

1.0 Application Number: 2/2018/1240/FUL (<https://planning.north-dorset.gov.uk/online-applications/>)

Site address: Huntley Down, Milborne St Andrew, DT11 0LN

Proposal: Erect 25 no. dwellings with garages, form vehicular access.

Applicant: Lewis Wyatt (Constructions) Ltd.

Case Officer: Robert Lennis

Ward Member(s): Emma Parker

2.0 Summary of Recommendation:

2.1 DELEGATE AUTHORITY to the Planning Manager to grant planning permission subject to securing planning contributions through the signing of a S106 agreement and conditions listed in the report.

3.0 Reason for reconsideration:

3.1 On the same day that this Planning Committee considered the merits of this application in July the Planning Inspectorate issued their appeal decision on an earlier application for 30no. dwellings on this site (planning application ref. 2/2017/1871/FUL); see appendix 1. Amongst other relevant matters, the Inspector noted (paragraph 36) that the proposal would not harm the character of the local landscape or undermine the neighbourhood plan. This is a material consideration that members need to consider before issuing a decision notice.

3.2 This report should be read in conjunction with the two previous Committee Reports from the 8th January 2019 North Dorset Planning Committee, and 23rd July 2019 Dorset Council Northern Area Planning Committee, and agreed minutes.

4.0 Reason for recommendation:

- The Committee's stated reasons for refusal have been addressed by the Planning Inspectorate in the recent appeal decision. In this light, Officers would not be able to defend these reasons at an appeal.
- The Council cannot demonstrate a 5 year housing land supply.
- The proposal would provide substantial economic, social, and environmental benefits;
- The proposal would not conflict with Policy or undermine the Milborne St Andrew Neighbourhood Plan.

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

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	Accepted; having regard to the sustainability of the location and lack of a five year housing land supply.
Amenity	No significant harm; amended layout and design has addressed previous issues raised.
Layout and density	Acceptable; amended layout and proposal has reduced the number of proposed dwellings from 30 to 25.
Character and design	Acceptable; there is a mix of housing types and styles in the area. The proposed appearance and layout would respond to and reinforce the character of Huntley Down.
Impact on ecology	Addressed by way of condition to provide a Heathland Infrastructure Project (HIP) prior to occupation.
Highway safety and traffic generation	No objections raised by the Highway Authority.
Affordable housing	Acceptable; the applicant is offering one additional unit, therefore eleven affordable dwellings would be delivered with this development. This is in excess of Policy requirements.
Planning Contributions	The legal agreement is completed and ready to be signed. The amount is acceptable and meets the legal tests required of planning contributions. The provision of a HIP and local area of play will be secured by conditions.

5.0 Description of Site – (as previously reported)

The application site is 1 hectare (2.47 acres) of arable land located on the north western edge of Milborne St. Andrew. It consists of grade 3 agricultural land rising to the west and accessed from the existing residential street Huntley Down. The site is generally used as pastureland with a site slope upwards from the south-eastern edge to the north-west with a gradient averaging at 10%. The high point in the north west reaches 94.8m with the low point in the south east at 84.6m. Existing tree cover is located around the perimeter of the site. A strong line of Poplars are located just beyond the western edge. The south edge has a relative dense hedge and some isolated trees consisting primarily of Ash and Poplars trees.

The site is bordered by dwellings on three sides. South of the site properties located on Bladen View are suburban in character with front gardens and open space creating a green feel to the development. Parking is predominantly accommodated on plot through side driveways with garages located towards the rear of the property.

North of the site along Coles Lane the building line follows a more organic pattern fronting and siding the route. Where dwellings are occasionally positioned closer to the street, smaller front gardens are offset by areas of informal public spaces helping to maintain a green feel to the lane. Breaks in the built line are punctuated by glimpsed views towards small courtyard clusters located beyond and accessed from the lane. The use of flint details and the occasional thatch roof presents a more rural and village character.

To the east, Huntley Down provides the access route to the site. The route is characterised by larger properties stepping up the slope with some properties clustered around small cul-de-sacs. The properties are typically set back from the route with side or front gardens bringing greenery to the street scene. On-plot parking is provided through private driveways and integral / detached garages. Character detailing is provided by the use of flint and brick in the façades.

