

**WP/19/00273/RES**

**Curtis Fields (Phase 2b) Land South Of, Chickerell Road, Weymouth.  
Application for approval of reserved matters for Access, Appearance,  
Landscaping, Layout and Scale of outline application WP/14/00777/OUT.  
Applicant name – Mr. J. Saunders  
Case Officer – Lachlan Robertson  
Ward Member(s) – Councillor Jean Dunseith and Councillor John Worth**

The application is presented to Committee at the Service Manager for Development Management & Enforcement's discretion.

**1.0 Summary of Recommendation:** APPROVAL subject to conditions.

**2.0 Reason for the recommendation:**

- The proposal is for “reserved matters” approval and other details required by planning conditions pursuant to the outline planning permission previously granted under reference WP/14/00777/OUT and as amended by a grant of non-material amendments application reference WP/18/00467/NMA.
- The proposed “reserved matters” are submitted for the layout, design and general visual impact of the development including its proposed access arrangements, parking, landscaping and external appearance are acceptable.
- In regard to the proposed geometric highway layout (condition 7), improvements to the surface of Cockles Lane (condition 8), Travel Plan (Condition 9), surface water drainage scheme (condition 10), boundary treatments (condition 12), earthworks to form SuDS Ponds (condition 13), finished floor levels (condition 17) the Construction Environment Management Plan (condition 18) and the equipped recreation facilities (condition 20) all these details are also supplied and are acceptable.
- In regard to the supply of a Biodiversity Management Plan (Condition 16) this remains to be considered as a separate matter and not under this application.
- There is not considered to be any significant harm to neighbouring residential amenity.
- The proposal complies with the general drainage strategy previously approved under the outline planning permission.
- The proposal forms a reasonable visual and operationally compatible relationship with the SNCI and the local footpath network.
- The proposal has been considered by an Appropriate Assessment under the Habitat Regulations and is considered to have a significant impact on protected sites, including at Chesil Beach and The Fleet. However,

appropriate mitigation is in place that allows the application to be approved.

- There are no material considerations which would warrant refusal of this application.

### 3.0 Key planning issues

| Issue   | Conclusion  |
|---|---|
| Urban Design: Layout, Design and Visual Appearance  | The layout is reflective of the main constraint of the sloping nature of the site. It is responsive to the requirements of good urban design principles of coherent structure, easily navigable road layout, useful open space, appropriate landscaping, varied design and general compatibility with the surrounding character of the area.  |
| Natural England's statement that an Appropriate Assessment under the Habitats Regulations is required as there are likely to be significant impacts on protected sites. | <p>An Appropriate Assessment has been undertaken and it has been concluded that there will be a significant impact on protected sites, particularly Chesil Beach and The Fleet, due to the additional recreational pressure that will occur as a result of the development.</p> <p>However, Dorset Council agreed at its Cabinet Meeting of 28<sup>th</sup> July 2020 to implement a range of measures intended to mitigate the impact of development using monies obtained from the Community Infrastructure Levy. It is this mitigation which allows this proposal and other similar developments in the locality to proceed.</p> <p>Natural England confirmed in correspondence that it is content with the AA and the mitigation proposed, provided that the latter is secured.</p> |
| Neighbouring Amenity  | No significant harm to neighbouring residential amenity and provides a convenient second access to the neighbouring school.   |
| Drainage and Flood Risk   | The proposal is compatible with the strategic drainage system previously approved.  |

|   |  |
|---|--|
| Highway Safety, Road Hierarchy, Convenience and Car Parking                             | The proposed roads are acceptable in regard to their design but the sloping nature of the site does require sections of the internal roads to accommodate substantial changes in level.  |
| Landscaping, Open Spaces, Play Areas, Footpaths and Integration with the Neighbourhood. | The proposals include a substantial introduction of new tree planting, open spaces and footpath network, incorporating and improving much of the existing Cockles Lane,  |
| Biodiversity  | <p>The proposals will involve a substantial change to the ecological character of the area, however it provides new water and green infrastructure environments.</p> <p>A Biodiversity Management Plan will be required under the terms of condition 16 of the original outline planning permission. This will cover all remaining phases of Curtis Fields, including phase 2B the subject of this application</p> |
| Affordable Housing  | The proposal includes approximately 27% of the dwellings as affordable housing. Whilst this is less than the 30% requirement, the proposals are for a part of the Curtis Fields development only and other phases will be expected to make up the difference.  |
| Relationship to Master Plan included in the original outline planning permission.       | The proposals generally accord with the Master Plan.   |
| Community Infrastructure Levy (CIL)   | N/A.   |

## 4.0 Description of Site

4.1 The application site is located within, and is a phase of, the existing development area known as Curtis Fields. The first phase of development under the original outline planning permission is nearing completion and this proposal will likely be the next phase to be developed, so continuing the delivery of housing. The first phase has been developed on sloping land from its high point at the entrance on Chickerell Road down to the bottom of the valley. The site of this second phase continues southwards within an area that begins on the valley

floor and slopes upwards considerably to the southern boundary of the permitted site towards the Site of Nature Conservation Interest.

