10, ENV12, ENV16, SUS2, ECON6 and COM7 of the West Dorset, Weymouth & Portland Local Plan (2015), and the National Planning Policy Framework (2025 as amended) and there are no material considerations indicating permission should be refused. Therefore, the application is considered to be in accordance with the development plan and subject to conditions it is recommended planning permission is granted.

14. Recommendation

14.1 Grant planning permission subject to the following conditions:

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

Location Plan – Dwg no. 1576.004

Proposed Plans & Elevations – Dwg no. 1576.001

Site Plan – Dwg no. 1576.002

Block Plan - Dwg no. 1576.003

Visibility Splays - Dwg no. 1576.005

Block Plan - Dwg no. 1576.003

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

2. Within 1 month of the date of this decision a flood warning and response plan (FWRP), which must include flood resilience measures, and an emergency evacuation plan shall be submitted to the Local Planning Authority for approval. The development thereafter shall be carried out in accordance with the approved FWRP and shall be managed and maintained in accordance with it. If the FWRP is not submitted to the Local Planning Authority within 1 month of this decision or the Local Planning Authority confirms in writing that it does not agree the FWRP within 3 months of its submission the use of the building for the purposes the subject of this planning permission shall immediately cease and shall not re-commence unless and until the FWRP has been submitted to and approved in writing by the Local Planning Authority. If the FWRP is submitted to the LPA in accordance with this condition and the LPA does not respond within 3 months of its submission, the development shall be carried out managed and maintained in accordance with the submitted FWRP.

Reason: In order to safeguard and minimise the risk posed to the building and its users from flooding.

Informatives

Informative: National Planning Policy Framework Statement

1. In accordance with paragraph 39 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.

2. 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 in full in a subsequent informative 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 are considered to apply.

- 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.

Read more about Biodiversity Net Gain at

<https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>

3. 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.

Application Number:	P/FUL/2026/00467
Webpage:	Planning application: P/FUL/2026/00467 - dorsetforyou.com
Site address:	Opposite 91 The Esplanade Weymouth DT4 7RN
Proposal:	Erect bandstand and decking
Applicant name:	Weymouth Town Council
Case Officer:	James Lytton-Trevers
Ward Member(s):	Cllr Orrell

1. Reason application is going to committee:

The application is on land owned by Dorset Council.

2. Summary of recommendation:

GRANT subject to conditions as set out at the end of this report.

3. Key planning issues

Issue	Conclusion
Principle of development	The proposal which leads to a new local community structure and tourism attraction which would comply with local plan policies COM2 and ECON5 and Weymouth Neighbourhood Plan policies W39 and W41 and paragraph 98 of the National Planning Policy Framework.
Character and appearance of the area	The proposal would have an acceptable design and would not harm the character and appearance of the area and would comply with local plan policies ENV1, ENV10 and ENV12 and Neighbourhood Plan policies W13 and W44 and paragraph 135 of the National Planning Policy Framework.
Setting of heritage assets	The proposal would preserve the setting of nearby listed buildings and preserve the character and appearance of the Conservation Area and would comply with local plan policy ENV4 and Neighbourhood Plan policy W45 and paragraph 210 of the National Planning Policy Framework.
Flood risk	The proposal would have an acceptable impact in terms of flood risk and would not increase flood risk elsewhere, complying with local plan policy ENV5, Neighbourhood Plan policy W44 and paragraph 170 of the National Planning Policy Framework.

4. Description of site

- 4.1 The site is located on the promenade (known as the Esplanade) opposite the Royal Hotel (91 The Esplanade) between one of the existing shelters and the American D-Day War

Memorial. The Esplanade is a historic promenade where there are various listed structures including the Grade I Listed King George III Statue, Grade II Listed Jubilee Clock Tower, Grade II Listed Victorian shelters and Grade II Listed American War Memorial. Many of the buildings along the Esplanade are listed and the area is within the Weymouth Town Centre Conservation Area.