6.0 Relevant Planning History

- 6.1 Application: 2/2017/1871/FUL
Proposal: erect 30no. dwellings with garages, form vehicular access.
Decision: refuse for the following reasons:
Dated: 25.07.2018
Appeal: dismissed 23 July 2019
- 6.3 Application: 2/2019/0843/FUL
Proposal: Change of use of agricultural land to an informal public open space as a Heathland Infrastructure Project (HIP)
Decision date: pending
Decision: pending

7.0 List of Constraints – see previous report/appendix 2

8.0 Consultations – see previous report/appendix 2

9.0 Representations received – see previous report/appendix 2

9.0 Relevant Policies – in addition to previous report/appendix 2

9.1 *Milborne St Andrew Neighbourhood Plan (2018-2033)*

- Policy MSA1. Meeting Local Needs – Amount and Location of New Development
- Policy MSA2. Meeting Housing Needs – Dwelling Types
- Policy MSA4. Supporting Community Facilities
- Policy MSA6. Settlement Boundary
- Policy MSA7. Creating safer roads and pedestrian routes
- Policy MSA8. Parking provision
- Policy MSA9. Reinforcing Local Landscape Character
- Policy MSA10. Protecting Local Wildlife
- Policy MSA12. Improving Recreation Opportunities, and having regard to European and internationally protected sites
- Policy MSA14. Character and Design Guidance

9.2 National Planning Policy Framework

- paragraph 14 is now also considered to be of relevance, this states:
In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement; including the appropriate buffer as set out in paragraph 73); and
- d) the local planning authority's housing delivery was at least 45% of that require over the previous three years.

9.3 Other material considerations:

- National Planning Policy Guidance, paragraph: 007 Reference ID: 41-007-20190509, Decision-taking ‘What weight can be attached to an emerging neighbourhood plan when determining planning applications?’

This states “... the community has the final say on whether the neighbourhood plan comes into force as part of the development plan. Where the local planning authority publishes notice of a referendum, the emerging neighbourhood plan should be given more weight, while also taking account of the extent of unresolved objections to the plan and its degree of consistency with NPPF...”

10.0 Human rights

Article 1 – Protection of property

Article 6 - Right to a fair trial.

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

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.

11.0 Public Sector Equalities Duty

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

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

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

12.0 Financial benefits

- Affordable housing; 11no. dwellings.
- Heathland Infrastructure Project (informal open space); 1.24 hectares

	Item	Cost/home	Cost for Development
1	Destination play facilities (NEAP, MUGA, etc)*	£967.52	£24,188.00
2	Maintenance of destination play	£359.36	£8,984.00

3	Allotments*	£288.00	£7,200.00
4	Formal outdoor sports*	£936.40	£23,410.00
5	Maintenance of formal outdoor sports	£128.73	£3,218.25
8	Community, Leisure & Indoor sport facilities*	£2,006.97	£50,174.25
9	Rights of way enhancement	£22.56	£564.00
10	Poole Harbour nitrates [addressed through HIP project or contribution]	£868.80	£21,720.00
11	Dorset Heathlands	£241.00	£6,025.00
12	Primary and secondary (not for 1-bed)	£6,094.00	£140,162.00
	TOTAL [including nitrates contribution]		£285,645.50

It is worth noting that applicant has worked with Officer's to find flexible solutions to allow contributions for some highways matters which the Local Highway Authority see as unnecessary to make the development acceptable in planning terms. As such, some of the definitions in the legal agreement have been drafted to allow money to go towards the 'facilitation of access' from the development to off-site destinations.

13.0 Planning Assessment

The following matters need to be considered prior to issuing a planning decision:

- the outcome of the MSANP referendum;
- the appeal decision for 30no. dwelling on this site;
- benefits, and additional affordable home shared ownership;

The planning assessment/appraisal undertaken in the previous committee report and presented to the (North Dorset District Council) Planning Committee on 8th January 2019 is still relevant as is the previous report presented to the (Dorset Council) Planning Committee on 23rd July 2019.