4.2 The current visual appearance of the site is defined by the artefacts of construction and is therefore dominated by the storage of topsoils, security fencing and temporary trackways.

4.3 The proposal has been substantially revised from the original submission and significant additional information and plans has been supplied during the course of the application period. Therefore this report refers to the amended scheme only unless otherwise specifically indicated.

## **5.0 Description of Proposal**

5.1 The proposal is for 99 dwellings in the form of detached, semi-detached houses or flats over garage type properties; of which 27 will be classed as affordable housing. There are a variety of housing types combined into a variety of configurations each of which are the subject of individual drawings supplied.

5.2 The development will add considerably to the changes permitted by the outline planning permission from a largely rural to a largely urban character. However, there are substantially retained areas of open space in the form of sustainable urban drainage features (SUDs), retained and landscaped footpaths, a significant area for a play/sport facility (a NEAP and a MUGA) and general casual amenity space.

5.3 Cockles Lane is broadly retained and incorporated forming a through route on the edges of the development area.

5.4 Due to the differing house types and the placement of the buildings on sloping ground, the overall visual appearance will be of considerable variety in form, heights and roofscapes which will thereby result in a residential area which will become a landmark feature in the local landscape.

5.5 Materials are generally in the form of red brick, stone or render walls under brown or dark red tiled roofs or using slate coloured fibre cement tiles. The materials are specified by house-type in the materials schedule (dated 18/12/19) which is in tabular form but is also specified on the individual house-type drawings.

5.6 The submission is accompanied by detailed landscaping proposals, throughout the development. There is a schedule of the planting of individual trees, mostly around the SUDs area, footpaths, the open spaces, Cockles Lane and notably as an avenue through the main spine road through this phase. This is supplemented by a wildflower planting plan and schedule along the existing lanes, the SUDs and the open spaces and buffer zone on the southern edge of

the development next to the SNCI. Finally, there is landscaping associated with individual parts of the development, with variations in planting types to differentiate one part of the development from another.

5.7. The proposal is designed to incorporate three levels of highway hierarchy, each with a specified road treatment, forming a “block” structure of housing development and providing a distinctive style to assist in navigation through the area. There are some private driveways and cul-de-sacs.

5.8 Privacy and amenity standards are generally fair with the use of the “block” structure and privacy fencing to ensure that most properties have a reasonable small private garden area and that public areas are reasonably surveilled for security purposes.

## 6.0 Relevant Planning History

6.1 There is a substantial planning history related to the area, but only the most relevant decisions are recorded here which directly involve the reserved matters submission for residential development at Curtis Fields.

| Application No. | Proposal   | Decision                         | Decision Date                |
|-----------------|--|----------------------------------|------------------------------|
| WP/14/00777/OUT | Outline planning permission (with all matters being reserved including access) for the development of approximately 500 residential dwellings in 3 phases (phases 2 to 4)  | Permission Granted               | 24 <sup>th</sup> August 2016 |
| WP/18/00467/NMA | Amendment to planning permission WP/14/00777/OUT: Variation of conditions 7 and 13 of outline planning permission Ref: WP/14/00777/OUT relating to the provision of the Spine Road and a comprehensive Drainage Strategy for the whole site. Variation to wording of conditions 1,5,17 and 18 to include the words ‘on any phase’ and ‘for that phase’ to reflect and clarify the relationship of these conditions to the title of the outline planning permission for a phased development of the site. | Grant of Non-Material Amendments | 31 <sup>st</sup> July 2018   |
| WP/18/00749/RES | Application for approval of reserved matters for access and layout of outline application WP/14/00777/OUT  | Approved                         | 20 <sup>th</sup> March 2019  |

