

## **EASTERN AREA PLANNING COMMITTEE**

### **1. PURPOSE AND RECOMMENDATIONS**

**Purpose of Report:** Item for Decision

**Recommendations:** It is **RECOMMENDED** that the resolution of the Planning Committee of 20<sup>th</sup> March be amended in the following manner:

- Condition 15 of application 3/18/3305/FUL be removed,
- The requirement for £500,000 contribution to the Canford Bottom Roundabout /Wimborne Road West junction improvement no longer be required in the Heads of Terms for the S106 Agreement, and
- The full education contribution of £899,694 be required as part of the Heads of Terms of the S016 Agreement.
- That the period for the preparation of the Agreement be extended to the 31<sup>th</sup> October 2019.

**Wards:** Colehill West and Colehill East

**Contact Officer** Elizabeth Fay

#### **Application 3/18/3305/OUT - A hybrid application comprising:**

**1) An outline application for the erection of 174 dwellings, with all matters reserved save for means of access.**

**2) A full planning application for the erection of a community sports facility comprising club house, playing pitches, parking and landscaping together with the change of use of the land to leisure.**

#### **Background**

The East Dorset Planning Committee considered the above planning application at its meeting on 20<sup>th</sup> March 2019 and resolved to grant planning permission for the development subject to the applicants firstly entering into a S106 Legal Agreement within an agreed timeframe to secure a range of infrastructure necessary to enable the development to proceed, and a number of conditions to guide the final form of the development. In the event of a S106 legal agreement not being secured within the agreed timeframe the Committee resolved to refuse the application.

In part the legal agreement sought to secure the following contributions:

- £943,938 to fund both off-site Highway works and a proportion to education. This comprised £443,938 towards education and £500,000 towards off-site works at the junction of Wimborne Road West (B3073) and the Canford Bottom Roundabout.

In addition to the legal agreement, a Grampian style pre-occupation condition (no. 15) was proposed as follows:

*No occupation of the residential units hereby approved shall commence unless and until the following works have been constructed to the specification of the Local Planning Authority:*

*The alterations shown in principle in accordance with the preliminary design as set out in drawing ITB13176-GA013 Rev B.*

*Reason: These specified works are seen as a pre-requisite for allowing the development to proceed.*

Since the resolution to grant the above planning permission, the applicants have carried out further transport assessments of the scheme and have concluded that the proposed works to the approach to the Canford Bottom Roundabout along Wimborne Road West are not necessary to mitigate the impact of the development on the local highway network.

The purpose of this Report is to consider the request by the applicants to amend the requirements set out in the Committee Minute of the meeting of the 20<sup>th</sup> March in this respect.

#### The need for off-site highways works

The transport analysis at the time the planning application was considered by the Committee in March of this year was based on a number of assumptions relating to:

- Committed development traffic generation.
- Assumed year of opening; and
- Proposed Development traffic generation.

The applicant's transport agents have continued to discuss the impacts of the proposed development with officers of the Highways Department and have produced an updated Transport Assessment which considers the impact of the proposed development based on revised assumptions which more accurately reflect the form of the development that has been submitted as part of the planning application. This revised information relates to the amount of traffic likely to be generated from the agreed mix of housing on the site, that the First School on the site will reduce traffic

movements off the site at peak times, and that the development will commence earlier than originally planned.

This analysis has concluded that the impact of the development on the transport network in the morning peak traffic flows would not be significant; and the residual cumulative impact on the road network would not be severe.

Paragraphs 108 and 109 of the NPPF give guidance on how planning applications should be assessed in terms of traffic generation and impacts on the highway network. They conclude that mitigation is only required if the impacts from the development on highway capacity and congestion are significant, or that the residual cumulative impacts on the road network are severe.

In this instance the Transport Assessment concludes that the development does not require the degree of mitigation required in the recommendation to Members in March of this year.

Dorset Highways department and Highways England have both been re-consulted on this revised Transport Assessment and their comments in respect of the updated Transport Assessment are as follows

#### *Highways England*

We remain satisfied that the proposed development does not have a severe impact on the A31 Canford Bottom junction, and that the mitigation scheme offered minimal positive benefits on the SRN arms of the Canford Bottom junction and is not required to mitigate the traffic impact in terms of the SRN.

#### *DC Highways*

Dorset Council as the Highway Authority have studied this submission and consider it provides a more robust trip generation scenario. This identifies a lesser impact than had previously been modelled and no longer constitutes “severe harm” as the NPPF and in our opinion now fails to justify the need for the mitigation works (and disruption during construction) at the A31 Canford Bottom junction.

#### Education contribution

Dorset Council requested (on 6 February 2019) a contribution towards education of £899,694. The applicant accepts that an education contribution is necessary to make the development acceptable in planning terms.

Given the viability of the development, officers previously considered a contribution of £443,938 towards education reasonable, given the costs to the Canford Bottom Roundabout were £500,000. As those works are no longer required, the applicant proposes to reappportion the funds to education and therefore to meet in full the requested contribution of £899,694.

### Conclusion

Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 sets out that planning obligations must only be sought when they meet the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

Given that the impact of the development on the highway network will not be significant, and will be below the level of impact previously considered acceptable by Dorset Highways, it is concluded that the Grampian style planning condition and the obligation for a £500,000 contribution towards off-site highway works is not necessary to make this development acceptable in planning terms.

The full education contribution sought is based on an agreed methodology which calculates a proportionate, fair and reasonable contribution towards education from each new eligible dwelling. The full contribution meets the tests of Regulation 122(2).

### Recommendation

It is therefore recommended that the resolution of the Planning Committee of 20<sup>th</sup> March be amended in the following manner:

#### **A)**

- Condition 15 be removed,
- The requirement for £500,000 contribution to the Canford Bottom Roundabout /Wimborne Road West junction improvement no longer be required in the Heads of Terms for the S106 Agreement, and
- The full education contribution of £899,694 be required as part of the Heads of Terms of the S016 Agreement.
- That the period for the preparation of the Agreement be extended to the 31<sup>th</sup> October 2019.

#### **B)**

- Refuse permission for the reasons previously reported to committee on the 20 March if the revised S106 agreement is not completed by the 31 October 2019 or such extended time as agreed by the Head of Planning Services or relevant lead officer

Eastern Area Planning Committee  
25<sup>th</sup> September 2019

**Background Documents:**

1. Minutes of East Dorset District Planning Committee 20 March 2019
2. Report to East Dorset District Planning Committee 20 March 2019