13.1 *Outcome of Milborne St Andrew Neighbourhood Plan referendum*

The Council held a referendum on 8 August 2019 with the area covered by the referendum being the Parish of Milborne St Andrew. This is the same area to which the neighbourhood plan applies. In the referendum 281 people (90.6%) voted in favour of the plan with 29 people (9.4%) voting against the plan. The turnout was 34.7%.

Full weight should now be given to the policies of this Plan. A report recommending that this Plan is 'made' as part of the development plan for the Council will go before Dorset Council's Cabinet on 1st October 2019.

13.2 *Appeal decision (ref: APP/N1215/W/18/3210703, date 23 July 2019)*

As stated above, the appeal decision for planning application 2/2017/1871/FUL was received on the same day as the July Committee. The Planning Inspectorate is an independent body and it should go without saying that the local Council has no control over the timing of when they issue their decisions.

The Planning Inspector in coming to his conclusions took account of the MSANP and the Examiner's Report. He noted the most relevant NP policies to the appeal were: MSA1(housing need) and MSA14(character). He also gave moderate weight to the NP.

As a competent authority, members and officers need to fully consider material considerations that would influence the outcome of a planning decision as far as reasonable practicable. Therefore members are respectfully directed to reconsider their reasons for refusing this application in light of this appeal decision.

With regard to the principle of development and the Neighbourhood Plan, the Inspector noted at paragraph 36 that Policy MSA1 allows for the release of unallocated greenfield sites for open market housing where, as in this instance, there is a shortfall in supply. Planning application for development on land not allocated in the MSANP need to be considered on their merits and having regard to the broad presumption in favour of sustainable development. In the context he considered that the proposal would not harm the character of the local landscape or undermine the MSANP.

Turning to the reasons put forward by the Planning Committee to refuse planning permission in July, these were minuted as:

1. *The proposed development by reason of its layout and relationship to neighbouring properties would have an unacceptable impact on adjacent residential properties contrary to Policy 25 of the adopted North Dorset Local Plan Part 1 (January 2016), and Policy 14 of the emerging Milborne St Andrew Neighbourhood Plan 2018 to 2033 (Final version, May 2019).*
2. *The proposed development by reason of its design and layout would result in an unacceptable enclave of affordable housing contrary to Policies 8 and 24 of the adopted North Dorset Local Plan Part 1 (January 2016), and Policy 14 of the emerging Milborne St Andrew Neighbourhood Plan 2018 to 2033 (Final version, May 2019).*
3. *The proposal which is outside the development boundary and on the slope of a hill would have an unacceptable impact on the local landscape character and countryside contrary to Policies 4 and 20 of the adopted North Dorset Local Plan Part 1 (January 2016), and Policy 9 of*

*the emerging Milborne St Andrew Neighbourhood Plan 2018 to 2033
(Final version, May 2019).*

These are not dissimilar to the reasons previously used to refuse the scheme for 30 houses which the Planning Inspector has issued an appeal decision on. Because this is the same site, and the applicant has taken steps to address the Council's reason for the previous refusal, the Inspector's decision should be given significant weight in the decision making process.

With regard to reason 1 on layout and neighbour amenity, this seems to have been the sole reason by which the Inspector refused permission (the Inspector used the term *Living Conditions*). In particular, he considered how the previous layout would affect 17 and 19 Huntley Down, 35 and 39 Coles Lane, and 1 and 2 Coles Farm Cottages (see appendix 1 Appeal Decision paragraphs 23 - 32).

To address concerns previously raised about amenity, the layout and siting of the homes have been revised and now provides greater distance between existing and proposed homes. In particular, to the south east of the site, this has been amended to provide plots 4, 5 and 6 with more separation from those dwellings of Bladen View and Huntley Down.

Similarly, to the north of the site, the terrace of properties closest to existing properties on Coles Lane has been reduced to a terrace of three homes, to provide a more significant degree of separation to the closest properties of Coles Lane and Coles Farm Cottages.

It is considered that these changes adequately address the amenity issues raised with the previous layout and would not result in any seriously detrimental harm to the living conditions of neighbouring properties. Therefore, if this application was to be refused by reason of amenity/living conditions it is considered that this issue would not be something we could defend.

With regard to reason 2 on design and layout, the Inspector found at paragraph 22 that "There is no cogent evidence to substantiate the LPAs concern that the proposed layout would fail to secure the success full integration of the affordable dwellings within the enlarge settlement."