|   |  |                    |                            |
|---|--|--------------------|----------------------------|
|   | <i>(Case Officer note: for clarity, this did not include the route of the road through phase 2b which is the subject of this reserved matters application)</i>     |                    |                            |
| WP/19/00635/RES   | Application for approval of reserved matters (Phase 4) for Access, Appearance, Landscaping, Layout and Scale of outline application WP/14/00777/OUT                | To Be Determined   | -                          |
| WP/19/00693/RES   | Application for approval of reserved matters (Phases 2A, 3A and 3B) for Access, Appearance, Landscaping, Layout and Scale, of outline application WP/14/00777/OUT. | T.B.D.             | -                          |
| <b>Other Relevant Decisions relating to Phase 1 (development now complete on adjacent site)</b> |  |                    |                            |
| WP/14/00591/OUT   | Outline Application for residential development (approx. 62 dwellings)(revised scheme)   | Permission Granted | 15 <sup>th</sup> July 2016 |
| WP/17/00916/RES   | Application for approval of reserved matters for Access, Appearance, Landscaping, Layout and Scale in relation to Outline approval WP/14/00591/OUT                 | Approved           | 3 <sup>rd</sup> May 2018   |

## 7.0 Relevant Constraints

Area susceptible to surface water flooding *[Case Officer's Note: but subject to an approved drainage strategy and also proposals detailed within the application.]*

Public Footpath

Tree Preservation Order

SSSI Impact Risk Zone

Close to Chesil Beach and The Fleet Special Area of Conservation (SPA), Special Protection Area (SPA) and Ramsar designated area.

## 8.0 Consultations

Note: The proposal has been substantially revised and significant additional information and plans have been supplied during the course of the application

period. Therefore this report on consultation responses refers to the amended scheme only unless otherwise specifically indicated.

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

8.1 Dorset Natural Environment Team – Referring to the original proposals submitted in March 2019, it is recommended that the non-native species *Cotoneaster simonsii* should be removed from the planting list. A BMEP should be submitted. A SNCI management plan should be submitted.

Case Officer Comment. As a result of these comments on the revised plans the applicant's ecology consultants entered into substantial discussions and additional information was provided on the content of a Biodiversity Management Plan for this site and the other phases of Curtis Fields. As a result, it has been agreed that this can be completed and dealt with under a separate submission to discharge Condition 16 which related to that matter. The specified species has been removed from the planting schedule.

8.2 Natural England - Natural England initially responded to the application with no objection in principle, subject to a number of minor adjustments. However, Natural England subsequently objected to the principle of development when responding to the revised plans that were submitted on 20<sup>th</sup> December. This was undertaken by email and enclosing a copy of the NE letter dated 7<sup>th</sup> November 2019 in response to different reserved matters applications under references WP/19/00635/RES and WP/19/00693/RES. The body of that letter also made reference to application WP/19/00273/RES. These objections and comments therefore related to all three applications.

Natural England objected to the applications; principally on the lack of information on the following topics.

1. That the application could have potential significant effects on Chesil and the Fleet Site of Special Scientific Interest, the Fleet Special Area of Conservation and the Chesil Beach and the Fleet RAMSAR site:
  - Recreational Impacts to Radipole Lake and the Chesil and the Fleet designated sites and contribution secured thereto. NE state: *“Natural England’s position remains that this cost is calculated and agreed with the manager of Radipole Lakes and the authority to make the application acceptable on this point. This payment should be secured through the reserved matters application and paid to the reserve prior to first occupation or before.”*

- NE consider that there is evidence, prepared following the original outline planning application submission in 2014, to highlight that recreational pressure on Chesil and the Fleet is an issue.
- 2. That no air quality assessment has been made by the applicant of the likely impacts of the development from additional vehicular movements within close proximity to designated sites.
- 3. That the ecological corridor in phase 3 has been narrowed. [Author's note: this does not apply to the current application for phase 2b.]
- 4. That the planting schedule includes an invasive species, Cotoneaster.
- 5. That a compensation payment for offsite biodiversity measures may be necessary as set out in condition 16 of the outline planning permission WP/14/00777/OUT.
- 6. Plans for the restoration and management of the SNCI.
- 7. The provision of an adequate buffer zone; the plans show an encroachment from that shown in the Master Plan associated with the outline planning permission.
- 8. The specific identification of and permanent establishment of dog walking routes.
- 9. Agreement of a method for protection of reptiles via a BMEP.
- 10. Further survey work on the use of barns, proposed to be demolished, will harm barn owls. [Author's note, this does not apply to the phase 2b as no barns on site.]
- 11. A BMEP will need to be approved.

In addition, Natural England advised that:

*"In the light of the recent ECJ ruling (People Over Wind & Sweetman v Coillte Teoranta (Case C-323/17)) which concluded that the avoidance/mitigation cannot be taken into consideration when considering the Likely Significant Effects of proposals on European wildlife sites (and Ramsar sites as a matter of Government policy). Natural England advise your authority to undertake an Appropriate Assessment of the application as is required under Reg 63."*

And also,

*"Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence."*



Furthermore, Natural England queried the process of dealing with the various reserved matters applications and their relationship with the original planning conditions imposed on the outline planning permission WP/19/00777/OUT.