- 4.2 The site consists of hardstanding and a ramp down to the sandy beach.

5. Description of development

- 5.1 The promenade would be extended with a 25sqm timber deck supported by a metal frame adjacent to the existing ramp to provide a base for the bandstand at the promenade level. The bandstand would be hexagonal in shape and be constructed of metal with the detailing of the columns and metal work matching the existing railings and the Victorian shelters on the Esplanade. The roof would be clad in metal (lead).
- 5.2 Access to the beach would be available from the bandstand, if required, via a removable section of railings and temporary steps.

6. Background and relevant planning history

P/PAP/2025/00028 - Decision Date: 08/04/2025

Restoration of American War Memorial and new Bandstand

7. List of constraints

Special Area of Conservation (SAC) (5km buffer): Isle of Portland to Studland Cliffs; 2871 m

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet; 3272 m

Special Area of Conservation (SAC) (5km buffer): Crookhill Brick Pit; 3476 m

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

Flood Zone 3

Weymouth Town Centre Conservation Area

Dorset Council Land

8. Consultations

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

Consultees

- 8.1 **Dorset Council Asset & Property** - No reply.
- 8.2 **Dorset Council Conservation Officer** – No objection provided the roof is a traditional material and not metal. Colour scheme for the bandstand should be agreed by condition.
- 8.3 **Dorset Council Coastal risk management** - No objection.
- 8.4 **Dorset Council Rights of Way Officer** – No reply.
- 8.5 **Environment Agency** – No objection.
- 8.6 **Historic England** - No reply.
- 8.7 **Ramblers Association** - No reply.

- 8.8 **Cllr Orrell, Melcombe Regis Ward** – Looks to be in keeping with other structures on the prom. Design will not block views from hotels to any significant degree.
- 8.9 **Weymouth Town Council** – Supports the application on the grounds of economic benefits and for aesthetic reasons, feeling that it will add vibrancy to the seafront.

Representations received

Total - objections	Total - No objections	Total - comments
2	4	1

Petitions objecting	Petitions supporting
0	0

Summary of comments of objections:

Funding could be better spent (suggestions made on what);

Encourage antisocial behaviour;

Will be damaged by sea;

Take up beach space;

Another bandstand available at Greenhill (no need for another).

Summary of comments of support:

Beneficial for the economy of the town, visitors, performing bands and the community;

Enhance seaside heritage.

Summary of comment only:

Future maintenance;

Not large enough to accommodate a traditional brass band;

Will contribute to visual clutter.

9. 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.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for a development which affects a listed building or its setting, there is 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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

10. Relevant policies

Development plan

In this case the development plan comprises:

Local Plan Adopted West Dorset and Weymouth & Portland Local Plan:

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

- COM2: New or improved local community buildings and structures.
- ECON5: Tourism Attractions and facilities
- ENV1: Landscape, seascape & sites of other geological interest
- ENV2: Wildlife and habitats
- ENV4: Heritage assets
- ENV5: Flood risk
- ENV7: Coastal erosion & land instability
- ENV10: The landscape and townscape setting
- ENV12: The design and positioning of buildings
- ENV16: Amenity
- INT1: Presumption in favour of sustainable development
- SUS2: Distribution of development

Made Neighbourhood Plans

Weymouth Neighbourhood Plan 2021 to 2039 (made 29/01/2026)

- Policy W05: Ecological Impact of Development
- Policy W07: Rights of Way and Access to the Countryside
- Policy W13: Panoramas, Vistas and Views
- Policy W14: Development Boundaries
- Policy W34: Sustainable Development
- Policy W39: Weymouth Town Centre
- Policy W41: Sustainable Tourism Development
- Policy W44: Design
- Policy W45: Heritage Assets

Material considerations

Emerging local plans:

Paragraph 49 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, with further consultation between 18 Aug – 31 October 2025. Being at a very early stage of preparation, the relevant policies in the draft plan should be accorded very limited weight in decision making.