The Inspector also opined on the terminology and meaning of 'pepper-potting' affordable housing on 'larger sites'. He was unconvinced that as to the appropriateness of defining the appeal site (the application site) as a 'large site' in the context of Local Plan Policy 8. He thought this should apply to our much larger housing allocations/urban extensions.

The Inspector also noted that your Housing Enabling Team Lead was supportive of the layout and the affordable dwellings spilt between two groupings. In terms of design, he noted that the mix of 1, 2 and 3 bedroom dwellings reflected

identified needs. Whilst these dwellings would be smaller in size than some of the open market units, they would have the same architectural style and raised no objection.

Therefore, if this application was to be refused by reason of design and, or, layout we would not be able to defend this reason.

With regard to reason 3 on landscaping, this is a new reason for refusal which was not raise on the scheme for 30 dwellings. Nonetheless, the Inspector considered matter of landscape in the *Impact upon the Character of the Village*. He found at paragraph 16 that the proposal would not be uncharacteristic of the settlement or harm any important distinctive features of the local area.

Members should note that their Landscape Officer had no objections to the either scheme for development on this site. In particular, there were several amendments to the first scheme to overcome initial concerns raises.

Therefore, if this application was to be refused by reason of design and, or, layout we would not be able to defend this reason.

13.3 *Benefits and proposed affordable housing*

The Inspector weighed up the benefits of the development at paragraphs 33 – 35. In particular he noted that in the terms of social objectives set out in the NPPF the proposed development would: increase choice and supply of homes, address the shortfall in supply of housing, and integrate with the village. In terms of economic objectives the development would provide benefits during the construction phase and afterwards with incoming residents supporting and strengthening the viability of local businesses, services and facilities.

The Inspectors noted at paragraph 35 “The benefits of the appeal scheme weight considerably in favour of an approval.”

In terms of environmental objectives, applicant has reduced the original scheme from 30 to 25 dwellings and amended the layout to better respect neighbouring properties. The overall layout and individual design of dwellings is considered to be good and would preserver or enhance the character of the area.

Additionally, the applicant has, following discussions with the Planning Officers, offered an additional property (Plot 22 in the layout) as a shared ownership affordable home. This change they say is made without prejudice to their position on the planning balance and merits of the scheme submitted to the Council. This would result in a total of 11 homes; or 44% of the total number of dwellings would be offered as affordable housing.

On this point, the applicant is trying to work positively with Officers on how to address Policy MSA 1 of the Neighbourhood Plan which allows for additional development "...if there were substantial benefits over and above the standard requirements..." The terminology of 'over and above' is difficult to address without appearing to have bought a permission. Planning law is quite clear in that sense. Policy MSA1 does not offer any other guidance other to say development should align with certain objectives; which this scheme seems to do.

As previously reported the scheme offers substantial benefits with additional open space (Heathland Infrastructure Project (HIP)), and would align with the objectives identified in Policy MSA1. The offer of additional an additional affordable home adds more weight to these benefits. Hence, it is considered that the proposal does not conflict with the MSANP.

13.4 *Planning Balance*

The purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to this: economic, social, and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. These roles should not be undertaken in isolation because they are mutually dependent.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance and a material consideration in determining applications.

The emerging MSANP is also a material consideration. MSANP, which has allocated land for housing growth, has been through examination and referendum, and full weight can be given to these policies. However, as set out above, it is considered that this proposal, on its merits, does not conflict with the aims and objectives of the MSANP having regard to the broad presumption in favour of sustainable development. Therefore the application of NPPF paragraph 14 does not amount to a reason for refusal.

This Council's Policies in the adopted Local Plan Part 1 follow the approach of the presumption in favour of sustainable development. It has been noted that this Council can only demonstrate 3.3 years of housing land supply as such the relevant policies for the supply of housing should not be considered up-to-date.

This invokes NPPF paragraph 11 which states, in part, that when policies most important for determining the application are out-of-date, the Council should granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

On the first point, this site is not part of a protected area or assets of particular importance which would provide a reason, clear or otherwise, for refusing the proposed development.