As a result of these comments and following substantial discussions with the relevant Dorset Council officers, Dorset Council's Environmental Assessment Officer undertook an Appropriate Assessment, in consultation with Natural England. A copy of that AA is included as an Appendix to this Report.

Further comments were then received from Natural England on the 24<sup>th</sup> July 2020 in the light of this AA which stated:

*"No objection*

*Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.*

*Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given."*

### 8.3 Open Spaces Society/Parks and Open Spaces – No response.

8.4 Highways – Referring to the original proposals submitted in March 2019, it is noted that the scheme would be considered for adoption subject to amendments being made in respect of the detailed highway geometry and other detailed design matters. Referring to the revised scheme submitted on 29<sup>th</sup> November 2020, further comments were received on 5<sup>th</sup> March 2020 and amended plans were consequently submitted by the applicant's agent.

Case Officer Comments – The layout of the scheme has changed considerably, and has taken into account further comments from the Highways team on the revised layout. In general the scheme has been considerably improved in all respects referred to.

8.5 Environment Agency – Raise no objections subject to the reserved matters complying with the details provided under the original outline planning permission

8.6 Flood Risk Management Team – State that they are aware of the EA comments expressing no objection, but would highlight that the submission includes part of the comprehensive surface water attenuation ponds that are

required for the development as a whole. Therefore, the downstream sensitivities, constraints and prevailing risk must be adequately considered.

8.7 Housing Enabling Team – Comment as follows:

*“Phase 2B proposes a total of 104 dwellings with 30% to be provided as affordable homes which equates to 31.2 homes. The plan shows that 31 homes are being offered as affordable homes with 19 homes for rented accommodation and 12 for shared ownership. The Council will accept a financial contribution for the addition. The affordable units are well incorporated across the site and integrated amongst the market housing.”*

Case Officer comment: The scheme has been amended to provide 99 dwellings with 27 provided as affordable homes, which equates to about 27%. There are other phases to be developed and the difference to the required 30% can still be provided elsewhere.

8.8 Planning Obligations Manager – States that no comment on the planning obligations requirements is required.

Case Officer comment: The site relating to phases 2 – 4 (i.e. that covered under application WP/14/00777/OUT) is subject to a Planning Agreement dated 17<sup>th</sup> August 2016. Nothing in this application alters the requirements of that Agreement.

8.9 Dorset Police Crime Prevention – No response.

8.10 Dorset Waste Partnership – No response.

8.11 Environmental Health – No objections but comments that in regard to the Construction Environmental Management Plan (CEMP) it should be stated that there are to be no bonfires on site and that hours of construction should be restricted.

Case officer comment: The applicant has provided a revised CEMP which refers to the restriction of bonfires and also corresponds with the hours of operation which were originally required by planning condition on the original outline planning permission reference WP/14/00777/OUT.

8.12 Wessex Water – State that the foul drainage strategy is as anticipated (drawing P/500D). The drainage strategy proposes to attenuate surface water runoff in an attenuation pond located to the north east, and discharge to the local

Peartree Lane ditch at a restricted rate. It is left to the local lead flood authority to provide any further comment in that respect.

8.13 Scottish and Southern Energy – No response.

8.14 Weymouth Town Council – Raises no objection.

8.15 Technical Services – No response.

8.16 Senior Archaeologist - No response.

8.17 Public Health Dorset – No response.

8.18 Conservation Officer – No comment as no heritage assets affected.

8.19 Urban Design Officer – In summary, comments as follows:

In responding to the revised plans submitted 29<sup>th</sup> November 2019, it is noted that the scheme has been comprehensively revised to address the concerns previously raised and the scheme has improved immensely. There are a number of additional minor matters of clarification that could be made or dealt with by condition.

Case Officer Comments. The layout has been substantially amended from the original submission and in minor respects on the 28<sup>th</sup> July 2020 as a result of the involvement of the Urban Design officer and the case officer. The agent provided additional and revised plans which dealt with the detailed matters raised as well as other matters of clarification.

8.20 Dorset Wildlife Trust – Referring both to the original and revised proposals submitted in March 2019, states that there is insufficient information to comment.

Case Officer Comment – Further information was provided in respect of a BMEP, reptile survey report, associate mitigation statement and updated badger survey and prompted further comment from the Dorset Wildlife Trust. However, the case officer has, in consultation with the Council's Natural Environment Team agreed with the applicant that these requirements can be dealt with under a separate application to discharge condition 16 of the original outline planning permission.