Local Nature Recovery Strategy

The Dorset Local Nature Recovery Strategy identifies local priorities for nature recovery and maps areas where action would be most beneficial. In planning decisions it is a material consideration, helping to ensure that development supports biodiversity enhancement and aligns with Dorset's agreed priorities for nature recovery.

National Planning Policy Framework 2024 (as amended 2025)

Paragraph 11 sets out the presumption in favour of sustainable development. 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 specific NPPF policies protecting areas or assets provide a strong reason for refusal and/or any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, with particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes.

Other relevant NPPF sections include:

- Section 4 'Decision making': Para 39 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places' This indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:

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

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

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- Paragraphs 192-195 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment'- Paragraph 212 says that when considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 216).

National Planning Practice Guidance

[Supplementary Planning Documents/Guidance](#)

Weymouth & Portland Listed Buildings and Conservation Areas (2002)

Weymouth & Portland Urban Design (2002)

Landscape Character Assessment (Weymouth & Portland)

Conservation Area Appraisals:

Weymouth – Town Centre Conservation Area Appraisal adopted December 2012

11. Human rights

Article 6 - right to a fair trial.

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

The first protocol of Article 1 protection of property.

This recommendation is based on adopted development plan policies, the application of which does not prejudice the human rights of the applicant or any third party.

12. 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 bandstand would have level access for users and level areas of hard surface on the Esplanade for spectators.

13. Public Benefits

The proposals would provide a number of financial and non-financial benefits, including public benefits. These are summarised in the table below:

What	Amount / value
Material considerations	
Public facility for the performing arts.	Potential additional spend in local economy by spectators.
Non material considerations	
Construction using traditional methods.	Employment by specialist contractors.

14. Planning Assessment

Principle of development

- 14.1 The proposal is for the erection of a public bandstand and associated decking. This would require an extension to the promenade to the southern side of the existing slipway. The bandstand would be for the benefit of visitors and residents and may help support the local economy. Weymouth Bay beach and The Esplanade promenade are long established areas with visitor attractions and tourist facilities. Bandstands are a commonplace feature in England and probably even more so in seaside resorts. The proposal would be well-located to be accessible to its main catchment population and would not generate significant additional single purpose trips by private transport, being in proximity to bus routes and accessible from the railway station. The proposal would provide wider community benefits as a new recreational facility that can be used by the local community as well as visitors.
- 14.2 The proposal which lead to a new local community structure and tourism attraction would comply with local plan policies COM2 and ECON5 and Weymouth Neighbourhood Plan policies W39 and W41 and paragraph 98 of the National Planning Policy Framework, subject to site specific criteria considered below.

Character and appearance of the area

- 14.3 The proposed decking would be timber, similar to other sites along The Esplanade (for example The Boat and The Views cafes). This decking would be supported on a metal frame. The proposed bandstand would have a hexagonal layout and would comprise of an open sided metal structure with a hexagonal pitched roof. The roof was proposed to be GRP which the Conservation Officer objected to as it's not a traditional material. In order to address this it will be conditioned that the roof shall be zinc or lead. The proposal would be of a traditional design that would reflect the previous historic bandstands (now demolished). Furthermore, the proposed metal columns would have detailing and fret work matching the Victorian shelters and the existing railings. The existing metal railings would be reused around the new bandstand. For these reasons, the proposed bandstand is considered in keeping in design and materials with the promenade and seafront.
- 14.4 Specific views are identified by Weymouth Neighbourhood Plan policy W13. These are:
V8 Bowleaze Cove looking west from the 'Lookout' Cafe towards Lodmoor, Greenhill and the Georgian Esplanade and Harbour, taking in Weymouth Beach and Town Centre.
V11 The Esplanade near the Kings Statue Looking eastwards along Weymouth Bay.
V12 Top of Nothe Steps in Noth Fort Gardens View along the Quayside and across the Harbour, towards the Georgian Esplanade and Greenhill Gardens.
- 14.5 It is considered that within these long distance views, the proposal would not have any significant detriment to the landscape setting and overall character of the area owing to its small size and materials seen within its spacious surroundings which consist of other small structures such as shelters and railings.
- 14.6 The ironwork would be finished in a painted finish and could match other ironwork structures on the Esplanade. The Conservation Officer has asked that the final paint colour be agreed by condition and it is considered that in this instance given the proximity of the structure to listed buildings and its siting in the Conservation Area that such a condition is necessary to ensure the colour is appropriate to the location.
- 14.7 The proposal would be of an acceptable design and would not harm the character and appearance of the area complying with local plan policies ENV1, ENV10 and ENV12 and Neighbourhood Plan policies W13 and W44 and paragraph 135 of the National Planning Policy Framework.