On the second point there has been no particular issue raised either with this site or the proposed residential development that would significantly and demonstrably outweigh the benefits boosting the local supply of housing for the District by delivering 11no. affordable housing dwellings and 15no. open market dwellings.

This application has addressed the concerns and objections raised by the Council regarding development of this site for housing and there are clear economic, social, and environmental benefits to this scheme.

It is considered that the sustainable aspects and benefits of this proposed development outweigh the conflicts with the MSANP.

14.0 Conclusion

The proposed scheme for 25 houses has adequately addressed the potential neighbour amenity issues arising from the previous scheme by reducing the density and amending the layout.

The Planning Inspector found no issues with the design or layout of the affordable housing units of the previous scheme. The current scheme is not substantial different in this regard and as a reason for refusal could not be supported.

The Inspector's decision clearly indicates that this proposal would not harm the character of the local landscape or undermine the MSANP.

The benefits of the scheme are considered to be substantial; therefore the proposal would not conflict with Policy MSA1 of the Neighbourhood Plan. These benefit weigh considerably in favour of approval particularly as our current housing land supply is below the required five year minimum set out in the NPPF.

15.0 RECOMMENDATION

- A) DELEGATE AUTHORITY to the Head of Planning to grant planning permission subject to securing planning contributions through the signing of a S106 agreement and conditions listed in the report.

16.0 CONDITIONS

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

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

2. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details:

- Location and block plan (17161.79)
- Proposed Site Plan (17161.22)
- Plots 01 and 02 Plans and Elevations (17161.80)
- Plot 03 Plans and Elevations (17161.81)
- Plots 04 and 05 Plans and Elevations (17161.82)
- Plot 06 Plans and Elevations (17161.83)
- Plot 07 Plans and Elevations (17161.84)
- Plot 08 Plans and Elevations (17161.85)
- Plot 09 Plans and Elevations (17161.86)
- Plots 10 and 11 Plans and Elevations (17161.87)
- Plot 12 Plans and Elevations (17161.88)
- Plot 13 Plans and Elevations (17161.89)
- Plot 14 Plans and Elevations (17161.90)
- Plot 15 Plans and Elevations (17161.91)
- Plot 16, 17, 18 Plans and Elevations (17161.92)
- Plot 19, 20, 21 Plans and Elevations (17161.93)
- Plots 22 and 23 Plans and Elevations (17161.94)
- Plot 24 Plans and Elevations (17161.95)
- Plot 25 Plans and Elevations (17161.96)
- Single and Double Garages Plans and Elevations (17161.78)

Reason: For the avoidance of doubt and to clarify the permission.

3. Prior to occupation of any dwelling hereby approved, the access, geometric highway layout, turning and parking areas shown on drawing number 17161.22 shall have been constructed. Thereafter these areas shall be maintained, kept free from obstruction and made available for the purposes specified.

Reason: In the interests of highway safety.

4. Prior to occupation of the dwellings hereby approved a scheme showing precise details of cycle parking facilities shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme must be constructed before first occupation of any dwelling hereby approved and thereafter maintained and kept free from obstruction, and made available for the purpose specified.

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

5. Prior to commencement of any works on site, a Construction Traffic Management Plan (CTMP) shall be submitted to and agreed in writing by the Local Planning Authority. Amongst other relevant matters, the CTMP shall include:

- construction vehicle details (number, size, type and frequency of movement);
- a programme of construction works and anticipated deliveries;
- timings of deliveries so as to avoid, where possible, peak traffic periods;
- contractors' site arrangement plan(s) (compound, storage, parking, turning, surfacing and drainage);
- wheel cleaning facilities;
- vehicle cleaning facilities;
- a scheme of appropriate signing of vehicle route to the site;
- a route plan for all contractors and suppliers to be advised on;
- temporary traffic management measures where necessary;

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

Reason: In the interest of highway safety. In particular, to minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway.