8.21 The Senior Ranger - Referring to the original proposals submitted in March 2019, notes that the proposed works directly affect Footpath 130. This will require diversion by a separate legal order.

8.22 The Landscape Officer - Referring to the original proposals submitted in March 2019, submits detailed and comprehensive criticism of the landscaping

proposals as generally considered to be inadequate. Has further commented on revised plans submitted and there are a number of minor amendments awaited.

Case Officer Comments – The scheme has been amended considerably since these detailed comments were made. In general, the scheme has improved the quantity and quality of planting and is considered to be acceptable.

## **9.0 Representations**

9.1 The Governors at St Augustine's School expresses serious concern in respect of the siting of the SUDs pond in the immediate vicinity of the boundary of the school. There is concern that any overflow will enter the school site.

Case officer comments. The SUDs is designed to contain significant flood risk events as far as these may be anticipated and is in accordance with the requirements of the original outline planning permission and Master Plan.

## **10.0 Relevant Policies**

### West Dorset, Weymouth and Portland Local Plan

INT1 – Presumption in Favour of Sustainable Development  
ENV1 – Landscape, Seascape and Sites of Geological Interest  
ENV 2 – Wildlife and Habitats  
ENV4 – Heritage Assets  
ENV 5 – Flood Risk  
ENV10 – The Landscape and Townscape Setting  
ENV11 – The Pattern of Streets and Spaces  
ENV12 – The Design and Positioning of Buildings  
ENV15 – Efficient and Appropriate Use of Land  
ENV16 – Amenity  
SUS1 – The Level of Economic and Housing Growth  
SUS2 – Distribution of Development  
HOUS1 – Affordable Housing  
HOUS3 – Open Market Housing Mix  
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

| Section | Title                                   |
|---------|---|
| 2.      | Achieving sustainable development       |
| 5.      | Delivering a sufficient supply of homes |

11. Making effective use of land
12. Achieving well-designed places

#### Other material considerations

- DCC Parking standards guidance
- Weymouth and Portland Landscape Character Assessment 2013
- Urban Design (SPG3)

### **11.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

### **12.0 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.

In the context of the above PSED duties the scheme is unable to fully mitigate the disadvantage to disabled access due to the nature of the site where there are substantial level changes. Some mitigation is in place to ensure level access is provided to public facilities, though footpath gradients to open spaces in some circumstances are severe and unable to be mitigated fully.

### **13.0 Financial benefits**

| Material benefits of the proposed development |  |
|---|--|
| Affordable housing                            | 27 units in total: 17 rented and 10 shared equity. |

| Non-material benefits of the proposed development |                         |
|---|-------------------------|
| Council Tax                                       | Not known at this stage |
| New Homes Bonus                                   | Not known at this stage |

## 14.0 Climate Implications

14.1 There is no specific information provided on the degree to which the project will be carbon neutral. However, attention to the road hierarchy and structure has resulted in a more efficient layout than that originally submitted. The dwellings will require to be built to latest building regulation standards. The plans include the positioning of electric vehicle charging points in convenient locations by the public highway.

## 15.0 Planning Assessment

### Principle of Development

15.1 This has been established by the previous grant of planning permission and the conditions imposed thereon.

### The Appropriate Assessment

15.2 Officers have taken legal opinion on the application of the Habitats Regulations in general and on the need for an Appropriate Assessment (AA) in particular insofar as it applies to applications for Reserved Matters approval. In short, it is necessary for the Council to undertake an Appropriate Assessment of a reserved matters application where the impact on a protected area (in this case Chesil Beach and The Fleet) is significant. In coming to such a decision, the views of Natural England are of considerable weight.

15.3 The fact that outline planning permission has been granted does not obviate this need for an Appropriate Assessment in each relevant case.

15.4 This AA has been undertaken and is attached as an Appendix to this report. In summary,

- i. Discounting any mitigation, the application will have a likely significant effect on the Chesil and the Fleet European wildlife site (including Ramsar sites).
- ii. Natural England have provided a series of measures which they consider likely to provide the mitigation necessary to avoid the impacts of recreational pressure upon the Chesil and the Fleet European Site.

- iii. This mitigation is to be provided by Dorset Council itself (see below, Use of the Community Infrastructure Levy).
- iv. The Appropriate Assessment concludes that in light of the mitigation that has been secured and provided, there will be no adverse effect on the integrity of the designated sites.

### Use of The Community Infrastructure Levy

15.5 It is apparent from the comments of Natural England and from the Appropriate Assessment that the mitigation required is wide ranging and more comprehensive than can be addressed solely by individual development proposals in the affected area. There are practical difficulties in seeking specific funding from each development in turn; particularly so where the principle of development has already been granted as in this case. In essence, without the Council's involvement in undertaking these mitigation measures, development in the affected area would stall as any further planning permissions likely to have a significant effect on the protected areas would require to be refused.