Setting of heritage assets

- 14.8 There are a number of heritage assets within proximity of the proposal. To the west of the site, on the opposite side of the highway, are the historic Georgian terrace buildings. Those nearest to the proposal are Grade II listed nos. 86-99 (inclusive) and Grade II* listed no. 85. There are a number of structures on the Esplanade. These are the Grade I Listed King George III Statue, Grade II Listed Jubilee Clock Tower, two Grade II Listed Victorian shelters and Grade II Listed American War Memorial. The site is within the Weymouth Town Centre Conservation Area.
- 14.9 The Weymouth Town Centre Conservation Area Character Appraisal identifies a number of particular attributes which cumulatively contribute to heritage. Not exclusively, it identifies that the building layouts and architectural styles of The Esplanade are remarkably consistent, reflecting the survival of much of the 18th/early 19th century infrastructure. It identifies that the whole of the linear Esplanade has gradually been filled with structures and street furniture, including the Jubilee Clock, the shelters and two war memorials. It identifies that the area is rich in iron work including the Jubilee Clock and the Esplanade shelters which are good examples of cast ironwork, produced by national manufacturers.
- 14.10 The proposal would be within the setting of these heritage assets. The proposal would be of a traditional bandstand design and would incorporate a design and materials matching the Victorian shelters and the existing railings on the Esplanade. The open sided nature of the proposed structure would allow views through. The design would incorporate ironwork which would continue the tradition of its use in this location. Whilst there has been a gradual incursion of small structures along the Esplanade, the addition of this structure would not create visual clutter and be of an appropriate design. It would cause no harm to the setting of designated heritage assets and the character and appearance of the Conservation Area.
- 14.11 The proposal would preserve the setting of listed buildings and preserve the character and appearance of the Conservation Area and would comply with local plan policy EN4 and Neighbourhood Plan policies W39 and W45 and paragraph 210 of the National Planning Policy Framework. In reaching this conclusion regard has been had to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Flood risk

- 14.12 The site is within flood risk zone 3 and partially within the functional flood plain 3b in the Council's Weymouth Level 2 Strategic Flood Risk Assessment.
- 14.13 The proposed development could be categorised as a "less vulnerable" land use under "assembly and leisure", but equally it could be classed as "water compatible" as an outdoor recreation use/amenity open space (given the band stand is open sided) based on the definitions in Annex 3 of the NPPF. It is considered to be the latter.
- 14.14 The sequential test should be applied to 'Major' and 'Non-major' development proposed in areas at risk of flooding, as set out in paragraphs 173 to 174 of the National Planning Policy Framework. The applicant has considered the sequential test and advised that a bandstand should be located on the Esplanade which is located in the area where there are the most visitor attractions. As the majority of the Esplanade and beach lies within flood zone 3, an alternative location for the bandstand in a lower risk zone would not be possible. The proposed site is centrally located close to facilities and transport connections. Officers agree with this conclusion.
- 14.15 As the use is classed as "water compatible" then it is compatible with being located within flood zone 3b regardless of whether it passes or fails the sequential test.
- 14.16 It should be noted that the Environment Agency were consulted on the application and have no objection stating: "The proposed development does not pose any flood risk concern to the environment or the location." The band stand itself is completely open and would not impede any flow of water in the event of a flood. There may be a small displacement of

water as a result of the raised timber boarded area below part of the bandstand but it equates to a small area and volume which it is not considered would pose any significant risk in terms of increasing flood risk elsewhere.