6. No development shall take place until an Construction Environmental Management Plan (CEMP) based on the submitted Hydrogeological Risk Assessment and relevant to all phases of the construction of the proposed development, is submitted to and approved by the Local Planning Authority. The statement shall outline the potential impacts from all construction activities on both groundwater and surface water and identify the appropriate mitigation measures which shall then be implemented to the satisfaction of the Local Planning Authority. It shall include, but not be exclusive, to the following matters:

- a. Satisfactory arrangements for grit traps, sumps, oil interceptors (and sampling chambers) to restrict contaminants entering the groundwater system. These will require a regular maintenance and cleansing regime.
- b. storage and use of fuels and other chemicals on the site;
- c. all plant and equipment shall be checked each day for signs of leakage of fuel or other fluids and any equipment found to be leaking shall be removed from the site immediately; and
- d. design & management of on-site facilities including welfare units and vehicle washing etc, particularly in relation to disposal of waste water / effluent.

Reason: To minimise risk to groundwater and in the interest of public health

7. Prior to any development, details of maintenance and management of the foul and surface water sustainable drainage scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These details should include, an implementation schedule, 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.

8. No development shall be commenced until a scheme for the disposal of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Thereafter, no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented.

Reason: To minimise the risk of flooding and/or pollution.

9. Prior to occupation of the first dwelling, a detailed and finalised a sealed system of foul water drainage and surface water management scheme for the site during and post-development, based upon the hydrological and hydrogeological context of the development, shall be 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 substantially completed. In particular, the scheme shall demonstrate the proposal poses either no risk to groundwater and the aquifer(s) feeding the abstraction boreholes, or that any risk can be successfully mitigated.

Reason: To prevent groundwater infiltration into the foul sewer network affecting service levels to public sewer systems and to prevent any increased risk of flooding.

10. Prior to occupation of any dwelling hereby approved, an arboricultural method statement shall be submitted to and agreed in writing by the Local Planning Authority. The statement shall include, amongst other relevant details, the following:

- details of any proposed tree works;
- installation of temporary ground protection and/or fencing;
- construction methodologies for installation of new hard surfacing within the RPA of retained trees; and
- an auditable/audited system of arboricultural site monitoring, including a schedule of specific site events requiring input or supervision.

The development shall be carried out in accordance with the agreed method statement.

Reason: in the interest of public amenity and ecology.

11. Prior to occupation of any dwelling hereby approved precise details of all tree, shrub and hedge planting (including positions and/or density, species and planting size) shall be submitted to and approved in writing by the Local Planning Authority. Planting shall be carried out before the end of the first available planting season following substantial completion of the development. In the five year period following the substantial completion of the development any trees that are removed without the written consent of the Local Planning Authority or which die or become (in the opinion of the Local Planning Authority) seriously diseased or damaged, shall be replaced as soon as reasonably practical and not later than the end of the first available planting season, with specimens of such size and species and in such positions as may be agreed with the Local Planning Authority. In the event of any disagreement the Local Planning Authority shall conclusively determine when the development has been completed, when site conditions permit, when planting shall be carried out and what specimens, size and species are appropriate for replacement purposes.

Reason: In the interests of public amenity and ecology.

12. The applicant's Biodiversity Mitigation & Enhancement Plan dated 31/08/2018 (from Clare Bird and Adrien Meurer of Hankinson Duckett Associates) shall be implemented in full prior to occupation of the 25th dwelling hereby approved or within timescales to be agreed in writing.

Reason: To mitigate the potential adverse affects of the development on the local ecology.

13. Notwithstanding the details on the approved plans, samples of facing and roofing materials to be used in the construction of the dwellings shall be submitted to and agreed in writing by the Local Planning Authority. The development hereby approved shall thereafter be completed in accordance with the agreed details.

Reason: In the interest of good design and to maintain the character of the area.

14. Prior to the occupation of any dwelling hereby approved, details of the proposed LAP (in the location shown on the Proposed Site Plan (17161.22) shall be submitted to and approved in writing by the Local Planning Authority. Those details shall include, amongst other things, planting, layout, schedule of implementation, and future maintenance responsibilities.

Reason: In the interest of public amenity and ecology.

15. Prior to occupation of any dwelling hereby approved, a Heathland Infrastructure Project (HIP) shall be secured and made available in perpetuity for the purposes set out in the letter from Natural England dated 13 December 2018 to a standard the details of which shall be agreed in writing by the Local Planning Authority adjacent to the site or in an agreed alternative suitable location within the Parish of Milborne St Andrew.

Reason: In the interest of wildlife habitat and ecology.