15.6 For that reason, Cabinet considered a report on 28<sup>th</sup> July 2020, *Dorset Council – Community Infrastructure Levy Governance Arrangements* and its *Appendix D – Emerging Habitat Regulation Costs Chesil Beach & The Fleet*, which sought to utilise the Council's Community Infrastructure Levy to finance the mitigation measures required. As an aside, these Habitat Regulation measures are as set out in the Appropriate Assessment and are agreed by Natural England in their most recent correspondence. The Recommendations of this Cabinet Report were agreed by Cabinet and on the basis therefore that the measures can now be funded from CIL, it releases this application for decision.

15.7 In the light of the above, each objection of Natural England, as set out in the consultations section above, is taken in turn:

### Natural England Objections

#### Objection 1: Recreational Impact

15.7 The recreational impact of the residential development at Curtis Fields is mitigated by the measures and funding process through CIL as agreed by Cabinet.

#### Objection 2: Air Quality

15.8 The AA refers to a screening report from the applicant which states that;

*“the increase in traffic on Portland Beach Road due to the proposed development in-combination with committed development is less than 1,000 AADT. Therefore,*

*the impact on the integrity of the protected areas due to emissions from road traffic generated by the proposed development will be insignificant and detailed assessment should not be required.”*

Given that the principle of development has already been granted, and further mitigation of impact is included in the mitigation package, it is not considered that further information gathering about the impact on air quality is necessary to make a decision on this reserved matters application.

#### Objections 3 and 10: Ecological Corridor and Barns

15.9 Not applicable to this phase of development under consideration.

#### Objection 4:

15.10 The named invasive species was removed and amended plans issued on 29<sup>th</sup> November 2019.

#### Objections 5, 6,7,8, 9 and 11.

15.11 A BMEP and Management Plan for both the Site of Nature Conservation Interest and the associated buffer zone will be dealt with under a separate application to discharge the requirements of Condition WP/14/00777/OUT. Nevertheless, detailed discussions on these topics has been held with the applicant and Dorset Council Officers and it is likely that a satisfactory conclusion can be reached.

#### Urban Design: Layout, Design and Visual Appearance

15.12 The underlying urban design is based on providing a straightforward road hierarchy to help navigate across a sloping site, creating residential “block” structures that are coherent and readily accessible. The design of the dwellings is varied and similar to that found on the earlier phase 1, but with an emphasis on detached and semi-detached dwellings to fit into the character of the wider area. The use of red brick and tile is similar to that used in the earlier phase.

15.13 The level changes across the site will mean that the residential area will be readily visible from many private and public viewing points around, and the overall effect will be of a substantially varying roofscape interpolated with trees, landscaping and open spaces on the southern boundary. Overall, the layout design and visual appearance of the development are considered to generally accord with relevant policies of the local plan; namely policies ENV10, 11, 12, 13, 15 and ENV16.



### Drainage and Flood Risk

15.14 The overall drainage strategy for Curtis Fields has been established under a previous planning permission under reference WP/14/00777/OUT and the current proposals include specific further detail as required under condition 13 of that permission.

15.15 The first phase of development contains the main drainage and flood risk mitigation measures for the development as a whole in the form of substantial drainage channels and SUDs. All subsequent phases will use these drainage structures in conjunction with new drainage features within their own areas.

15.16 Phase 2b, the subject of this current submission, includes two new SUDs features in the form of a new SUDs pond, similar in design to that found on the earlier phase, and grass swales on the upper slopes to be used as an intervening drainage measure from overland flooding from land to the south. The ponds are shown to be fenced to deter casual access and the gradients are kept shallow in the interests of health and safety.

### Highway Safety, Road Hierarchy, Convenience and Car Parking

15.17 The proposed highway structure has been designed with a central, looping spine road with secondary roads off this principle route. Level changes across the site are challenging but substantial gradients have been minimised to those parts where they are unavoidable. The overall residential “block” structure is coherent and navigable with parking areas for both residents and visitors clearly marked and located close to the properties they serve.

### Landscaping, Open Spaces, Play Areas, Footpaths and Integration with the Neighbourhood.

15.18 The application is accompanied by detailed landscaping proposals which re-inforce the existing vegetation, particularly along Cockles Lane and in the buffer zone area. Additional tree planting, wildflower planted areas and individual soft and hard landscaping is included. These are considered to be acceptable.