- 14.17 Given the modest size and outdoor nature of the proposed use (which in itself means that it's potentially unlikely to be in use in bad weather when a flood event would likely occur) and the absence of an objection from the Environment Agency it is considered that subject to a flood warning, emergency and escape plan the proposed development would not have a significant impact on flood risk and would be safe for its lifetime.
- 14.18 Therefore, subject to a condition as detailed above, the proposal is considered to have an acceptable impact on flood risk and would comply with local plan policy ENV5 and Neighbourhood Plan policy W44 and paragraph 181 of the National Planning Policy Framework.

Other matters

- 14.19 There is safe access to the site from the footway (Esplanade) which would principally be for pedestrians. Safe vehicular access is available from the carriageway for maintenance and performers to bring equipment.
- 14.20 Consideration of the need for and funding of the construction and maintenance of the proposal (and whether it could be spent elsewhere on other public projects) is not a planning consideration.
- 14.21 There would be inherent public surveillance by users of the Esplanade to discourage antisocial behaviour during the daytime and CCTV is in operation along the Esplanade.
- 14.22 The design of the structure would appear to be sufficient to withstand normal everyday use and the elements.
- 14.23 There would be the loss of a very small area of the beach, but sufficient remaining beach would be available for use.
- 14.24 It has been stated by third parties that it would not be large enough to accommodate a traditional brass band. While this may be true, a bandstand inherently by its very nature can only accommodate a small group of performers and this would not be a material consideration in the determination of the application anyway.
- 14.25 In view of the location, the proposal would not have any implications for biodiversity. It would in part be built on an existing area of hardstanding and the area which is currently sand is less than 25 square metres and is not an identified priority habitat such that the development is exempt from biodiversity net gain.
- 14.26 The bandstand would be located some distance from occupied properties and would therefore not lead to detriment to amenity from noise, overlooking and overbearing impact.

15. Environmental implications

- 15.1 The construction materials and process would result in some energy use, however the construction overall is fairly minimal and would result in limited energy consumption once in use.

16. Summary of issues and the planning balance

- 16.1 The proposal would lead to a new local community building and tourism attraction, would preserve the setting of listed buildings and preserve the character and appearance of the Conservation Area. It would not adversely impact on highway safety, residential amenity or flood risk. Overall, it would comply with the relevant local plan policies and those of the

Weymouth Neighbourhood Plan, as well as the National Planning Policy Framework and there are no material considerations indicating that permission should be refused.

17. Recommendation

17.1 Grant planning permission subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
1592/1-4
Reason: For the avoidance of doubt and in the interests of proper planning.
2. 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).
3. Notwithstanding the details submitted with the application, the roof material shall be in a metal finish of lead or zinc and shall thereafter be maintained in that material.
Reason: To safeguard the setting of listed buildings and preserve the character or appearance of the Conservation Area.
4. No development shall be commenced until details of the finished paint colour for the bandstand have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
Reason: To safeguard the setting of listed buildings and preserve the character or appearance of the Conservation Area.
5. The bandstand shall not be first brought into use until a flood warning and response plan (FWRP), which must include an emergency evacuation plan has been submitted to the Local Planning Authority for approval. The development thereafter shall be carried out in accordance with the approved FWRP and shall be and managed and maintained in accordance with it.
Reason: In order to safeguard and minimise the risk posed to the site and its users from flooding.

Informatives:

1. In accordance with paragraph 39 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.
- The applicant was provided with pre-application advice.

2. 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 in full in a subsequent informative 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 are considered to apply.

- 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).

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

3. 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.