15.19 The proposal includes the play areas required by the original outline planning permission and locates these on the upper slopes to the south of the site. It includes an equipped NEAP and MUGA as well as general open space.

15.20 The design includes the usual footways associated with modern estate development but in addition links into Cockles Lane which runs through the site and connects to the SCNI to the south of the site. These paths are brought up to a suitable standard. There is a new link created to the adjoining school. In addition, the application is accompanied by an overall footpath route Master Plan

which illustrates the various footpath journeys that can be taken across the adjacent SNCI area and thus linking with other areas beyond.

#### Biodiversity

15.21 The proposals include a number of green infrastructure measures, broadly in the form of the land and planting associated with the SuDS ponds, the maintenance of the route of Cockles Lane and the provision of a wildflower planted buffer zone next to the SNCI to the south of the site. The management of these areas will be considered under the requirements of Condition 16 on the original outline planning permission.

#### Affordable Housing

15.22 The proposal includes a plan and schedule that shows 27 dwellings defined as affordable housing. These are scattered across the site and are of the same house types as the general market housing. Seventeen of the units would be made available for rent and ten as shared equity. These will be subject to the requirements of the original Section 106 Planning Agreement.

#### Relationship to Approved Master Plan

15.23 The proposal locates housing, road structure, open spaces and drainage infrastructure broadly in accordance with the Master Plan. Some changes to the road hierarchy have been made to accommodate changes in level and principles of good urban design.

#### Community Infrastructure Levy (CIL)

15.24. As the outline consent pre-dated CIL in this area, the requirement is not relevant. However, the use of CIL funding for the mitigation required to satisfy the Appropriate Assessment and Natural England is a significant draw upon that funding source.

#### Neighbouring Privacy and Amenity

15.25 The proposals share only a small part of the boundary with the established residential area in the locality at the north-eastern corner, separated by a part of Cockles Lane. The northern boundary is shared with the sister development on the first phase of development but is separated by the reconfigured footpath of Cockles Lane. The eastern boundary is shared with St Augustine's School grounds. The western boundary will be separated from a later phase of development by a substantial open space, swales and landscaping. The southern boundary, including a substantial buffer of undeveloped land, is shared with the SNCI.

15.26 It is therefore expected that there will be no impact on the privacy and amenity of neighbouring residential properties or impact directly upon the amenity of the neighbouring school buildings and playing fields.

## 16.0 Conclusion

16.1 The proposal is in accordance with the outline planning permission and relevant national and local planning policies in respect of the design and appearance of residential developments. It will have a significant impact on protected areas, but with the approved mitigation, it is appropriate to approve the reserved matters and the associated details.

16.2 In addition, there is sufficient information provided to allow for the approval of various conditions applied to the outline planning permission WP/14/00777/OUT as follows:

- The proposed geometric highway layout (condition 7),
- Improvements to the surface of Cockles Lane (condition 8),
- Travel Plan (Condition 9),
- Surface water drainage scheme (condition 10),
- Boundary treatments (condition 12),
- Earthworks to form SuDS Ponds (condition 13),
- Finished floor levels (condition 17)
- The Construction Environment Management Plan (condition 18) and ,
- Equipped recreation facilities (condition 20)

All these details are acceptable.

16.2 In considering specific matters that are raised by the proposal, the following conclusions are reached:

| Issue   | Conclusion   |
|---|--|
| Urban Design: Layout, Design and Visual Appearance                            | The layout is reflective of the main constraint of the sloping nature of the site. It is responsive to the requirements of good urban design principles of coherent structure, easily navigable road layout, useful open space, appropriate landscaping, varied design and general compatibility with the surrounding character of the area. |
| Natural England's statement that an Appropriate Assessment under the Habitats | An Appropriate Assessment has been undertaken and it has been concluded that there will be a significant impact on protected sites, particularly Chesil Beach and The Fleet, due to the additional   |

|   |  |
|---|--|
| Regulations is required as there are likely to be significant impacts on protected sites. | <p>recreational pressure that will occur as a result of the development.</p> <p>However, Dorset Council agreed at its Cabinet Meeting of 28<sup>th</sup> July 2020 to implement a range of measures intended to mitigate the impact of development using monies obtained from the Community Infrastructure Levy. It is this mitigation which allows this proposal and other similar developments in the locality to proceed.</p> <p>Natural England confirmed in correspondence that it is content with the AA and the mitigation proposed, provided that the latter is secured.</p> |
| Neighbouring Amenity  | No significant harm to neighbouring residential amenity and provides a convenient second access to the neighbouring school.  |
| Drainage and Flood Risk   | The proposal is compatible with the strategic drainage system previously approved.   |
| Highway Safety, Road Hierarchy, Convenience and Car Parking                               | The proposed roads are acceptable in regard to their design but the sloping nature of the site does require sections of the internal roads to accommodate substantial changes in level.  |
| Landscaping, Open Spaces, Play Areas, Footpaths and Integration with the Neighbourhood.   | The proposals include a substantial introduction of new tree planting, open spaces and footpath network, incorporating and improving much of the existing Cockles Lane,  |
| Biodiversity  | <p>The proposals will involve a substantial change to the ecological character of the area, however it provides new water and green infrastructure environments.</p> <p>A Biodiversity Management Plan will be required under the terms of condition 16 of the original outline planning permission. This will cover all remaining phases of Curtis Fields, including phase 2B the subject of this application</p>   |

|   |   |
|---|---|
| Affordable Housing  | The proposal includes approximately 27% of the dwellings as affordable housing. Whilst this is less than the 30% requirement, the proposals are for a part of the Curtis Fields development only and other phases will be expected to make up the difference. |
| Relationship to Master Plan included in the original outline planning permission. | The proposals generally accord with the Master Plan.  |
| Community Infrastructure Levy (CIL)   | N/A.  |

## 17.0 Recommendation Reserved Matters

Recommend:

### **APPROVAL, SUBJECT TO THE FOLLOWING CONDITION:**

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

Layout and Design:

101, 200, 201B, 202B, 203, 204, 205, 206B, 207, 208A, 209, 210B, 211A, 212A, 213A, 214, 215A, 216B, 217B, 218, 219, 220, 221B, 222A, 223, 224B, 225A, 226, 227, 228, 229, 230A, 231B, 232A, 234A, 236A, 237A, 238A, 239A, 240B, 241A, 246B, 273, 235, 237, 240, 241, 242, 243, 244, 245, 247A, , 249B, 248A, 250B, 251A, 252B, 253B, 254A, 255A, 256A, 256A, 257B, 258A, 259A, 260, 261A, 270A, 303A, 304B, 305B, 306B, 307B, 308B, 309B, 310B, 311B, 312B, 313B, 314B, 315, 330, 331, 333, 334, 335B, 336A, 337A, 338A, 339, 340, 341, 342, 343, 344, 345, 346A, 347, 348, 349A, 350, 351, 352, 353, 354A, 355A, 356A, 357A, 358A, 359A, 360, 361A, 362A, 363, 364, 365, 366A, 367, 368, 369, 370A, 371A, 372A 373, 374, 375A, 376, 377, 378, 379B, 380B, 381B, 382, 1000B.

Landscaping:

170-1-R5, 170-2-R7, 170-3-R5, 170-4-R6, 170-5-R5, 170-6-R5, 170-7-R3, 170-8-R4, 170-9-R1, 170-10-R1, 170-11-R1, 170-12-R1, 170-13-R2.

Engineering:

IMA-17-203-P-100E, IMA-17-203 D\510B, IMA-17-203 D\511B, IMA-17-203 D\512B, IMA-17-203 D\550B, IMA-17-203-101\_D, IMA-17-203-9100\_D, IMA-17-203-P-101\_B, IMA-17-203-P-102\_B, IMA-17-2030P-103\_B, IMA-17-203-P-150\_E, IMA, IMA-17-203-P-200\_C, IMA-17-203-P-210\_B (18<sup>th</sup> December 2019 version), IMA-17-203-P-500\_D (18<sup>th</sup> December 2019 version), IMA-17-203-P-550\_D (18<sup>th</sup> December 2019 version), IMA-5-001\_B, IMA-5-002\_A, IMA-5-003\_A, IMA-5-004\_A, IMA, -5-005\_B, IMA-5-006\_A, IMA-5-008\_C, IMA-5-009\_A, IMA-5-010\_B,

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

2. No development above damp proof coursing level shall proceed until details & samples of all external facing materials shall have been made available to view on site and subsequently approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the approved materials.

REASON: In the interests of visual amenity

Informative:

1. In the interests of clarity, the approved plans and additional information provided are also approved, for this phase, in respect of the following condition of outline planning permission WP/14/00777/OUT as amended:
  - a. The geometric highway layout (condition 7),
  - b. Improvements to the surface of Cockles Lane (condition 8),
  - c. Surface water drainage scheme (condition 10),
  - d. Boundary treatments (condition 12),
  - e. Earthworks to form SuDS Ponds (condition 13),
  - f. Finished floor levels (condition 17)
  - g. The Construction Environment Management Plan (condition 18),
  - h. The equipped recreation facilities (condition 20).

All other conditions in the outline planning permission, as amended, remain in force.